



TWEED
SHIRE COUNCIL

Mayor: Cr B Longland (Mayor)

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

Minutes

Planning and Regulation Reports

Ordinary Council Meeting

Thursday 18 April 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 Anthony Burnham (Manager Water), Mr Peter Brack (Corporate Compliance Officer) and Mrs Maree Morgan (Minutes Secretary).

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

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

1

Cr C Byrne
Cr M Armstrong

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

The Motion was **Carried**

FOR VOTE - Unanimous

26 [PR-CM] Results of the Department of Planning and Infrastructure's Local Development Performance Monitoring Report 2011/12

2

Cr M Armstrong
Cr C Byrne

RESOLVED that the results of the Department of Planning and Infrastructure's Local Development Performance Monitoring Report 2011/12 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

27 [PR-CM] Development Application DA11/0254.05 for an Amendment to Development Consent DA11/0254 for a Shed at Lot 3 DP 211196 No. 385 Terranora Road, Banora Point

3

**Cr B Longland
Cr G Bagnall**

PROPOSED that:

PART A

1. Development Application DA11/0254.05 for an amendment to Development Consent DA11/0254 for a shed at Lot 3 DP 211196; No. 385 Terranora Road, Banora Point be approved and the consent be amended as follows:
 1. Delete Condition No. 1 and replace it with Condition No. 1A which reads as follows:
 - 1A. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos 120400 sheets A1.00(C), A1.03(A), A2.00(B), A3.00(B), A3.01(B) prepared by Local Office Architecture and dated Oct. 2012, except where varied by the conditions of this consent.
 2. Add the following new Condition No. 29A under the heading PRIOR TO ISSUE OF OCCUPATION CERTIFICATE:
 - 29A. Prior to the issue of an occupation certificate established landscaping shall be provided to the site to the satisfaction of Council's General Manager or his delegate in accordance with Landscape Plan No. A1.03(A) prepared by Local Office Architecture and dated October 2012.
 3. Add the following new Condition No. 31A under the heading USE:
 - 31A. The partitioned area at the eastern end of the shed shall not be used for any purpose other than storage ancillary to the dwelling or a home business without the consent of Council.

PART B

A penalty infringement notice be issued to the owner of the property for carrying out building work which is not in accordance with the approved development consent including the following:

1. The height of the building be reduced by 0.5 metres from the northern elevation downward pitching point in accordance with the original approved plans.
2. The existing fin wall located forward of the general front facade is removed with no structures forward of the 10m set back outlined in the original approval.
3. A detailed landscape plan be submitted to the Tweed Shire Council within 30 days of this amended consent.
4. The fence separating the approved shed and the existing dwelling house be removed entirely and that no internal fencing separating these two structures is to be constructed in the future.
5. The amended plans incorporating these conditions be submitted to Council for approval within 30 days of this amended consent and that the work outlined in the

conditions is to be carried out within 3 months of Council's approval of the amended plans.

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AMENDMENT 1

Cr W Polglase
Cr P Youngblutt

RESOLVED that:

PART A

1. Development Application DA11/0254.05 for an amendment to Development Consent DA11/0254 for a shed at Lot 3 DP 211196; No. 385 Terranora Road, Banora Point be approved and the consent be amended as follows:
 1. Delete Condition No. 1 and replace it with Condition No. 1A which reads as follows:
 - 1A. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos 120400 sheets A1.00(C), A1.03(A), A2.00(B), A3.00(B), A3.01(B) prepared by Local Office Architecture and dated Oct. 2012, except where varied by the conditions of this consent.
 2. Add the following new Condition No. 29A under the heading PRIOR TO ISSUE OF OCCUPATION CERTIFICATE:
 - 29A. Prior to the issue of an occupation certificate established landscaping shall be provided to the site to the satisfaction of Council's General Manager or his delegate in accordance with Landscape Plan No. A1.03(A) prepared by Local Office Architecture and dated October 2012.
 3. Add the following new Condition No. 31A under the heading USE:
 - 31A. The partitioned area at the eastern end of the shed shall not be used for any purpose other than storage ancillary to the dwelling or a home business without the consent of Council.

PART B

A penalty infringement notice be issued to the owner of the property for carrying out building work which is not in accordance with the approved development consent.

PART C

Council refers this matter to the Building Professionals Board and asks it to review the performance of the principal certifying authority for this development.

Cr M Armstrong left the meeting at 09:05 PM.

Cr M Armstrong returned from temporary absence at 09:08 PM

The Amendment 1 was **Carried**

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

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AMENDMENT 2

Cr K Milne
Cr B Longland

PROPOSED that this application be deferred to enable amended plans to be submitted to Council that conform to the original consent relating to building height and setback.

The Amendment 2 was **Lost**

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

The Amendment 1 on becoming the Motion was **Carried** - (Minute No **217** refers)

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

28 **[PR-CM] Development Application DA10/0853.02 for an Amendment to Development Consent DA10/0853 for Construction and Subdivision of Central Open Space Area Including Two Lakes Rehabilitation of Saltmarsh and Freshwater Wetlands Installation of Stormwater**

6

Cr K Milne
Cr G Bagnall

PROPOSED that Council endorses the comments to be submitted to Department of Planning and Infrastructure with regard to all proposed modifications of the Concept Approval and Project Approval; and obtains further legal advice with regard to legal proceedings in relation to the Northern Hillside unauthorised works.

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AMENDMENT

Cr W Polglase
Cr P Youngblutt

RESOLVED that

1. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2. Council endorses that the draft comments contained in Ordinary Attachment 1 of this report be submitted to Department of Planning and Infrastructure with regard to all proposed modifications of the Concept Approval (MP06_0316 MOD1) and Project Approval (MP08_0200 Mod 1) for the initial subdivision and site works for the Central Open Space Corridor of the Cobaki residential subdivision development; and
3. Council endorses that the unauthorised works at the Northern Hillside of the Cobaki site be addressed at this stage through the conditions of development consent for Precinct 1 and 2 (DA10/0800).

Cr P Youngblutt left the meeting at 09:26 PM

Cr P Youngblutt returned from temporary absence at 09:29 PM

The Amendment was **Carried**

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

The Amendment on becoming the Motion was **Carried** - (Minute No **220** refers)

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

29 [PR-CM] Development Application DA12/0411 for a Detached Dual Occupancy at Lot 27 Section 2 DP 3123 No. 70 Charles Street, Tweed Heads

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**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Development Application DA12/0411 for a detached dual occupancy at Lot 27 Section 2 DP 3123; No. 70 Charles Street, Tweed Heads be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Job No 38295 sheet 1 of 1 revision C prepared by Landsurv Pty Ltd and dated 26.04.12, Plan No 000112 revision A Sheets 1 to 12 prepared by No Name, dated 1-5-12, 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 Councils Development Design and Construction Specifications.

