

Mayor: Cr K Skinner

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



TWEED
SHIRE COUNCIL

Minutes

Planning and Regulation Reports

Ordinary Council Meeting

Tuesday 21 September 2010

held at Murwillumbah Cultural & Civic Centre
commencing at 3.30pm

COUNCIL'S CHARTER

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

Tweed Shire Council has the following charter:

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

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

11 [PR-CM] Development Application DA10/0255 for a 19 Lot Subdivision Comprising Four (4) Stages at Lot 56 DP 1030322, Collins Lane, Casuarina

610

Cr D Holdom
Cr W Polglase

RESOLVED that Development Application DA10/0255 for a 19 lot subdivision comprising of four (4) stages at Lot 56 DP 1030322, Collins Lane, Casuarina be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects, amended details dated 9 June 2010, and the following plans:
 - COLLINSLNE_SUB_01 (Rev 01) - Stage 1 (Sheet 1 of 5), prepared by Planit Consulting Pty Ltd and dated June 2010;
 - COLLINSLNE_SUB_02 (Rev 01) - Stage 2 (Sheet 2 of 5), prepared by Planit Consulting Pty Ltd and dated June 2010;
 - COLLINSLNE_SUB_03 (Rev 01) - Stage 3 (Sheet 3 of 5), prepared by Planit Consulting Pty Ltd and dated June 2010;
 - COLLINSLNE_SUB_04 (Rev 01) - Stage 4 (Sheet 4 of 5 – As Amended in Red), prepared by Planit Consulting Pty Ltd and dated June 2010;
 - COLLINSLNE_SUB_05 (Rev 01) – Building Envelopes (Sheet 5 of 5), prepared by Planit Consulting Pty Ltd and dated June 2010,except where varied by the conditions of this consent.

[GEN0005]
2. The subdivision is to be carried out in accordance with Tweed Shire Council Development Control Plan Part A5 - Subdivision Manual and Councils Development Design and Construction Specifications.

[GEN0125]
3. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.

[GEN0135]
4. A Subdivision Works Accredited Certifier (SWAC) shall be appointed to assume the responsibility for certifying the compliance of the completed public

infrastructure (refer to Development Construction Specification C101.01 for variations).

The SWAC shall be accredited by the Building Professionals Board Accreditation Scheme, in the following categories,

C4: Accredited Certifier – Stormwater management facilities construction compliance

C6: Accredited Certifier – Subdivision road and drainage construction compliance

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

[GEN0275]

5. The development is to be staged as follows:

- Stage 1 includes Lots 1 to 7, with Lot 8 being a residual lot,
- Stage 2 includes Lots 8 to 13, with Lot 14 being a residual lot. The existing house on proposed Lot 13 is to be demolished as part of Stage 2. The extension of Collins Lane and formation of new cul-de-sac head is included in Stage 2.
- Stage 3 includes Lots 14, 15, 17 and 18. Lot 16 is a residual lot.
- Stage 4 includes Lots 16 and 19. The existing guest wing on proposed Lot 19 is to be demolished as part of Stage 4.

[GENNS01]

6. No residential, associated buildings or structures are permitted on land zoned 7(f) Environmental Protection (Coastal Lands).

[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. 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]

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

[PCC0285]

9. 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. A detailed plan of landscaping is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate.

[PCC0585]

11. A traffic control plan in accordance with AS1742 and RTA publication "Traffic Control at Work Sites" Version 2 shall be prepared by an RTA accredited person and shall be submitted to the Principal Certifying Authority prior to issue of any Construction Certificate. Safe public access shall be provided at all times.

[PCC0865]

12. 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.

URBAN ROAD

- (a) Construction of the extension of Collins Lane, including partial reconstruction, to an urban bitumen sealed road standard; 7.5m between kerbs with a 9m radius cul-de-sac. Stormwater discharge from this new road shall be connected directly in to the existing stormwater system in the adjoining reserve, and not via open headwall discharge. This is a requirement of Stage 2.

OTHER

- (b) Construction of all necessary civil works required for the various stages of the development, including but not limited to: earthworks; stormwater infrastructure; water and sewer servicing infrastructure; other service provisions.

[PCC0875]

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

- (a) copies of compliance certificates relied upon

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

- earthworks
- roadworks/furnishings
- stormwater drainage
- water supply works
- sewerage works
- landscaping works
- sedimentation and erosion management plans

- location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure)

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

[PCC0985]

14. Permanent stormwater quality treatment shall be provided in accordance with the following:
- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 – Stormwater Quality*.
 - (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 – Stormwater Quality*.
 - (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management.
 - (d) Specific Requirements to be detailed within the Construction certificate application include:
 - (i) Shake down area along the haul route immediately before the intersection with the road reserve.

[PCC1105]

15. 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]

16. Prior to the issue of a construction certificate for Stage 2 a demolition plan shall be submitted for the existing structure on proposed Lot 6 and proposed Lot 19 and approved by the General Manager or his delegate. All demolition works for Lot 6 shall comply with that approved plan.

Prior to the issue of a construction certificate for Stage 4 a demolition plan shall be submitted for the existing structure on proposed Lot 19 and approved by the General Manager or his delegate. All demolition works for Lot 19 shall comply with that approved plan.

[PCCNS01]

17. Prior to the issue of any construction certificate, the applicant is required to submit Work-as-Executed information, test results and engineering certification on any subdivisional civil works that were previously constructed on the site under either of the Council-issued construction certificates CC04/0402 and CC04/0403. All sewer junctions on new infrastructure are to be clearly nominated.

[PCCNS02]

18. The Stage 1 release must address (not necessarily construct) the stormwater management requirements for Stage 2 also. This is due to the requirement for all lots to infiltrate roofwater, and have a surcharge overflow path to the street. Lots 8 to 13 (Stage 2) have inconsistent fall away from the street, and the applicant is required to address any land reshaping requirements as Part of Stage 1. Some site filling may be necessary to achieve this.

[PCCNS03]

PRIOR TO COMMENCEMENT OF WORK

19. 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]

20. 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]

21. 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 commencement of works.

[PCW0375]

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

- (a) a construction certificate for the civil work has been issued in accordance with Councils Development Construction Specification C101 by:
 - (i) the consent authority, or
 - (ii) an accredited certifier, and
- (b) the person having the benefit of the development consent:
 - (i) has appointed a principal certifying authority,
 - (ii) has appointed a Subdivision Works Accredited Certifier (SWAC) accredited in accordance with Tweed Shire Council DCP Part A5 – Subdivision Manual, Appendix C with accreditation in accordance with the Building Professionals Board Accreditation Scheme. As a

minimum the SWAC shall possess accreditation in the following categories:

C4: Accredited Certifier – Stormwater management facilities construction compliance

C6: Accredited Certifier – Subdivision road and drainage construction compliance

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

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

[PCW0815]

23. 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]

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

[PCW0985]

25. Prior to the commencement of works sedimentation and erosion control measures shall be placed and maintained which are effective in preventing the discharge of sediment materials outside the boundary of the property.