[GEN0265]

6. 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]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. Section 94 Contributions

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

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

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

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

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

- (a) Tweed Road Contribution Plan:

1.3 Trips @ \$822 per Trips \$1069

(\$815 base rate + \$7 indexation)

S94 Plan No. 4

Sector1_4

- (b) Open Space (Casual):

1 ET @ \$526 per ET \$526

(\$502 base rate + \$24 indexation)

S94 Plan No. 5

- (c) Open Space (Structured):
 1 ET @ \$602 per ET \$602
 (\$575 base rate + \$27 indexation)
 S94 Plan No. 5
- (d) Shirewide Library Facilities:
 1 ET @ \$816 per ET \$816
 (\$792 base rate + \$24 indexation)
 S94 Plan No. 11
- (e) Bus Shelters:
 1 ET @ \$62 per ET \$62
 (\$60 base rate + \$2 indexation)
 S94 Plan No. 12
- (f) Eviron Cemetery:
 1 ET @ \$121 per ET \$121
 (\$101 base rate + \$20 indexation)
 S94 Plan No. 13
- (g) Community Facilities (Tweed Coast - North)
 1 ET @ \$1352 per ET \$1352
 (\$1305.6 base rate + \$46.4 indexation)
 S94 Plan No. 15
- (h) Extensions to Council Administration Offices
 & Technical Support Facilities
 1 ET @ \$1812.62 per ET \$1812.62
 (\$1759.9 base rate + \$52.72 indexation)
 S94 Plan No. 18
- (i) Cycleways:
 1 ET @ \$460 per ET \$460
 (\$447 base rate + \$13 indexation)
 S94 Plan No. 22
- (j) Regional Open Space (Casual)
 1 ET @ \$1064 per ET \$1064
 (\$1031 base rate + \$33 indexation)
 S94 Plan No. 26

(k) Regional Open Space (Structured):

1 ET @ \$3730 per ET

\$3730

(\$3619 base rate + \$111 indexation)

S94 Plan No. 26

[PCC0215/PSC0175]

8. Section 94 Contributions

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

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

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

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

Heavy Haulage Component

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

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

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

[PCC0225/PSC0185]

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

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

authorised officer of Council.

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

Water DSP4: 1 ET @ \$12150 per ET \$12150

Sewer Tweed Heads: 1 ET @ \$5838 per ET \$5838

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.

[PCC0265/PSC0165]

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. All imported fill material shall be from an approved source. Prior to earthworks commencing 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]

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 a S68 stormwater application for Council approval.

The earthworks shall be in accordance with the slope stability risk assessment report by Earthsolve dated 19 November 2012. In particular fill/cut restrictions and no batters to exceed 1 vertical: 2 horizontal.

[PCC0485]

13. 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. The Landscape Plan is to contain a detailed plant schedule indicating the location of all proposed planting and any existing vegetation to be retained on the site and including:

- Species listed by botanical and common names, with a minimum of 80% of plants constituting local native species;
- Specific location, planting densities and quantities of each species; pot sizes; the estimated sizes of the plants at maturity, and proposed staking methods, if applicable.

[PCC0585]

14. 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
- (b) Roof drainage from dwelling number one (1) to be piped by a charged line to the street frontage. A charged pipe cleanout and silt arrestor pit to be installed on this line as per the details site based assessment report by Earthsolve dated 19 November 2012.

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

- Stormwater drainage
- Water and sewerage works

Dwelling 2 is shown 1500mm clear of the line of the sewer. Foundations for this wall should be constructed in accordance with the requirements of the policy "Sewers - Works in Proximity" with particular reference to Sketch 1A in that policy.

The roof water tank for Dwelling 2 is to comply with the requirements of the Sewers - Works in Proximity policy with its foundation being in accordance with Sketch 1A to ensure that it is outside the zone of influence of the sewer.

The house connection for the lot is likely to be close to the western boundary and under the proposed driveway to the lower dwelling. This is the most likely location that Council may have to excavate to do a sewer repair. If the driveway has an ornate pattern of difficult to match surface finish, Council will not be able to reinstate the driveway in such an event. Plain concrete in the vicinity of the sewer line is preferred.

The 500 High Retaining Block Wall along the eastern boundary is shown terminating above the sewer line. This wall should be terminated no closer than 1m to the sewer line and have a foundation under that end that complies with the Sewers - Works in Proximity policy, in particular, Sketches 2A and 3A.

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

[PCC0895]

15. The footings and floor slab 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]

16. 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 S68 of the Local Government Act.

- a) Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.
- b) Stormwater drainage to be generally in accordance with the site based assessment report by Earthsolve dated 19 November 2012, subject to the requirements in (c) below.
- c) The stormwater drawings are to demonstrate that runoff from the proposed driveway is collected and discharged in a controlled manner to a legal point of discharge, such that the downstream neighbouring properties are not affected by stormwater discharge.

[PCC1145]

17. 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]

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

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

[PCC1185]

19. 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 works commencing.

[PCC1195]

20. Prior to the issue of a Construction Certificate the Principal Certifying Authority shall be provided with a copy of a report from a practising Geotechnical Engineer which states that the site will be suitable for the proposed development in relation to the extent of cut & fill and the proposed method of construction of the dwellings.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

21. 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]

22. 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]

23. 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]

24. 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]

25. 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]

26. 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]

27. Any 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]

28. Prior to start of works the PCA is to be provided with a certificate of adequacy of design, signed by a practising Structural Engineer on all proposed retaining walls in excess of 1.2m in height. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall and be supported by Geotechnical assessment of the founding material.

Any retaining walls shall be required to have a factor of safety of 1.5 minimum as outlined in the slope stability assessment report by Earthsolve dated 19 November 2012. A certificate of adequacy signed by a practising Structural Engineer is to be provided for any fill/cut on the existing neighbouring block wall.

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.

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]

30. 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]

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

- (a) The person must, at the person's own expense:
 - (i) preserve and protect the building/property from damage; and
 - (ii) if necessary, underpin and support the building in an approved manner.
- (b) The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.

[PCW0765]

DURING CONSTRUCTION

32. 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]
33. 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]
34. The roof cladding is to have low reflectivity where it would otherwise cause nuisance to the occupants of buildings with direct line of sight to the proposed building.
- [DUR0245]
35. 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]
36. 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]
37. 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]
38. 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]
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. 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]
41. All retaining walls proposed are to be constructed in accordance with the construction

Certificate approval issued by the Principal Certifying Authority.

Please note timber retaining walls are not permitted.

[DUR0845]

42. 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]

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 a Occupation Certificate.

[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. 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]

47. 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]

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

[DUR1905]

49. 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]

50. 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.

[DUR1955]

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 blown from the site.

[DUR2185]

52. 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]

53. 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]

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

[DUR2505]

55. 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]

56. 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]

57. Dwelling 2 is to be sited at least one metre horizontally clear of sewer main on site. All footings and slabs within the area of influence of the sewer main are to be designed by a practising Structural Engineer. The engineer is to submit a certification to the Principal Certifying Authority that the design of such footings and slabs will ensure that all building loads will be transferred to the foundation material and will not affect or be affected by the sewer main.

[DUR2645]

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

[DUR2705]

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. Prior to the issue of an Occupation 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 approved under Section 138 of the Roads Act and Section 68 of the Local Government Act (as set out in Councils 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 Occupation Certificate 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.

[POC0165]

61. 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]

62. 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]

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

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

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

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

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

[POC0265]

64. 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]

65. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.

[POC0475]

66. 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]

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

[POC0755]

68. 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 an Occupation Certificate.