[PCWNS01]

DURING CONSTRUCTION

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

[DUR0005]

27. 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]

28. 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]
29. All lots must be graded to prevent the ponding of surface water and be adequately vegetated to prevent erosion from wind and/or water to the satisfaction of the General Manager or his delegate.
- [DUR0745]
30. 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]
31. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.
- [DUR0815]
32. 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]
33. 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]
34. 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]

35. 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]

36. A concrete footpath 1.2 metres wide and 100 millimetres thick is to be constructed on a compacted base along the entire frontage of the site to Collins Lane in accordance with Councils Development Design and Construction Specifications and Standard Drawing SD013.

Twenty four (24) hours notice is to be given to Council's Development Engineering Section before placement of concrete to enable formwork and subgrade to be inspected.

[DUR1735]

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

[DUR1795]

38. Before the commencement of the relevant stages of road construction, pavement design detail including reports from a Registered NATA Consultant shall be submitted to Council for approval and demonstrating.

- (a) That the pavement has been designed in accordance with Tweed Shire Councils Development Design Specification, D2.
- (b) That the pavement materials to be used comply with the specifications tabled in Tweed Shire Councils Construction Specifications, C242-C245, C247, C248 and C255.
- (c) That site fill areas have been compacted to the specified standard.
- (d) That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.

[DUR1805]

39. During the relevant stages of road construction, tests shall be undertaken by a Registered NATA Geotechnical firm. A report including copies of test results shall be submitted to the PCA prior to the placement of the wearing surface demonstrating:

- (a) That the pavement layers have been compacted in accordance with Councils Development Design and Construction Specifications.
- (b) That pavement testing has been completed in accordance with Table 8.1 of AS 3798 including the provision of a core profile for the full depth of the pavement.

[DUR1825]

40. The footpath area is to be graded to the kerb and turfed for the full frontage of the site. This is relevant for Stage 2 only.

[DUR1865]

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

[DUR1875]

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

Roadworks

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

Water Reticulation, Sewer Reticulation, Drainage

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

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

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

[DUR1895]

43. 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]

44. 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]

45. The works are to be completed in accordance with Tweed Shire Councils Development Control Plan, Part A5 - Subdivision Manual and Design & Construction Specifications, including variations to the approved drawings as may be required due to insufficient detail shown on the drawings or to ensure that Council policy and/or good engineering practices are achieved.

[DUR2025]

46. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction/demolition.

[DUR2185]

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

[DUR2205]

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

[DUR2355]

49. 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]

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

[DUR2425]

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

[DUR2435]

52. Any imported material shall be from an approved source and free from any contaminants.

[DURNS01]

53. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where

necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.

[USE0225]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

54. 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]

55. 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:

Stage 1

Water DSP6:	7 ET @ \$11020 per ET	\$77140
South Kingscliff Water Levy:	7 ET @ 256 per ET	\$1792
Sewer Kingscliff:	7 ET @ \$5295 per ET	\$37065

Stage 2

Water DSP6:	5 ET @ \$11020 per ET	\$55100
South Kingscliff Water Levy:	5 ET @ 256 per ET	\$1280
Sewer Kingscliff:	5 ET @ \$5295 per ET	\$26475

Stage 3

Water DSP6:	4 ET @ \$11020 per ET	\$44080
South Kingscliff Water Levy:	4 ET @ 256 per ET	\$1024
Sewer Kingscliff:	4 ET @ \$5295 per ET	\$21180

Stage 4

Water DSP6:	1 ET @ \$11020 per ET	\$11020
South Kingscliff Water Levy:	1 ET @ 256 per ET	\$256
Sewer Kingscliff:	1 ET @ \$5295 per ET	\$5295

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

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

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

[PSC0165]

56. Section 94 Contributions

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

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

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

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

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

Stage 1

(a) Tweed Road Contribution Plan:

45.5 Trips @ \$955 per Trips \$43453

(\$868 base rate + \$87 indexation)

S94 Plan No. 4

Sector7_4

LCA4 - Casuarina: \$7235

45.5 trips at \$159 per trip

(\$144 base rate + \$15 indexation)

(b) Shirewide Library Facilities:

7 ET @ \$792 per ET \$5544

(\$792 base rate + \$0 indexation)

S94 Plan No. 11

(c) Bus Shelters:

7 ET @ \$60 per ET \$420

(\$60 base rate + \$0 indexation)

S94 Plan No. 12

(d) Eviron Cemetery:

7 ET @ \$120 per ET \$840

(\$101 base rate + \$19 indexation)

	S94 Plan No. 13	
(e)	Extensions to Council Administration Offices & Technical Support Facilities	
	7 ET @ \$1759.9 per ET	\$12319.30
	(\$1759.9 base rate + \$0 indexation)	
	S94 Plan No. 18	
(f)	Casuarina Beach/Kings Forest Community Facilities:	
	7 ET @ \$1611 per ET	\$11277
	(\$1311 base rate + \$300 indexation)	
	S94 Plan No. 19	
(g)	Casuarina Beach/Kings Forest Open Space:	
	7 ET @ \$1231 per ET	\$8617
	(\$717 base rate + \$514 indexation)	
	S94 Plan No. 19	
(h)	Cycleways:	
	7 ET @ \$447 per ET	\$3129
	(\$447 base rate + \$0 indexation)	
	S94 Plan No. 22	
(i)	Regional Open Space (Casual)	
	7 ET @ \$1031 per ET	\$7217
	(\$1031 base rate + \$0 indexation)	
	S94 Plan No. 26	
(j)	Regional Open Space (Structured):	
	7 ET @ \$3619 per ET	\$25333
	(\$3619 base rate + \$0 indexation)	
	S94 Plan No. 26	
	Stage 2	
(a)	Tweed Road Contribution Plan:	
	32.5 Trips @ \$955 per Trips	\$31038
	(\$868 base rate + \$87 indexation)	
	S94 Plan No. 4	
	Sector7_4	
	LCA4 - Casuarina:	\$5168
	32.5 trips at \$159 per trip	
	(\$144 base rate + \$15 indexation)	
(b)	Shirewide Library Facilities:	

	5.6918 ET @ \$792 per ET	\$4508
	(\$792 base rate + \$0 indexation)	
	S94 Plan No. 11	
(c)	Bus Shelters:	
	5.3 ET @ \$60 per ET	\$318
	(\$60 base rate + \$0 indexation)	
	S94 Plan No. 12	
(d)	Eviron Cemetery:	
	5.619 ET @ \$120 per ET	\$674
	(\$101 base rate + \$19 indexation)	
	S94 Plan No. 13	
(e)	Extensions to Council Administration Offices & Technical Support Facilities	
	5.4828 ET @ \$1759.9 per ET	\$9649.18
	(\$1759.9 base rate + \$0 indexation)	
	S94 Plan No. 18	
(f)	Casuarina Beach/Kings Forest Community Facilities:	
	5.6922 ET @ \$1611 per ET	\$9170
	(\$1311 base rate + \$300 indexation)	
	S94 Plan No. 19	
(g)	Casuarina Beach/Kings Forest Open Space:	
	5.6938 ET @ \$1231 per ET	\$7009
	(\$717 base rate + \$514 indexation)	
	S94 Plan No. 19	
(h)	Cycleways:	
	5.6874 ET @ \$447 per ET	\$2542
	(\$447 base rate + \$0 indexation)	
	S94 Plan No. 22	
(i)	Regional Open Space (Casual)	
	5.6968 ET @ \$1031 per ET	\$5873
	(\$1031 base rate + \$0 indexation)	
	S94 Plan No. 26	
(j)	Regional Open Space (Structured):	
	5.6932 ET @ \$3619 per ET	\$20604
	(\$3619 base rate + \$0 indexation)	
	S94 Plan No. 26	

Stage 3

- | | |
|--|-----------|
| (a) Tweed Road Contribution Plan: | |
| 26 Trips @ \$955 per Trips | \$24830 |
| ((\$868 base rate + \$87 indexation) | |
| S94 Plan No. 4 | |
| Sector7_4 | |
| LCA4 – Casuarina: | \$4134 |
| 26 trips at \$159 per trip | |
| ((\$144 base rate + \$15 indexation) | |
| (b) Shirewide Library Facilities: | |
| 4 ET @ \$792 per ET | \$3168 |
| ((\$792 base rate + \$0 indexation) | |
| S94 Plan No. 11 | |
| (c) Bus Shelters: | |
| 4 ET @ \$60 per ET | \$240 |
| ((\$60 base rate + \$0 indexation) | |
| S94 Plan No. 12 | |
| (d) Eviron Cemetery: | |
| 4 ET @ \$120 per ET | \$480 |
| ((\$101 base rate + \$19 indexation) | |
| S94 Plan No. 13 | |
| (e) Extensions to Council Administration Offices
& Technical Support Facilities | |
| 4 ET @ \$1759.9 per ET | \$7039.60 |
| ((\$1759.9 base rate + \$0 indexation) | |
| S94 Plan No. 18 | |
| (f) Casuarina Beach/Kings Forest Community Facilities: | |
| 4 ET @ \$1611 per ET | \$6444 |
| ((\$1311 base rate + \$300 indexation) | |
| S94 Plan No. 19 | |
| (g) Casuarina Beach/Kings Forest Open Space: | |
| 4 ET @ \$1231 per ET | \$4924 |
| ((\$717 base rate + \$514 indexation) | |
| S94 Plan No. 19 | |
| (h) Cycleways: | |
| 4 ET @ \$447 per ET | \$1788 |

	(\$447 base rate + \$0 indexation)	
	S94 Plan No. 22	
(i)	Regional Open Space (Casual)	
	4 ET @ \$1031 per ET	\$4124
	(\$1031 base rate + \$0 indexation)	
	S94 Plan No. 26	
(j)	Regional Open Space (Structured):	
	4 ET @ \$3619 per ET	\$14476
	(\$3619 base rate + \$0 indexation)	
	S94 Plan No. 26	
	Stage 4	
(a)	Tweed Road Contribution Plan:	
	6.5 Trips @ \$955 per Trips	\$6208
	(\$868 base rate + \$87 indexation)	
	S94 Plan No. 4	
	Sector7_4	
	LCA4 – Casuarina:	\$1034
	6.5 trips at \$159 per trip	
	(\$144 base rate + \$15 indexation)	
(b)	Shirewide Library Facilities:	
	1 ET @ \$792 per ET	\$792
	(\$792 base rate + \$0 indexation)	
	S94 Plan No. 11	
(c)	Bus Shelters:	
	1 ET @ \$60 per ET	\$60
	(\$60 base rate + \$0 indexation)	
	S94 Plan No. 12	
(d)	Eviron Cemetery:	
	1 ET @ \$120 per ET	\$120
	(\$101 base rate + \$19 indexation)	
	S94 Plan No. 13	
(e)	Extensions to Council Administration Offices & Technical Support Facilities	
	1 ET @ \$1759.9 per ET	\$1759.90
	(\$1759.9 base rate + \$0 indexation)	
	S94 Plan No. 18	

- | | | |
|-----|--|--------|
| (f) | Casuarina Beach/Kings Forest Community Facilities:
1 ET @ \$1611 per ET
(\$1311 base rate + \$300 indexation)
S94 Plan No. 19 | \$1611 |
| (g) | Casuarina Beach/Kings Forest Open Space:
1 ET @ \$1231 per ET
(\$717 base rate + \$514 indexation)
S94 Plan No. 19 | \$1231 |
| (h) | Cycleways:
1 ET @ \$447 per ET
(\$447 base rate + \$0 indexation)
S94 Plan No. 22 | \$447 |
| (i) | Regional Open Space (Casual)
1 ET @ \$1031 per ET
(\$1031 base rate + \$0 indexation)
S94 Plan No. 26 | \$1031 |
| (j) | Regional Open Space (Structured):
1 ET @ \$3619 per ET
(\$3619 base rate + \$0 indexation)
S94 Plan No. 26 | \$3619 |

[PSC0175]

57. 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.

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)
\$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]

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

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

59. Prior to the issue of a Subdivision Certificate for Stage 2, a maintenance bond equal to 25% of the contract value of the footpath construction works shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths are built on.

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

[PSC0225]

60. A bond shall be lodged prior to the issue of the subdivision certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.

[PSC0235]

61. 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]

62. All landscaping requirements shall be completed to the satisfaction of the General Manager or his delegate PRIOR to the issue of a Subdivision Certificate.

[PSC0485]

63. 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]

64. 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]

65. Subdivision Certificates for each Stage of the development will not be issued by the General Manager until such time as all conditions of this Development Consent, relevant to the particular Stage being released, have been complied with.

[PSC0825]

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

- (a) Easements for sewer, water supply and drainage over ALL public services/infrastructure on private property.
- (b) The existing 'Right of Carriageway 10 wide, 16 wide and variable in width' encumbering the site, is to be extinguished as part of the Stage 2 works.
- (c) The existing Council-imposed title restrictions over the property are to be reiterated by all Stages of the proposed development, via inclusion in the 88B instrument of the plan of subdivision. These restrictions cover: the restricted building area within the site; stormwater discharge infiltration requirements; and pet and plant restrictions.