[POC0865]

69. 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]

70. 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]

71. Prior to the issue of an Occupation Certificate, documentary evidence shall be provided to Council to confirm the registration of a minimum 3m wide easement for drainage of sewer, located over any reticulated public sewer within the subject property. This easement shall be created in favour of Council.

No permanent structures are permitted within this easement, unless in compliance with Council's "Sewers - Work in Proximity" policy and approved by Council.

[POCNS01]

72. On completion of work, a certificate signed by a practicing NPER civil engineer is to be submitted to the Principal Certifying Authority to certify compliance with the consent and good engineering practice.

[POCNS02]

73. Prior to issuing an Occupation Certificate, reticulated water supply and outfall sewerage reticulation shall be provided 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.

[POCNS03]

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

30 [PR-CM] Draft Tweed Development Control Plan (DCP) Section A1 - Residential and Tourist Development Code Part A Single Dwellings, Dual Occupancy, Secondary Dwellings, Alterations and Additions and Outbuildings

9

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that:

1. Draft Tweed Development Control Plan Section A1 Residential and Tourist Code Part A – Dwelling Houses, Dual Occupancy, Secondary Dwellings, Alterations and Additions and Ancillary Development, and Part B – Town Houses and Row Houses, is adopted, and
2. The Draft Tweed Development Control Plan adopted under Resolution No.1 be publicly notified in accordance with Regulation 21 of the *Environmental Planning and Assessment Regulation 2000*; and
3. Council forwards to the Director-General of the NSW Department of Planning and Infrastructure a copy of the adopted *Tweed Development Control Plan Section A1 Residential and Tourist Code Part A – Dwelling Houses, Dual Occupancy, Secondary Dwellings, Alterations and Additions and Ancillary Development*, and *Part B – Town Houses and Row Houses* in accordance with Regulation 25AB of the *Environmental Planning and Assessment Regulation 2000*.

10

AMENDMENT

**Cr K Milne
Cr G Bagnall**

PROPOSED this matter be deferred for discussion at a Workshop.

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 **222** refers)

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

11

Cr W Polglase

Cr B Longland

RESOLVED the meeting continues on

The Motion was **Carried**

FOR VOTE - Unanimous

31 [PR-CM] Compliance Matter - 76 Marine Parade (DA12/0515)

12

Cr W Polglase

Cr P Youngblutt

PROPOSED that the existing unlawful business "Water Sports Guru" at 76 Marine Parade, Kingscliff be given until 2 July 2013 to vacate the premises before compliance action is taken.

13

AMENDMENT

Cr M Armstrong

Cr C Byrne

RESOLVED this matter be deferred for a Workshop to give the Owner/Proprietor an opportunity to address Councillors on this issue.

The Amendment was **Carried**

FOR VOTE - Cr C Byrne, Cr M Armstrong, Cr K Milne, Cr G Bagnall

AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr B Longland

The Amendment on becoming the Motion was **Lost** (Minute No **226** refers)

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

ADJOURNMENT OF MEETING

Adjournment for a short break at 10.20pm.

RESUMPTION OF MEETING

The Meeting resumed at 10.30pm

32 [PR-CM] Camphor Laurel Harvesting - Premises No. 536 Smiths Creek Road, Stokers Siding

14

**Cr M Armstrong
Cr K Milne**

PROPOSED that Council:

1. Works with the industry representatives, State Agencies, and affected landholders regarding a future process for approvals and environmental management for camphor laurel removal; and
2. Seeks legal advice regarding prosecution options regarding the camphor laurel operation at Lot 4 DP 585624, No. 536 Smiths Creek Road, Stokers Siding and prepare a report for the next available Council meeting.

15

AMENDMENT

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that:

1. Council works with the industry representatives and State Agencies regarding a future process for approvals and environmental management for camphor laurel removal; and
2. No legal action be undertaken regarding the camphor laurel harvesting operation at Lot 4 DP 585624, No. 536 Smiths Creek Road, Stokers Siding for the reasons outlined in the report.

The Amendment was **Carried**

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

The Amendment on becoming the Motion was **Carried** - (Minute No **228** refers)

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

33 [PR-CM] Tweed Development Control Plan - Section B11 Seaside City

16

Cr W Polglase
Cr P Youngblutt

RESOLVED that Council:

1. Adopts Draft Development Control Plan Section B11 – Seaside City; and
2. Endorses that the Draft Tweed Development Control Plan adopted under Resolution No. 1 be publicly notified in accordance with Regulation 21 of the *Environmental Planning and Assessment Regulation 2000*; and
3. Forwards to the Director-General of the NSW Department of Planning and Infrastructure a copy of the adopted *Tweed Development Control Plan Section B11 – Seaside City* in accordance with Regulation 25AB of the *Environmental Planning and Assessment Regulation 2000*.

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

34 [PR-CM] Planning Proposal PP10/0007 - Mooball Planning Proposal Lot 2 DP 534493 No. 5867 Tweed Valley Way, Lot B DP 419641 No. 5859 Tweed Valley Way and Lot 7 DP 593200 No. 5861 Tweed Valley Way, Mooball

17

Cr P Youngblutt
Cr C Byrne

PROPOSED that the report on Planning Proposal PP10/0007 - Mooball Planning Proposal, Lot 2 DP 534493 No. 5867 Tweed Valley Way, Mooball, Lot B DP 419641 and Lot 7 DP 593200, and information regarding the public meetings and the issues raised there by the community, be received and noted.

18

AMENDMENT

Cr G Bagnall
Cr K Milne

RESOLVED that Council receives and notes this report and resolves that Council staff prepare and undertake public meetings in the Mooball and Pottsville localities to discuss Council's current and future infrastructure and planning with the community, in particular in relation to waste water treatment, water supply and roads.

The Amendment was **Carried**

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

The Amendment on becoming the Motion was **Carried** - (Minute No **231** refers)

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

SUSPENSION OF STANDING ORDERS

19

Cr B Longland
Cr M Armstrong

RESOLVED that Standing Orders be suspended to deal with Orders of the Day Items 5 and 6 of the Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous

5 [NOR-Cr M Armstrong, Cr G Bagnall, Cr K Milne] [PR-CM] Development Application DA12/0320 for a Two Lot into Six Lot Subdivision at Lot 12 DP 825726 No. 26 Waterlily Close; Lot 25 DP 870463 No. 37 Hindmarsh Road, Nunderi

NOTICE OF RESCISSION:

20

Cr K Milne
Cr G Bagnall

RESOLVED that the Minute Number 74 Item 11 of meeting held Thursday 14 February 2013 being:

"... that Development Application DA12/0320 for a two lot into six lot subdivision at Lot 12 DP 825726; No. 26 Waterlily Close; Lot 25 DP 870463; No. 37 Hindmarsh Road Nunderi be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos BH110134-DA1A Issue A (Proposed Layout Plan) dated 11 June 2012, BH110134-CV14 Issue C (Concept Layout Plan) dated 26 June 2012, BH110134-CV15 Issue B (Sediment and Erosion Control Plan) dated 19 June 2012, BH110134-CV-16 Issue A (Stormwater Catchment Plan) dated 01 February 2012, BH110134-CV17 Issue B dated 19 June 2012 prepared by Hammond & Associates, 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. The approved subdivision/development shall not result in any clearing of native vegetation without prior approval from the relevant authority.