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]

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. Pursuant to Section 80A(1)(b) of the Environmental Planning and Assessment Act, 1979 (As amended) and Clause 97 of the Environmental Planning and Assessment Regulations, 2000, the following Development Consents shall be surrendered by lodgement of the prescribed information, suitably executed, PRIOR to the issue of a Subdivision Certificate for the nominated stage of the development;

Stage 1: - DA02/1009 and associated CC04/0403

- DA02/1708 and associated CC04/0402

- DA09/0048

Stage 2: - DA04/1023

- DA08/0749

- DA09/0109

- DA04/0151 (relating to the dwelling on proposed Lot 13)

Stage 4: - DA05/1294

[PSC0875]

69. 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]

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

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

Note:

1. All compliance certificate applications must be accompanied by documentary evidence from the developers Subdivision Works Accredited

Certifier (SWAC) certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual and Councils Development Design and Construction Specifications.

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

[PSC0915]

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

[PSC0925]

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

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

[PSC1115]

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. Electricity

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

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

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

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

[PSC1185]

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

Asset Protection Zones

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

Water and Utilities

2. Water, electricity and gas are to comply with section 4.1.3 of '*Planning for Bush Fire Protection 2006*'.

Access

3. Public road access shall comply with section 4.1.3 (1) of '*Planning for Bush Fire Protection 2006*', except that a through road is not required in this case.

Design and Construction

4. The existing dwellings 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**

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

AGAINST VOTE - Cr K Milne

12 [PR-CM] Development Application DA10/0283 for Re-subdivision of 16 Lots into 23 Lots at Lots 1-16 Section 8 DP 14895, Casuarina Way, Kingscliff

611

**Cr D Holdom
Cr W Polglase**

RESOLVED that Development Application DA10/0283 for a re-subdivision of 16 lots into 23 lots at Lots 1 - 16 Section 8 DP 14895, Casuarina Way, KINGSCLIFF be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Preliminary Plan of Subdivision Plans:
 - Sheet 1 of 2 Sheets prepared by Brian Darryl Raaen and dated 10/08/2010

- Sheet 2 of 2 Sheets prepared by Brian Darryl Raaen and dated 10/08/2010 except where varied by the conditions of this consent.

[GEN0005]
- 2. This subdivision application has approved 23 single dwelling allotments only (no duplex sites have been approved by this application). Each allotment is to be a minimum of 450m² in size (excluding battle handles) as indicated on the approved plan.

[GEN0005]
- 3. All works shall comply with the Seaside City, Kingscliff Construction Environmental Management Plan prepared by Cardno and dated 6 July 2007 to the satisfaction of the Council.

[GEN0005]
- 4. All works shall comply with the Radiation Investigation and Remediation Action Plan prepared by Cardno and dated 23 May 2008 to the satisfaction of the Council
- 5. The use of crushing plant machinery, mechanical screening or mechanical blending of materials is subject to separate development application.

[GEN0045]
- 6. Subject to Condition 71, 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]
- 7. 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]
- 8. All works shall comply with the Acid Sulfate Soils Management Plan prepared by Cardno and dated 23 May 2008 to the satisfaction of the Council.

[GEN0005]
- 9. All works shall comply with the Seaside City Northwest Subdivision Erosion and Sediment Control Plan prepared by Cardno and dated 8 April 2010.

[GEN0005]
- 10. As required by condition 11 below the primary revegetation/restoration works within the riparian buffer as detailed within the approved Plan of Management for existing Lots 1 to 9 Section 8 DP 14895 zoned 7(l) Environmental Protection (Habitat) must be completed within 12 months of the issue of this development consent.

[GEN0005]

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

11. A Plan of Management must be prepared for the riparian buffer of existing Lots 1 to 9 Section 8 DP 14895 zoned 7(l) Environmental Protection (Habitat) by suitably qualified person with knowledge and experience in the local vegetation reference community (Littoral/ riparian rainforest) and submitted to Director Planning and Regulation for approval. The Plan of Management must provide the following:

- planting and maintenance details to enable local native species to cover the riparian buffer including at least two trees per lot selected from the list within the approved vegetation management plan for DA05/0793
- management of the 5m Asset Protection Zone
- potential impacts and methods to avoid these impacts arising upon the ecological values of the riparian corridor: disturbance of native flora and fauna as a result of intrusion by humans and domestic animals: increased fire risk: rubbish dumping: weed invasion and vegetation clearing. The Plan of Management is to include an Implementation Schedule in accordance with the draft guidelines attached which provide for progress reports on implementation of the plan to be given to the Council no less than once per year for a period of five years not later than on each anniversary of the date of this development consent or until a dwelling is constructed on the affected lots.

[PCCNS01]

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

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

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

[PCC0275]

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

[PCC0285]

14. 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.

[PCC0485]

15. A detailed plan of landscaping is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate.

[PCC0585]

16. A traffic control plan in accordance with AS1742 and RTA publication "Traffic Control at Work Sites" Version 2 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]

17. 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.

RIGHT OF CARRIAGEWAY

- (a) The right of carriageways providing access to proposed lots 37, 38, 39, 41, 42, 43, 45, 46 and 47 shall be constructed with a 4.5m wide concrete pavement and shall also comply in general terms with Council's Driveway Access to Property Policy.

[PCC0875]

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

- (a) copies of compliance certificates relied upon
- (b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
- earthworks
 - Rights of Carriageway
 - stormwater drainage
 - water supply works
 - sewerage works
 - landscaping works
 - sedimentation and erosion management plans
 - location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure)

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]

19. Stormwater

- (a) Details of the proposed roof water disposal, including surcharge overland flow paths are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. These details shall include likely landscaping within the overland flow paths.
- (b) All roof water shall be discharged to infiltration pits located wholly within the subject allotment.
- (c) The infiltration rate for sizing infiltration devices shall be 6m per day:
- As a minimum requirement, infiltration devices are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) over a range of storm durations from 5 minutes to 24 hours and infiltrate this storm within a 24 hour period, before surcharging occurs.

- (d) Surcharge overflow from the infiltration area to the street gutter, inter-allotment or public drainage system must occur by visible surface flow, not piped.
- (e) Runoff other than roof water must be treated to remove contaminants prior to entry into the infiltration areas (to maximise life of infiltration areas between major cleaning/maintenance overhauls).
- (f) If the site is under strata or community title, the community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
- (g) All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.
- (h) All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.
- (i) All infiltration devices are to be designed to allow for construction and operation vehicular loading.
- (j) All infiltration devices are to be located clear of stormwater or sewer easements.

[PCC1135]

20. 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]

21. Prior to the issue of a Construction Certificate for this development all works necessary to provide infrastructure and services to the proposed 23 lots as approved under Construction Certificate CC08/0473 shall be completed to the satisfaction of the General Manager.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

22. 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]

23. Prior to commencement of work all actions or prerequisite works required at that stage, as required by other conditions or approved management plans or the like, shall be installed/operated in accordance with those conditions or plans.

[PCW0015]

24. 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]

25. 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 commencement of works.

[PCW0375]

26. Civil work in accordance with a development consent must not be commenced until:-
- (a) a construction certificate for the civil work has been issued in accordance with Councils Development Construction Specification C101 by:
 - (i) the consent authority, or
 - (ii) an accredited certifier, and
 - (b) the person having the benefit of the development consent:
 - (i) has appointed a principal certifying authority,
 - (ii) has appointed a Subdivision Works Accredited Certifier (SWAC) accredited in accordance with Tweed Shire Council DCP Part A5 – Subdivision Manual, Appendix C with accreditation in accordance with the Building Professionals Board Accreditation Scheme. As a minimum the SWAC shall possess accreditation in the following categories:
 - C4: Accredited Certifier – Stormwater management facilities construction compliance
 - C6: Accredited Certifier – Subdivision road and drainage construction complianceThe SWAC shall provide documentary evidence to Council demonstrating current accreditation with the Building Professionals Board prior to approval and issue of any Construction Certificate, and
 - (iii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment,
 - (iv) a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Subdivision Works

Accredited Certifier is erected and maintained in a prominent position at the entry to the site in accordance with Councils Development Design and Construction Specifications. The sign is to remain in place until the Subdivision Certificate is issued, and

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

[PCW0815]

27. 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]

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

[PCW0985]

DURING

29. 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]

30. 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]

31. 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]

32. Any 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]

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

[DUR0815]

34. 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]

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

[DUR0995]

36. 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]

37. 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]

38. 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]

39. All hazardous and/or dangerous goods shall be handled and stored in a designated area away from stormwater drains. The designated area is to be: -

- (a) Roofed;
- (b) Provided with a sealed floor; and

Bunded so as to hold 110% of the total quantity of goods stored. Bunded area(s) shall not be flood-labile and shall be provided with pump out facilities.

[DUR1635]

40. A concrete footpath 1.2 metres wide is to be constructed on a compacted base along the entire frontage of the site to Casuarina Way in accordance with Councils Development Design and Construction Specifications and Standard Drawing SD013.

Twenty four (24) hours notice is to be given to Council's Engineering & Operations Division before placement of concrete to enable formwork and subgrade to be inspected.

[DUR1735]

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

Roadworks

- (a) Rights of Carriageway
- (b) Pathways, footways, bikeways - formwork/reinforcement
- (c) Final inspections - on maintenance
- (d) Off Maintenance inspection

Water Reticulation, Sewer Reticulation, Drainage

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

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

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

[DUR1895]

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

[DUR2015]

44. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction/demolition.

[DUR2185]

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

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

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

[DUR2375]

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

[DUR2425]

47. 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]

48. All topsoil stockpiles are to be sprayed with dust suppression material such as "hydromulch", "dustex" or equivalent. All haul roads shall be regularly watered or treated with dust suppression material or as directed on site.

[DURNS01]

49. Noise from the proposed works shall not be permitted to unreasonably impact the amenity of any residential premise.

[DURNS01]

50. All construction activities that generate dust shall cease when average wind speeds exceed 15m/s(54 km/h). The applicant shall be responsible for providing a calibrated wind meter on site to monitor wind speeds. The wind meter must be located so that it is easily accessed by relevant supervisors and Council Officers. This data must be able to be produced to Council on request.

[DURNS02]

PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE

51. 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]

52. 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:	23 ET @ \$11020 per ET	\$253460
South Kingscliff Water Levy:	23 ET @ 256 per ET	\$5888
Sewer Kingscliff:	23 ET @ \$5295 per ET	\$121785

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]

53. 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:

45.5 Trips @ \$955 per Trips \$43453

(\$868 base rate + \$87 indexation)

S94 Plan No. 4

Sector7_4

(b) Shirewide Library Facilities:

7 ET @ \$792 per ET \$5544

- (\$792 base rate + \$0 indexation)
S94 Plan No. 11
- (c) Bus Shelters:
7 ET @ \$60 per ET \$420
(\$60 base rate + \$0 indexation)
S94 Plan No. 12
- (d) Eviron Cemetery:
7 ET @ \$120 per ET \$840
(\$101 base rate + \$19 indexation)
S94 Plan No. 13
- (e) Community Facilities (Tweed Coast – North)
7 ET @ \$581 per ET \$4067
(\$581 base rate + \$0 indexation)
S94 Plan No. 15
- (f) Extensions to Council Administration Offices
& Technical Support Facilities
7 ET @ \$1759.90 per ET \$12319.30
(\$1759.9 base rate + \$0 indexation)
S94 Plan No. 18
- (g) Cycleways:
Plan No. 22 states \$47 per m² for 715m² of cycleway.
This equates to \$84, 012 credit
Minus \$2, 682 (DA08/0755) = \$81, 330 credit for works in kind.
Minus \$447 (DA09/0816) = \$80, 883 credit for works in kind.
Minus \$447 (DA09/0822) = \$80,386
An additional 7 lots for DA10/0283 (\$3129)
Leaves a credit of \$77,257
Therefore NIL charge
(\$447 base rate + \$0 indexation)
S94 Plan No. 22
- (h) Seaside City Structured Open Space:
7 ET @ \$3585 per ET \$25095
(\$3585 base rate + \$0 indexation)
S94 Plan No. 28

[PCC0215/PSC0175]

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

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

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

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

[PSC0225]

56. 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]

57. 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]

58. All retaining walls in excess of 1.2m are to be certified by a suitably qualified geotechnical/structural engineer. The certification is to be submitted with the subdivision certificate application and shall state that the retaining walls have been designed and constructed in accordance with AS4678-2002 Earth Retaining Structures and are structurally sound.

In addition to the above certification, the following is to be included in the Section 88B Instrument to accompany the final plan of subdivision.

- (a) A restriction to user for each lot that has the benefit of a retaining wall that prevents any cut or fill greater than 0.3m in vertical height within a zone adjacent to the wall that is equal to the height of the wall.
- (b) Each lot burdened and or benefited by a Type 1 wall as defined in AS4678-2002 Earth Retaining Structures, shall contain a restriction to user advising the landowner of the need to maintain the wall in accordance with that standard.

Tweed Shire Council is to be nominated as the authority empowered to release, vary or modify the restrictions.