[GEN0290]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. 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]

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

[PCC0285]

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

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

- (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]

9. *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]

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

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

[PCC0485]

11. *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]

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

[PCC0675]

13. *Design detail shall be provided with the Construction Certificate to address the flood compatibility of the proposed structures including the following specific matters:*

- (a) Design flood level of RL4.2m AHD.*
- (b) Provision of a high level evacuation route, as defined by DCP-A3, to all dwelling sites, considering both regional and local catchment flood events.*

[PCC0705]

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 filled building pads, access driveway construction and/or modifications for all Lots, and various stormwater drainage works including dam spillway modification, re-routing a drain through Lot 1, and several driveway culverts and swale drains, as nominated in various reports in the Statement of Environmental Effects.*
 - (b) The access driveway for Lot 5 shall be provided with a gravelled surface and not a grassed surface as depicted on Hammond & Associates plan BH110134-CV14.*
 - (c) The existing water supply pipe from Gumtree Court that services the existing dwelling on Lot 25 (No. 37 Hindmarsh Road) is to be disconnected and fully removed (at least) wherever it crosses internal lot boundaries.*
 - (d) The construction of vehicular footpath crossings for Lots 1, 2 and 4 can be included in the construction certificate application - or alternatively the applicant may submit separate applications pursuant to Section 138 of the Roads Act for these works.*

[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*
 - landscaping works*
 - sedimentation and erosion management plans*
 - location of all service conduits (water, 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 Habitat Restoration Plan in accordance with Council's draft guidelines as attached and the Terms of Approval from the Office of Water and dated 12 November 2012 detailing:*
- (a) *The establishment and maintenance of the rehabilitated riparian corridor in accordance with the Office of Water guidelines and to the satisfaction of Council's Director of Planning and Regulation or delegate.*
 - (b) *The retention of all preferred Koala feed trees (Eucalyptus robusta, Eucalyptus tereticornis, Eucalyptus microcorys, and Eucalyptus propinqua)*
 - (c) *Identification of the location and demonstration of the retention of the individual Rhodamnia maideniana.*

The Habitat Restoration Plan must be approved to the satisfaction of Council's Director of Planning and Regulation or delegate prior to commencement of works.

[PCNS01]

PRIOR TO COMMENCEMENT OF WORK

21. *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]

22. *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, 3rd 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]

23. *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]

24. *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]

25. *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]

26. *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 any 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

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

[DUR0005]

28. *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]

29. *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]

30. *All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded to the satisfaction of Council's General Manager or his delegate so as to prevent the emission of offensive noise as a result of their operation.*

[DUR0225]

31. *During filling operations:*

- *No filling is to be placed hydraulically within twenty metres (20m) of any boundary that adjoins private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.*
- *All fill and cut batters shall be contained wholly within the subject land.*
- *All cut or fill on the property is to be battered at an angle not greater than*

45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications and to the satisfaction of the Principal Certifying Authority.

and upon completion,

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

[DUR0755]

- 32. No filling is to be placed hydraulically within twenty metres (20m) of any boundary that adjoins private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.*

No filling of any description is to be deposited, or remain deposited, within adjacent properties.

[DUR0765]

- 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 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]

- 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. 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]

- 38. 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]

39. *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]

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

[DUR1075]

41. *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]

42. *Deleted.*

[DUR1805]

43. *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]

44. *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]

45. *If Tweed Shire Council issues the Construction Certificate, 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/Driveway Works

- (a) Pre-construction commencement erosion and sedimentation control measures*
- (b) Completion of earthworks*
- (c) Excavation of subgrade*
- (d) Pavement - sub-base*
- (e) Pavement - pre seal*

- (f) *Final inspections - on maintenance*
- (g) *Off Maintenance inspection*

Water Reticulation, Drainage

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

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

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

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]

- 46. *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]

- 47. *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]

- 48. *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]

- 49. *All waters that are to be discharged from the site shall have a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/l. The contractor shall nominate a person responsible for monitoring of the quality of such discharge*

waters on a daily basis and the results recorded. Such results shall be made available to Council's Environmental Health Officer(s) upon request.

[DUR2435]

50. All operations must comply with the fauna and flora amelioration measures as outlined in the Ecological Assessment prepared by James Warren & Associates and dated July 2012. 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.
51. No preferred Koala feed trees (*Eucalyptus robusta*, *Eucalyptus tereticornis*, *Eucalyptus microcorys*, and *Eucalyptus propinqua*), Pink Bloodwood (*Corymbia intermedia*) within proposed Lot 6, Blackbutt (*Eucalyptus pilularis*) within proposed Lot 5 and large Fig (*Ficus* sp.) in proposed Lot 3 may be cleared without specific approval of the General Manager or delegate. Should any of these trees require removal or become damaged or die during subdivision works, a suitable replacement tree will be planted on the site to the satisfaction of the General Manager or delegate.
52. The only drainage lines approved for filling are those specified on the Conceptual Layout Plan (Drawing number: BH110134-CV14) as designed by Hammond & Associates and dated May 2012.

[DURNS01]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

53. 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]

54. 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 DSP6:	2.4 ET @ \$12150 per ET	\$29,160
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These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.

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.

[PCC0265/PSC0165]

55. *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:*

*26 Trips @ \$1822 per Trips \$46,908**

(\$1807 base rate + \$15 indexation)

S94 Plan No. 4

Sector10_4

(b) *Open Space (Casual):*

4 ET @ \$526 per ET \$2,104

(\$502 base rate + \$24 indexation)

S94 Plan No. 5

(c) *Open Space (Structured):*

4 ET @ \$602 per ET \$2,408

(\$575 base rate + \$27 indexation)

S94 Plan No. 5

(d) *Shirewide Library Facilities:*

4 ET @ \$816 per ET \$3,264

(\$792 base rate + \$24 indexation)

S94 Plan No. 11

- (e) *Bus Shelters:*
 4 ET @ \$62 per ET \$248
 (\$60 base rate + \$2 indexation)
 S94 Plan No. 12
- (f) *Eviron Cemetery:*
 4 ET @ \$121 per ET \$484
 (\$101 base rate + \$20 indexation)
 S94 Plan No. 13
- (g) *Community Facilities (Tweed Coast - North)*
 4 ET @ \$1352 per ET \$5,408
 (\$1305.6 base rate + \$46.4 indexation)
 S94 Plan No. 15
- (h) *Regional Open Space (Casual)*
 4 ET @ \$1064 per ET \$4,256
 (\$1031 base rate + \$33 indexation)
 S94 Plan No. 26
- (i) *Regional Open Space (Structured):*
 4 ET @ \$3730 per ET \$14,920
 (\$3619 base rate + \$111 indexation)
 S94 Plan No. 26

* *Includes adjustments which effect compliance with the Directions from the Minister for Planning in relation to the maximum contribution payable per dwelling dated 13 January 2009 and 19 July 2009.*

[PCC0215/PSC0175]

56. 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)

\\$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]

57. Prior to the issue of an Occupation 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 approved under Section 138 of the Roads Act and Section 68 of the Local Government Act (as set out in Councils 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 Occupation Certificate 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]

58. A bond to ensure acceptable plant establishment and landscaping performance 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 6 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 6 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]

59. Prior to the issue of a subdivision certificate, a certificate of compliance shall be submitted to Council by the Developers Subdivision Works Accredited Certifier (SWAC) or equivalent, verifying that the placed fill has been compacted in accordance with the requirements of AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments" and is suitable for residential purposes.

The submission shall include copies of all undertaken test results.

[PSC0395]

60. All approved landscaping requirements must be completed to the satisfaction of the General Manager or his delegate PRIOR to the issue of a Subdivision Certificate. Landscaping must be maintained at all times to the satisfaction of the General Manager or delegate.

[PSC0485]

61. 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]

62. 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]

63. 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]

64. Prior to the issue of the Subdivision Certificate, 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 on the consent.

[PSC0830]

65. 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) Easements for batters and support for any earthworks batters that cross newly created property boundaries.
- (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.*

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]

66. *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. Furthermore, prior to the issue of a Subdivision Certificate, each lot shall have its' address number displayed in accordance with Council's procedure on street numbering.*

[PSC0845]

67. *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]

68. *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]

69. *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/Driveways*
- (b) *Compliance Certificate - Water Reticulation*
- (c) *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]

70. *The six (6) months Defects Liability Period commences upon the registration of the Plan of Subdivision.*

[PSC0925]

71. *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 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]

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

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

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

[PSC1065]

73. *Prior to issuing a Subdivision Certificate, reticulated water supply (or acceptable alternative) 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]

74. *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]

75. *The production of written evidence from the local electricity supply authority certifying that the reticulation of overhead or underground electricity and energising has been provided to each allotment.*

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.

[PSC1175]

76. *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.*
77. *Proposed onsite sewage management facilities are to be installed in accordance with the HMC report (ref: HMC Pty Ltd 2010.075 dated August 2010) except where modified by this approval.*
78. *Land application areas, for treated wastewater disposal, are to be located at least 20m from the central drainage channel, which runs from the dam in the east, to the western side of the property.*
79. *Adequate provision to be made, within filled areas, so that wastewater treatment devices and wastewater Land Application Areas (LAA) can be installed above the following flood levels i.e. Treatment devices (vents and electrical control units) will only be approved for installation above the 100 year ARI flood height, and LAA's will only be approved on the batter slopes of house pads or other areas where the installation height is above the Q20 flood level.*
80. *Prior to the issue of a subdivision certificate approval to operate the existing on-site sewage management facilities, under Section 68 of the Local Government Act 1993, shall be obtained from Council.*
81. *Environmental restoration works shall be completed to a level specified in the approved Habitat Restoration Plan and the guidelines as established by the Office of Water prior to the release of the subdivision certificate and shall be maintained in accordance with the approved Plan.*
82. *The planted area and/or regenerated area shall be fenced to prevent stock access.*
83. *Fencing shall not restrict the free movement of koalas that may traverse the site from time to time and shall allow a clearance of at least 40cm at the bottom to enable koalas to move under it. If post and wire fencing is used, the bottom strand must not be barbed. Subdivision boundary fences to be erected on the property, shall comply with the following conditions:*

- (a) *Fences shall be constructed of wire, with the top wire and the bottom two wires consisting of non-electrified plain wire.*
 - (b) *The bottom fence wire shall be no closer than 40 cm to the ground at any point.*
 - (c) *The removal of vegetation for fence construction shall be undertaken with hand tools only (e.g. brush cutters, lawn mowers), and shall be limited to a maximum width of 1m.*
84. *As a minimum the following restrictions as to user under Section 88B of the Conveyancing Act are to be created to Council's satisfaction:*
- (a) *Restriction as to user regarding the environmental covenant area to be described within the approved Habitat Restoration Plan and the Office of Waters guidelines for the site - this area must be subject to an ecological restoration program where native vegetation is protected. Burden: Each lot. Benefit: Tweed Shire Council.*
 - (b) *Restriction as to user regarding protection of all Koala feed tree species on the site of 3m or greater in height. Burden: Each lot. Benefit: Tweed Shire Council.*

GENERAL TERMS OF APPROVAL UNDER SECTION 91 OF THE WATER MANAGEMENT ACT 2000 (Work requiring a controlled activity approval)

<i>Plans, standards and guidelines</i>	
1	<i>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA12/0320 and provided by Council. Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Officer of Water must be notified to determine if any variations to these GTA will be required.</i>
2	<i>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront and for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</i>
3	<i>The consent holder must prepare or commission the preparation of: (i) Vegetation Management Plan (ii) Erosion and Sediment Control Plan</i>
4	<i>All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The plans must be prepared in accordance with the NSW Office of Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx <http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx></i> <ul style="list-style-type: none"> (i) <i>Vegetation Management Plans</i> (ii) <i>Riparian Corridors</i> (iii) <i>In-stream works</i>

5	<i>The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.</i>
<i>Rehabilitation and maintenance</i>	
6	<i>The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.</i>
7	<i>The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.</i>
<i>Reporting requirements</i>	
8	<i>The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.</i>
<i>Security deposits</i>	
9	<i>N/A</i>
<i>Access-ways</i>	
10	<i>N/A</i>
11	<i>N/A</i>
<i>Bridge, causeway, culverts and crossing</i>	
12	<i>N/A</i>
13	<i>N/A</i>
<i>Disposal</i>	
14	<i>The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.</i>
<i>Drainage and Stormwater</i>	
15	<i>The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.</i>
16	<i>The consent holder must stabilise drainage discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.</i>
<i>Erosion control</i>	

17	<i>The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.</i>
<i>Excavation</i>	
18	<i>The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.</i>
19	<i>N/A</i>
<i>Maintaining river</i>	
20	<i>The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.</i>
21	<i>The consent holder must ensure that the surfaces of river banks are graded to enable the unobstructed flow of water and bank retaining structures result in a stable river bank in accordance with a plan approved by the NSW Office of Water.</i>
<i>River bed and bank protection</i>	
22	<i>N/A</i>
23	<i>The consent holder must establish riparian corridors along the unnamed watercourse in accordance with a plan approved by the NSW Office of Water.</i>
<i>Plans, standards and guidelines</i>	
24	<i>N/A</i>
25	<i>N/A</i>
26	<i>N/A</i>
27	<i>N/A</i>
<i>END OF CONDITIONS</i>	

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

- The development proposal is to comply with the subdivision layout identified on the drawing prepared by Hammond and Associates numbered BH110134-DA1A Sheet 1 of 1, Issue A, dated 11 June 2012.*
- At the issue of subdivision certificate and in perpetuity the land surrounding each of the existing dwellings, on proposed Lots 1 and 6 to a distance of 20m or to the boundary (whichever is the least), shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.*