[PSC0785]

59. 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]

60. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:
- (a) Easements for sewer, water supply and drainage over ALL public services/infrastructure on private property.
 - (b) Rights of carriageway with a minimum width of six (6.0m) meters shall be created over the accessways to proposed lots .37, 38, 39, 41, 42, 43, 45, 46 and 47
 - (c) A Restriction As To User requiring that all roofwater from houses, buildings or structures shall be discharged to an approved infiltration pit located on the subject property. The infiltration pit shall be approved by the Principle Certifying Authority
 - (d) 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.
 - (e) Restriction as to user regarding the riparian buffer described within the approved Plan of Management for the riparian buffer – this area must be subject to an approved restoration program and managed as a natural area in perpetuity. Burden: Part existing Lots 1 to 9 Section 8 DP 14895 zoned 7(l) Environmental Protection (Habitat) Benefit: Tweed Shire Council
 - (f) Restriction as to user regarding the riparian buffer– primary works as described within the approved Plan of Management for the site must be completed prior to the occupation of any building on the site Burden: Part existing Lots 1 to 9 Section 8 DP 14895 zoned 7(l) Environmental Protection (Habitat) Benefit: Tweed Shire Council
 - (g) Restriction as to user regarding dog and cat ownership and control on all residential lots in the following terms:
 - Owners of dogs within the development shall have their yards fenced as to securely contain a maximum of one (1) dog per allotment and the ownership of cats within the development shall be restricted to one (1) de-sexed cat per allotment and such cats shall be restrained within the house or a secure night cage between the hours of 6.00pm and 6.00am.
 - No dog shall be registered without the consultation of a dog-proof compound which must be approved by Council and the relevant fee paid by the applicant.
 - No owner can retrieve a dog that has been impounded unless they can demonstrate to Council they have a secure compound.

Burden: Lots 1 to 16 Section 8 DP 14895. Benefit: Tweed Shire Council

- (h) Restriction as to user indicating that part of the lots zoned 7(l) Environmental Protection (Habitat) are located within the 50m Cudgen Creek buffer area and no building works, swimming pools or structures are to be placed within this buffer area. Burden: Part Existing Lots 1 to 9 Section 8 DP 14895 zoned 7(l) Environmental Protection (Habitat) Benefit: Tweed Shire Council
- (i) Restriction as to user creating the asset protection zone as described in detail at Conditions 73 and 74 of this consent.
- (j) Restriction as to user requiring all landscaping to be comprised of local native species as approved within the Vegetation Management Plan for the adjacent riparian zone and cycleway.

Burden: Lots 1 to 16 Section 8 DP 14895. **Benefit:** Tweed Shire Council

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]

- 61. 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]

- 62. 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]

- 63. 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 – Water Reticulation
 - (b) Compliance Certificate – Sewerage Reticulation

(c) 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]

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

[PSC0925]

65. Prior to issuing a Subdivision Certificate, reticulated water supply and outfall sewerage reticulation (including household connections) 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.

Fire Hydrants spacing, sizing and pressures shall comply with Council's DCP – Section A5 – Subdivision Manual, associated Development Design and Construction Specifications and AS2419.1-2005.

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]

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

[PSC1165]

67. Electricity

- (a) The production of written evidence from the local electricity supply authority certifying that reticulation and energising of underground electricity (residential and rural residential) has been provided adjacent to the front boundary of each allotment; and
- (b) The reticulation includes the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.

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

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

[PSC1185]

68. Prior to issue of a subdivision certificate a validation statement for the subject development stage regarding radiation monitoring, from a suitably qualified person, shall be provided to Council to the satisfaction of the General Manager or his delegate. Monitoring and investigation shall include both surface and depth monitoring. The validation statement shall confirm compliance with the approved remediation action plan, include details of monitoring undertaken, the nature and depth of materials on site, and establish that the site is suitable for the proposed use.

[PSCNS01]

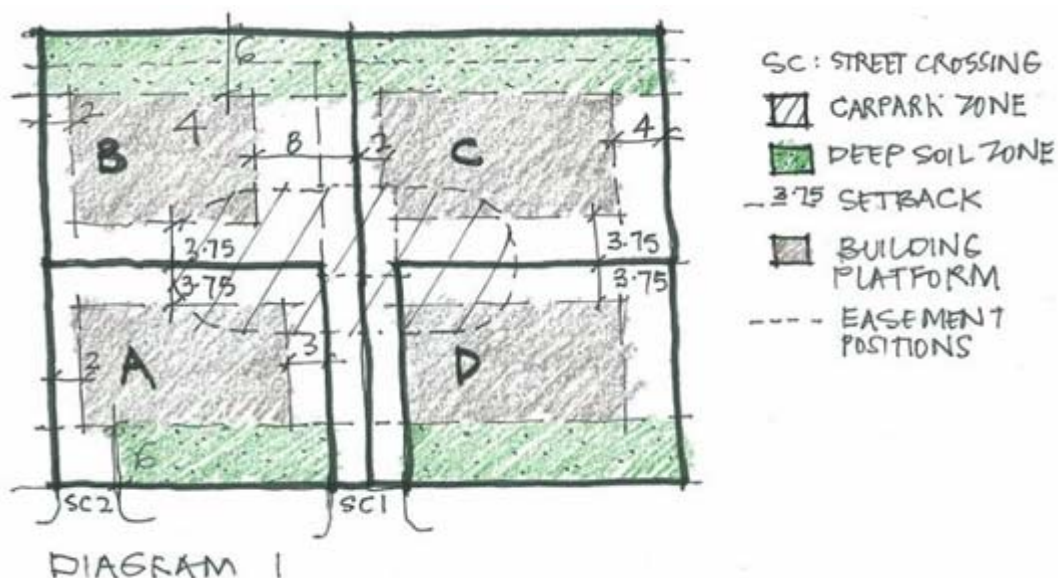
69. Prior to the issue of a subdivision certificate surface radiation monitoring of Lot 1971 DP 133919 and Lot 500 DP 727420 shall be completed to the satisfaction of the General Manager or his delegate. Prior to the issue of a subdivision certificate a validation statement of surface radiation levels on Lot 1971 DP 133919 and Lot 500 DP 727420 shall be completed to the satisfaction of the General Manager or his delegate which establishes that the sites are suitable for the use.

[PSCNS01]

70. Prior to issue of a subdivision certificate, all infrastructure works approved in Stage 1 of Development Consent DA 05/1464 as modified from time to time must be completed to the satisfaction of the Council.

[PSCNS02]

71. The battleaxe allotments will be developed in accordance with the principles illustrated in Diagram 1 below:



These provisions are to be read in conjunction with the Coastal Housing provisions described in Tweed Shire Council DCP 2008: Section B11 – Seaside City.

These provisions are applicable as guiding principles and are described by a layout common to the four individual clusters of lots in the application which are designated Lots A, B, C and D on Diagram 1.

The principles underpinning these clusters/battleaxe allotments are:

- (i) the maximum number of driveway footpath crossings applicable to each cluster will be 2. Crossings will be allowed in the central location between allotments and adjacent to the southern boundary of Lot A. No other crossing positions will be allowed.
- (ii) If a single street crossing is nominated all carparking for the lots will be located generally in the area designated on Diagram 1.
- (iii) A 3.75 metre setback, shall apply on either side of the common north-south boundary between Lots A and B, and between Lots D and C, to provide a minimum of 7.5 metres separation distance between habitable rooms. Garages and Carports may intrude into this setback.
- (iv) A deep soil zone will be provided in the 6 metre setback of Lots A and D along the frontage to Casuarina Way and in the 6 metre setback to the rear boundary of Lots B and C.
- (v) Each lot will contain a 30% landscape provision inclusive of deep soil areas previously nominated. All landscaping must consist entirely of local native species.
- (vi) Each lot will have additional minimum setbacks as designated on the attached Diagram 1 (carports and garages excepted) to provide for effective privacy, screening and solar access.