3. *Water and electricity are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.*
4. *A 10,000l fire fighting water supply must be available for each dwelling where the reticulated supply is not adequate/available or greater than 70m from the most external part of the dwelling. This includes the existing dwelling on proposed Lot 6. Existing tank(s) may be able to be used for this purpose. The fire fighting water supply shall meet the following requirements:*
 - (a) *A hardened ground surface for fire fighting truck access is to be constructed up to and within 4 metres of the fire fighting water supply.*
 - (b) *A 65mm metal Storz outlet with a gate or ball valve, shall be fitted to any fire fighting water supply tank(s) and be accessible for a fire fighting truck. The Storz outlet fitting shall not be located facing the hazard or the approved structure.*
 - (c) *The gate or ball valve, pipes and tank penetration are adequate for full 50mm inner diameter water flow through the Storz fitting and are constructed of a metal material.*
 - (d) *All associated fittings to the fire fighting water supply tank(s) shall be non-combustible.*
 - (e) *All water supplies for fire fighting purposes shall be clearly signposted as a fire fighting water supply.*
 - (f) *Fire fighting water supply tank(s) and associated fittings, located within 60 metres of a bushfire hazard and on the hazard side of an approved building, shall be provided with radiant heat shielding to protect the tank from bush fire impacts and maintain safe access to the water supply for fire fighters.*

Should new tank(s) be installed for to provide an adequate fire fighting water supply, they shall meet the following additional requirements:

- (a) *Any fire fighting water supply tank(s) located below ground shall be clearly delineated to prevent vehicles being driven over the tank.*
- (b) *Below ground fire fighting water supply tank(s) shall have an access hole measuring a minimum 200mm x 200mm to allow fire fighting trucks to access water direct from the tank.*
- (c) *Fire fighting water supply tank(s) shall be located not less than 5 metres and not more than 20 metres from the approved structure.*
- (d) *Above ground fire fighting water supply tank(s) are to be manufactured using non combustible material (concrete, metal, etc).*
- (e) *Non combustible materials (concrete, metal, etc) will only be used to elevate or raise fire fighting water supply tank(s) above the natural ground level.*
- (f) *Any below ground fire fighting water supply tank(s) constructed of combustible polycarbonate, plastic, fiberglass, etc) materials shall be shielded from the impact of radiant heat and direct flame contact.*

Note: Below ground dedicated fire fighting water supply tank(s) is defined as: that no part of the tank(s) is to be located above natural ground level.

A Static Water Supply (SWS) sign shall be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:

- i) *Markers must be fixed in a suitable location so as to be highly visible; and*
 - ii) *Markers should be positioned adjacent to the most appropriate access for the water supply.*
5. *In recognition that the existing dwellings may be connected to a gas supply, the following requirements are to be complied with:*
- (a) *Reticulated or bottled gas is to be installed and maintained in accordance with Australian Standard AS/NZ 1596:2008: 'The storage and handling of LP gas' and the requirements of relevant authorities. Metal piping is to be used.*
 - (b) *All fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and be shielded on the hazard side of the installation.*
 - (c) *Gas cylinders kept close to the building shall have release valves directed away from the building. Connections to and from gas cylinders are to be metal.*
 - (d) *Polymer sheathed flexible gas supply lines to gas meters adjacent to building are not to be used.*
6. *Property access roads shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.*
7. *The existing dwellings, located on proposed Lots 1 and 6, are required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders."*

be rescinded

The Motion was **Carried**

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

**6 [NOM-Cr K Milne] Development Application DA12/0320, Lot 12 DP 825726,
No 26 Waterlily Close; Lot 25 DP 870463, No 37 Hindmarsh Road Nunderi**

NOTICE OF MOTION:

21

**Cr K Milne
Cr G Bagnall**

PROPOSED that Development Application DA12/0320 for a two lot into six lot subdivision at Lot 12 DP 825726; No. 26 Waterlily Close; Lot 25 DP 870463; No. 37 Hindmarsh Road Nunderi be refused for the following reasons:

1. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts of the locality,
2. The unsuitability of the site for the development.
3. The application is considered an overdevelopment of the site resulting in unacceptable impacts.
4. Visual impacts to the neighbours.

The Motion was **Lost**

FOR VOTE - Cr K Milne, Cr G Bagnall

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

22

Cr B Longland

Cr C Byrne

RESOLVED that Development Application DA12/0320 for a two lot into six lot subdivision at Lot 12 DP 825726; No. 26 Waterlily Close; Lot 25 DP 870463; No. 37 Hindmarsh Road Nunderi be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos BH110134-DA1A Issue A (Proposed Layout Plan) dated 11 June 2012, BH110134-CV14 Issue C (Concept Layout Plan) dated 26 June 2012, BH110134-CV15 Issue B (Sediment and Erosion Control Plan) dated 19 June 2012, BH110134-CV-16 Issue A (Stormwater Catchment Plan) dated 01 February 2012, BH110134-CV17 Issue B dated 19 June 2012 prepared by Hammond & Associates, 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. The approved subdivision/development shall not result in any clearing of native vegetation without prior approval from the relevant authority.
[GEN0290]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. 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]

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

[PCC0285]

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

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

- (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]

9. 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]

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

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

[PCC0485]

11. 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]

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

[PCC0675]

13. Design detail shall be provided with the Construction Certificate to address the flood compatibility of the proposed structures including the following specific matters:

- (a) Design flood level of RL4.2m AHD.
- (b) Provision of a high level evacuation route, as defined by DCP-A3, to all dwelling sites, considering both regional and local catchment flood events.

[PCC0705]

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 filled building pads, access driveway construction and/or modifications for all Lots, and various stormwater drainage works including dam spillway modification, re-routing a drain through Lot 1, and several driveway culverts and swale drains, as nominated in various reports in the Statement of Environmental Effects.
- (b) The access driveway for Lot 5 shall be provided with a gravelled surface and not a grassed surface as depicted on Hammond & Associates plan BH110134-CV14.
- (c) The existing water supply pipe from Gumtree Court that services the existing dwelling on Lot 25 (No. 37 Hindmarsh Road) is to be disconnected and fully removed (at least) wherever it crosses internal lot boundaries.
- (d) The construction of vehicular footpath crossings for Lots 1, 2 and 4 can be included in the construction certificate application - or alternatively the applicant may submit separate applications pursuant to Section 138 of the Roads Act for these works.

[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
- landscaping works
- sedimentation and erosion management plans
- location of all service conduits (water, 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 Habitat Restoration Plan in accordance with Council's draft guidelines as attached and the Terms of Approval from the Office of Water and dated 12 November 2012 detailing:

- (a) The establishment and maintenance of the rehabilitated riparian corridor in accordance with the Office of Water guidelines and to the satisfaction of Council's Director of Planning and Regulation or delegate.
- (b) The retention of all preferred Koala feed trees (*Eucalyptus robusta*, *Eucalyptus tereticornis*, *Eucalyptus microcorys*, and *Eucalyptus propinqua*)
- (c) Identification of the location and demonstration of the retention of the individual *Rhodamnia maideniana*.

The Habitat Restoration Plan must be approved to the satisfaction of Council's Director of Planning and Regulation or delegate prior to commencement of works.

[PCNS01]

PRIOR TO COMMENCEMENT OF WORK

21. 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]

22. 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, 3rd 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]

23. 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]

24. 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 complianceThe 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]

25. 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]

26. 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 any 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

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

[DUR0005]

28. 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]

29. 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]

30. All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded to the satisfaction of Council's General Manager or his delegate so as to prevent the emission of offensive noise as a result of their operation.

[DUR0225]

31. During filling operations:

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

and upon completion,

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

[DUR0755]

32. No filling is to be placed hydraulically within twenty metres (20m) of any boundary that adjoins private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.