If there is any inconsistency between this condition and the controls in the Tweed Shire DCP 2008, then this condition prevails to the extent of the inconsistency.

72. Any future dwellings on the standard allotments (proposed Lots 25-35) must comply with Tweed DCP Section A1 and B11 Seaside City in relation to landscaping (30% as per B11), setbacks, height and density.
73. In satisfaction of the RFS' GTA condition (1) a 15m wide Asset Protection Zone (APZ) to the west for Lots 25 to 35 (inclusive) must be provided at the commencement of building works as follows:
 - (a) 5m of the APZ to be situated on Lots 25 to 35 (inclusive) and Lots 37, 38, 41, 42, 45 and 46; and
 - (b) 10m of the APZ to be situated on the adjoining unnamed road reserve (which borders Lot 1971).
74. In satisfaction of the RFS' GTA condition (1), 15m wide Asset Protection Zone (APZ) to the north for Lots 46 and 47 (inclusive) must be provided at the commencement of building works as follows:
 - (a) 9m of the APZ to be situated on Lots 46 and 47 (inclusive) and
 - (b) 6m of the APZ to be situated on the adjoining unnamed road reserve.

GENERAL TERMS OF APPROVAL

Bushfire Safety Authority

As Required Under Section 100B of the *Rural Fires Act 1997*

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

1. Future dwellings will require a minimum 15 metre APZ to the west and north. The APZ shall be managed as an inner protection area (IPA) as outlined within Appendices 2 & 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

2. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

General Advice – consent authority to note

This approval is for the subdivision of the land only. Future DA for the erection of a dwelling within this subdivision will be subject to the requirements as set out in 'Planning for Bush Fire Protection 2006'.

The Motion was **Carried**

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

612 COUNCIL DECISION:

Cr W Polglase
Cr J van Lieshout

RESOLVED that Standing Orders be suspended to deal with Item 17 [PR-CM] Urliup Road Compliance Matter of the Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous

17 [PR-CM] Urliup Road Compliance Matter

613

Cr J van Lieshout
Cr P Youngblutt

RESOLVED that:

1. *ATTACHMENT 1 and 2 is CONFIDENTIAL in accordance with Section 104(2)(a) of the Local Government Act 1993, because it contains personnel matters concerning particular individuals (other than councillors).*

2. Council determines that the works undertaken constitute “agriculture” thus representing development permitted without consent.

The Motion was **Carried**

FOR VOTE - Unanimous

614

**Cr W Polglase
Cr J van Lieshout**

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE - Unanimous

- 13 **[PR-CM] Development Application DA10/0066 for a Two (2) Lot Subdivision at Lot 10 DP 1034435 No. 285 Clothiers Creek Road, Nunderi**

This item was deferred for discussion until after the dinner break – (Minute No 656 refers)

- 14 **[PR-CM] Development Application DA10/0439 for a Boundary Adjustment at Lot 514, 515 DP 1132400, No. 40-44 and 46-48 Honeyeater Circuit, South Murwillumbah**

615

**Cr K Milne
Cr B Longland**

RESOLVED that Development Application DA10/0439 for a boundary adjustment at Lot 514, 515 DP 1132400, No. 40-48 Honeyeater Circuit, South Murwillumbah 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 21020PROP Sheet 1 of 1 prepared by N.C. White & Associates and dated 22/06/2010, except where varied by the conditions of this consent.
[GEN0005]
2. The subdivision is to be carried out in accordance with Tweed Shire Council Development Control Plan Part A5 - Subdivision Manual and Councils Development Design and Construction Specifications.
[GEN0125]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

3. 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]

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

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating a right of carriageway or easement shall make provision for maintenance of the right of carriageway or 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 (as applicable).

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

[PSC0835]

5. 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]

Cr D Holdom left the meeting at 05:16 PM

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr D Holdom***

- 15 **[PR-CM] Development Application DA06/1275.01 for an Amendment to Development Consent DA06/1275 for Manufacturing Sheds, Depot, Office and Storage at Lot 201 DP 1002166, Pottsville Road, Sleepy Hollow**

616

**Cr P Youngblutt
Cr W Polglase**

PROPOSED that Development Application DA06/1275.01 for an amendment to Development Consent DA06/1275 for manufacturing sheds, depot, office and storage at Lot 201 DP 1002166, Pottsville Road, Sleepy Hollow be approved and the following changes be made to the consent:

1. Delete Condition 1 and replace with new Condition 1A that reads as follows:
 - 1A. The development shall be completed in accordance with the S96 DA06/1275.01 and Drawing No 1.3 prepared by Darren Gibson Planning and dated April 2008, except where varied by the conditions of this consent.
2. Delete Condition 7.
3. Delete the heading PRIOR TO CONSTRUCTION CERTIFICATE.
4. Delete Condition 8.
5. Delete Condition 9 and replace with a new condition under the USE heading which reads as follows:
 - # Any carparking floodlighting shall not spill beyond the boundaries of the site. Lighting shall comply with AS 4282 and other relevant Australian Standards.
6. Delete Condition 10.
7. Delete Condition 11 and replace with a new condition under the GENERAL heading which reads as follows:
 - # Any works to be carried out within the adjoining road reserve is subject to a Section 138 application and approval being issued by Tweed Shire Council as the road authority.

Application for these works and receipt of approval is to be within 3 months of DA06/1275.01 approval notice.
8. Delete Condition 12 and replace with a new condition under the GENERAL heading which reads as follows:
 - # All imported material shall be from an approved source and free of any contamination. Documentary evidence of the fill source and that the material is free of any contamination shall be maintained on site and provided to Council upon request.
9. Delete Conditions 10 – 16.
10. Delete Condition 17 and replace with a new condition under the GENERAL heading which reads as follows:
 - # 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 for the following required works: -

The applicant shall provide a Basic Right Turn BAR treatment for a right turn movement from Pottsville-Mooball Road into the development in accordance with figure 6.37 of Austroads 2005, intersection at Grade.

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

- Stormwater drainage
- Water and sewerage works
- Sediment and erosion control plans
- Location of all services/conduits
- Traffic control plan
- The applicant to prepare engineering plans and lodge the plans with Tweed Shire Council within 3 months of receiving development approval.
- The applicant to complete the works within six (6) months of receiving the S138 approval.

11. Delete Conditions 18 – 22.

12. Delete Condition 23 and replace with a new condition under the GENERAL heading which reads as follows:

Section 94 Contributions

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

Within 3 months of approval of DA06/1275.01 all Section 94 Contributions must be paid.

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

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.