No filling of any description is to be deposited, or remain deposited, within adjacent properties.

[DUR0765]

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 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]

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. 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]

38. 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]

39. 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]

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

[DUR1075]

41. 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]

42. 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]

43. 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]

44. 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]

45. If Tweed Shire Council issues the Construction Certificate, 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/Driveway Works

- (a) Pre-construction commencement erosion and sedimentation control measures
- (b) Completion of earthworks
- (c) Excavation of subgrade
- (d) Pavement - sub-base
- (e) Pavement - pre seal
- (f) Final inspections - on maintenance
- (g) Off Maintenance inspection

Water Reticulation, Drainage

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

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

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

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]

46. 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]

47. 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]

48. 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]

49. All waters that are to be discharged from the site shall have a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/l. The contractor shall nominate a person responsible for monitoring of the quality of such discharge waters on a daily basis and the results recorded. Such results shall be made available to Council's Environmental Health Officer(s) upon request.

[DUR2435]

50. All operations must comply with the fauna and flora amelioration measures as outlined in the Ecological Assessment prepared by James Warren & Associates and dated July 2012. 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.

51. No preferred Koala feed trees (*Eucalyptus robusta*, *Eucalyptus tereticornis*, *Eucalyptus microcorys*, and *Eucalyptus propinqua*), Pink Bloodwood (*Corymbia intermedia*) within proposed Lot 6, Blackbutt (*Eucalyptus pilularis*) within proposed Lot 5 and large Fig (*Ficus* sp.) in proposed Lot 3 may be cleared without specific approval of the General Manager or delegate. Should any of these trees require removal or become damaged or die during subdivision works, a suitable replacement tree will be planted on the site to the satisfaction of the General Manager or delegate.

52. The only drainage lines approved for filling are those specified on the Conceptual Layout Plan (Drawing number: BH110134-CV14) as designed by Hammond & Associates and dated May 2012.

[DURNS01]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

53. 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]

54. 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 DSP6: 2.4 ET @ \$12150 per ET \$29,160

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.

[PCC0265/PSC0165]

55. 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:

26 Trips @ \$1822 per Trips \$43108.52*

(\$1807 base rate + \$15 indexation)

S94 Plan No. 4

Sector10 4

b) Open Space (Casual):

4 ET @ \$526 per ET \$1914.64*

(\$502 base rate + \$24 indexation)

S94 Plan No. 5

c) Open Space (Structured):

4 ET @ \$602 per ET \$2191.28*

(\$575 base rate + \$27 indexation)

S94 Plan No. 5

d) Shirewide Library Facilities:

4 ET @ \$816 per ET \$2970.24*

(\$792 base rate + \$24 indexation)

S94 Plan No. 11

e) Bus Shelters:

4 ET @ \$62 per ET \$225.68*

(\$60 base rate + \$2 indexation)

S94 Plan No. 12

f) Eviron Cemetery:

4 ET @ \$121 per ET \$440.44*

(\$101 base rate + \$20 indexation)

S94 Plan No. 13

g) Community Facilities (Tweed Coast - North)

4 ET @ \$1352 per ET \$4921.28*

(\$1305.6 base rate + \$46.4 indexation)

S94 Plan No. 15

h) Extensions to Council Administration Offices

& Technical Support Facilities

4 ET @ \$1812.62 per ET **\$6597.94***

(\$1759.9 base rate + \$52.72 indexation)

S94 Plan No. 18

i) Regional Open Space (Casual)

4 ET @ \$1064 per ET **\$3903.58***

(\$1031 base rate + \$33 indexation)

S94 Plan No. 26

j) Regional Open Space (Structured):

4 ET @ \$3730 per ET **\$13726.40***

(\$3619 base rate + \$111 indexation)

S94 Plan No. 26

*** Includes adjustments which effect compliance with the Directions from the Minister for Planning in relation to the maximum contribution payable per dwelling dated 13 January 2009 and 19 July 2009.**

[PSC0175]

56. 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]

57. Prior to the issue of an Occupation 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 approved under Section 138 of the Roads Act and Section 68 of the Local Government Act (as set out in Councils 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 Occupation Certificate 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]

58. 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 6 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 6 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]

59. Prior to the issue of a subdivision certificate, a certificate of compliance shall be submitted to Council by the Developers Subdivision Works Accredited Certifier (SWAC) or equivalent, verifying that the placed fill has been compacted in accordance with the requirements of AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments" and is suitable for residential purposes.

The submission shall include copies of all undertaken test results.

[PSC0395]

60. All approved landscaping requirements must be completed to the satisfaction of the General Manager or his delegate PRIOR to the issue of a Subdivision Certificate. Landscaping must be maintained at all times to the satisfaction of the General Manager or delegate.

[PSC0485]

61. 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]

62. 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]

63. 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]

64. Prior to the issue of the Subdivision Certificate, 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 on the consent.

[PSC0830]

65. 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) Easements for batters and support for any earthworks batters that cross newly created property boundaries.
- (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) Restriction as to user regarding the use of the areas indicated on the plan of HMC (ref: HMC Pty Ltd 2010.075 dated August 2010 - Land Application Area Job No.2012.061), for use as waste water disposal, is restricted for the application of treated domestic onsite sewage effluent.**

Burden: Lot 2, Lot 3, Lot 4, Lot 5. Benefit: Tweed Shire Council.

- (f) Restriction as to user regarding the method of effluent treatment being NSW Health Accredited Advanced Secondary Treatment System producing effluent quality the equivalent of Advanced Secondary Standard, or better, as defined by NSW Health (BOD < 20mg/L; TSS < 30mg/L; T.coli < 10 c.f.u.).**

Burden: Lot 2, Lot 3, Lot 4, Lot 5. Benefit: Tweed Shire Council.

- (g) Restriction as to user regarding the disposal of treated Advanced Secondary standard effluent only within the designated effluent land application areas.**

Burden: Lot 2, Lot 3, Lot 4, Lot 5. Benefit: Tweed Shire Council.

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]

66. 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. Furthermore, prior to the issue of a Subdivision Certificate, each lot shall have its' address number displayed in accordance with Council's procedure on street numbering.

[PSC0845]

67. 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]

68. 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]

69. 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/Driveways
 - (b) Compliance Certificate - Water Reticulation
 - (c) 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]

70. The six (6) months Defects Liability Period commences upon the registration of the Plan of Subdivision.

[PSC0925]

71. 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 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]

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

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

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

[PSC1065]

73. Prior to issuing a Subdivision Certificate, reticulated water supply (or acceptable alternative) 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]

74. 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]

75. The production of written evidence from the local electricity supply authority certifying that the reticulation of overhead or underground electricity and energising has been provided to each allotment.

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.

[PSC1175]

76. 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.

77. Proposed onsite sewage management facilities are to be installed in accordance with the HMC report (ref: HMC Pty Ltd 2010.075 dated August 2010) except where modified by this approval.

78. Land application areas, for treated wastewater disposal, are to be located at least 20m from the central drainage channel, which runs from the dam in the east, to the western side of the property.

79. Adequate provision to be made, within filled areas, so that wastewater treatment devices and wastewater Land Application Areas (LAA) can be installed above the following flood levels i.e. Treatment devices (vents and electrical control units) will only be approved for installation above the 100 year ARI flood height, and LAA's will only be approved on the batter slopes of house pads or other areas where the installation height is above the Q20 flood level.

80. Prior to the issue of a subdivision certificate approval to operate the existing on-site sewage management facilities, under Section 68 of the Local Government Act 1993, shall be obtained from Council.

81. Environmental restoration works shall be completed to a level specified in the approved Habitat Restoration Plan and the guidelines as established by the Office of Water prior to the release of the subdivision certificate and shall be maintained in accordance with the approved Plan.

82. The planted area and/or regenerated area shall be fenced to prevent stock access.

83. Fencing shall not restrict the free movement of koalas that may traverse the site from time to time and shall allow a clearance of at least 40cm at the bottom to enable koalas to move under it. If post and wire fencing is used, the bottom strand must not be barbed. Subdivision boundary fences to be erected on the property, shall comply with the following conditions:
- (a) Fences shall be constructed of wire, with the top wire and the bottom two wires consisting of non-electrified plain wire.
 - (b) The bottom fence wire shall be no closer than 40 cm to the ground at any point.
 - (c) The removal of vegetation for fence construction shall be undertaken with hand tools only (e.g. brush cutters, lawn mowers), and shall be limited to a maximum width of 1m.
84. As a minimum the following restrictions as to user under Section 88B of the Conveyancing Act are to be created to Council's satisfaction:
- (a) Restriction as to user regarding the environmental covenant area to be described within the approved Habitat Restoration Plan and the Office of Waters guidelines for the site - this area must be subject to an ecological restoration program where native vegetation is protected. Burden: Each lot. Benefit: Tweed Shire Council.
 - (b) Restriction as to user regarding protection of all Koala feed tree species on the site of 3m or greater in height. Burden: Each lot. Benefit: Tweed Shire Council.

GENERAL TERMS OF APPROVAL UNDER SECTION 91 OF THE WATER MANAGEMENT ACT 2000 (Work requiring a controlled activity approval)

Plans, standards and guidelines	
1	These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA12/0320 and provided by Council. Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Officer of Water must be notified to determine if any variations to these GTA will be required.
2	Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront and for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
3	The consent holder must prepare or commission the preparation of: (i) Vegetation Management Plan (ii) Erosion and Sediment Control Plan
4	All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The plans must be prepared in accordance with the NSW Office of Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx < http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx >
	<ul style="list-style-type: none"> (i) Vegetation Management Plans (ii) Riparian Corridors (iii) In-stream works

5	The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
Rehabilitation and maintenance	
6	The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
Reporting requirements	
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
Security deposits	
9	N/A
Access-ways	
10	N/A
11	N/A
Bridge, causeway, culverts and crossing	
12	N/A
13	N/A
Disposal	
14	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
Drainage and Stormwater	
15	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
16	The consent holder must stabilise drainage discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
Erosion control	
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

Excavation	
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
19	N/A
Maintaining river	
20	The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.
21	The consent holder must ensure that the surfaces of river banks are graded to enable the unobstructed flow of water and bank retaining structures result in a stable river bank in accordance with a plan approved by the NSW Office of Water.
River bed and bank protection	
22	N/A
23	The consent holder must establish riparian corridors along the unnamed watercourse in accordance with a plan approved by the NSW Office of Water.
Plans, standards and guidelines	
24	N/A
25	N/A
26	N/A
27	N/A
END OF CONDITIONS	

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

1. The development proposal is to comply with the subdivision layout identified on the drawing prepared by Hammond and Associates numbered BH110134-DA1A Sheet 1 of 1, Issue A, dated 11 June 2012.
2. At the issue of subdivision certificate and in perpetuity the land surrounding each of the existing dwellings, on proposed Lots 1 and 6 to a distance of 20m or to the boundary (whichever is the least), shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
3. Water and electricity are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
4. A 10,000l fire fighting water supply must be available for each dwelling where the reticulated supply is not adequate/available or greater than 70m from the most external part of the dwelling. This includes the existing dwelling on proposed Lot 6. Existing tank(s) may be able to be used for this purpose. The fire fighting water supply shall meet the following requirements:

- (a) A hardened ground surface for fire fighting truck access is to be constructed up to and within 4 metres of the fire fighting water supply.
- (b) A 65mm metal Storz outlet with a gate or ball valve, shall be fitted to any fire fighting water supply tank(s) and be accessible for a fire fighting truck. The Storz outlet fitting shall not be located facing the hazard or the approved structure.
- (c) The gate or ball valve, pipes and tank penetration are adequate for full 50mm inner diameter water flow through the Storz fitting and are constructed of a metal material.
- (d) All associated fittings to the fire fighting water supply tank(s) shall be non-combustible.
- (e) All water supplies for fire fighting purposes shall be clearly signposted as a fire fighting water supply.
- (f) Fire fighting water supply tank(s) and associated fittings, located within 60 metres of a bushfire hazard and on the hazard side of an approved building, shall be provided with radiant heat shielding to protect the tank from bush fire impacts and maintain safe access to the water supply for fire fighters.

Should new tank(s) be installed for to provide an adequate fire fighting water supply, they shall meet the following additional requirements:

- (a) Any fire fighting water supply tank(s) located below ground shall be clearly delineated to prevent vehicles being driven over the tank.
- (b) Below ground fire fighting water supply tank(s) shall have an access hole measuring a minimum 200mm x 200mm to allow fire fighting trucks to access water direct from the tank.
- (c) Fire fighting water supply tank(s) shall be located not less than 5 metres and not more than 20 metres from the approved structure.
- (d) Above ground fire fighting water supply tank(s) are to be manufactured using non combustible material (concrete, metal, etc).
- (e) Non combustible materials (concrete, metal, etc) will only be used to elevate or raise fire fighting water supply tank(s) above the natural ground level.
- (f) Any below ground fire fighting water supply tank(s) constructed of combustible polycarbonate, plastic, fiberglass, etc) materials shall be shielded from the impact of radiant heat and direct flame contact.

Note: Below ground dedicated fire fighting water supply tank(s) is defined as: that no part of the tank(s) is to be located above natural ground level.

A Static Water Supply (SWS) sign shall be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:

- i) Markers must be fixed in a suitable location so as to be highly visible; and
- ii) Markers should be positioned adjacent to the most appropriate access for the water supply.

5. In recognition that the existing dwellings may be connected to a gas supply, the following requirements are to be complied with:

- (a) Reticulated or bottled gas is to be installed and maintained in accordance with Australian Standard AS/NZ 1596:2008: 'The storage and handling of LP gas' and the requirements of relevant authorities. Metal piping is to be used.
 - (b) All fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and be shielded on the hazard side of the installation.
 - (c) Gas cylinders kept close to the building shall have release valves directed away from the building. Connections to and from gas cylinders are to be metal.
 - (d) Polymer sheathed flexible gas supply lines to gas meters adjacent to building are not to be used.
6. Property access roads shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.
7. The existing dwellings, located on proposed Lots 1 and 6, are required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

The Motion was **Carried** (Minute No **235** refers)

FOR VOTE - Unanimous

RESUMPTION OF STANDING ORDERS

23

Cr B Longland
Cr C Byrne

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE - Unanimous



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