(a) Tweed Road Contribution Plan: \$13,500

S94 Plan No. 4 (Version 4.0)

Sector8a_4

13. Delete Conditions 24 – 28.

14. Delete Conditions 35 – 41.

15. Delete Conditions 43 – 50.

16. Delete Conditions 65 -66.

17. Delete Condition 69.

18. Delete Heading PRIOR TO OCCUPATION CERTIFICATE.

19. Delete Conditions 77 – 78.

20. Delete Condition 79 and replace with a new condition under the GENERAL heading which reads as follows:

- # Within 3 months of approval of DA06/1275.01 all existing essential fire safety measures are to be certified by a qualified person to the effect that each of the fire safety measures has been assessed and were found to be performing to a standard not less than that to which it was originally designed.
- 21. Delete Condition 80 and replace with a new condition under the GENERAL heading which reads as follows:
 - # Within 3 months of approval of DA06/1275.01 a final inspection report is to be obtained from Council to verify the satisfactory installation of all plumbing and drainage and the on-site sewage management facility.
- 22. Delete Conditions 81 – 83.
- 23. Delete Condition 89 and replace with a new condition under the GENERAL heading which reads as follows:
 - # Within 3 months of approval of DA06/1275.01 Development Consent No.T4/1762 is to be surrendered in accordance with Section 80A(5) of the Environmental Planning and Assessment Act 1979 and Clause 97 of the Environmental Planning and Assessment Regulations 2000.
- 24. Delete Condition 90.
- 25. Delete Condition 99.
- 26. Add new Condition under the USE heading which reads as follows:
 - # Sand blasting shall not be conducted at the premise.
- 27. Add new Condition under the USE heading which reads as follows:
 - # Windows, doors and any other opening in the north, east or south walls of the manufacturing buildings are not permitted to be open at any time whilst manufacturing processes are being conducted.
- 28. Add new Condition under the USE heading which reads as follows:
 - # The LAeq(15min) noise level emitted from any activity undertaken in association with this consent shall not exceed the background noise level (LA90) by more than 5dBA at the boundary of any effected residence during the permitted hours of operation.
- 29. Add new Condition under the GENERAL heading which reads as follows:
 - # All activities at the property shall comply with the Site Management Plan for Industrial Site at Lot 201 DP 1002166 Pottsville Road Sleepy Hollow, Southern Cross University, August 2008 to the satisfaction of the Tweed Shire Council General Manager or his delegate. All necessary statutory approvals and associated investigations shall be obtained prior to any disturbances of the potentially contaminated portions of the site.
- 30. Add new Condition under the GENERAL heading which reads as follows:
 - # The existing spoon drain on the northern side of the northern building shall be converted to piped stormwater drainage to the satisfaction of the General Manager or his delegate within 30 days of the date of this amended consent. The piped stormwater drain shall be covered with imported material from an approved source that is free of any contamination. Existing materials at the base or sides of the spoon drain shall not be disturbed or excavated. Sediment and erosion controls shall be placed during these

works which is effective in preventing the transport of any sediment material outside the property boundary.

31. Add new Condition under the USE heading which reads as follows:
 - # The premise is not to be used or adapted for separate residential habitation or occupation.
32. Add new Condition under the GENERAL heading which reads as follows:
 - # No exposure or use of groundwater on the site is permitted.
33. Add new Condition under the GENERAL heading which reads as follows:
 - # *Not more than 60 days from the date of this consent the applicant is required to lodge an application to install an onsite sewerage management system under section 68 of the Local Government Act, 1993 pay the appropriate fee and be issued with an approval.*
34. Add new Condition under the GENERAL heading which reads as follows:
 - # *Not more than 120 days from the date of this consent the existing on site sewage management system shall be upgraded in accordance with any Section 68 approval issued by Council. The on site sewage treatment and disposal system installed shall comply with the recommended on site sewage treatment and disposal methods outlined in the amended On-site Sewage Management Design Report, HMC August 2009 including all recommendations of that report or to the satisfaction of the General Manager or his delegate.*
35. Add new Condition under the GENERAL heading which reads as follows:
 - # *The treated effluent disposal area shall be identified by way of signs and vehicle access to the disposal area shall be prevented at all times.*

Cr D Holdom returned from temporary absence at 05:18 PM

617

AMENDMENT 1

**Cr K Milne
Cr B Longland**

PROPOSED that Development Application DA06/1275.01 for an amendment to Development Consent DA06/1275 for manufacturing sheds, depot, office and storage at Lot 201 DP 1002166, Pottsville Road, Sleepy Hollow be deferred for a workshop.

Amendment 1 was **Carried**

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

618

AMENDMENT 2

Cr D Holdom
Cr W Polglase

RESOLVED that Development Application DA06/1275.01 for an amendment to Development Consent DA06/1275 for manufacturing sheds, depot, office and storage at Lot 201 DP 1002166, Pottsville Road, Sleepy Hollow be approved and the following changes be made to the consent:

1. Delete Condition 1 and replace with new Condition 1A that reads as follows:
 - 1A. The development shall be completed in accordance with the S96 DA06/1275.01 and Drawing No 1.3 prepared by Darren Gibson Planning and dated April 2008, except where varied by the conditions of this consent.
2. Delete Condition 7.
3. Delete the heading PRIOR TO CONSTRUCTION CERTIFICATE.
4. Delete Condition 8.
5. Delete Condition 9 and replace with a new condition under the USE heading which reads as follows:
 - # Any carparking floodlighting shall not spill beyond the boundaries of the site. Lighting shall comply with AS 4282 and other relevant Australian Standards.
6. Delete Condition 10.
7. Delete Condition 11 and replace with a new condition under the GENERAL heading which reads as follows:
 - # Any works to be carried out within the adjoining road reserve is subject to a Section 138 application and approval being issued by Tweed Shire Council as the road authority.

Application for these works and receipt of approval is to be within 3 months of DA06/1275.01 approval notice.
8. Delete Condition 12 and replace with a new condition under the GENERAL heading which reads as follows:
 - # All imported material shall be from an approved source and free of any contamination. Documentary evidence of the fill source and that the material is free of any contamination shall be maintained on site and provided to Council upon request.
9. Delete Conditions 10 – 16.
10. Delete Condition 17 and replace with a new condition under the GENERAL heading which reads as follows:
 - # 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 for the following required works: -

The applicant shall provide a Basic Right Turn BAR treatment for a right turn movement from Pottsville-Mooball Road into the development in accordance with figure 6.37 of Austroads 2005, intersection at Grade.

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

- Road works/furnishings
- Stormwater drainage
- Water and sewerage works
- Sediment and erosion control plans
- Location of all services/conduits
- Traffic control plan
- The applicant to prepare engineering plans and lodge the plans with Tweed Shire Council within 3 months of receiving development approval.
- The applicant to complete the works within six (6) months of receiving the S138 approval.

11. Delete Conditions 18 – 22.

12. Delete Condition 23 and replace with a new condition under the GENERAL heading which reads as follows:

Section 94 Contributions

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

Within 3 months of approval of DA06/1275.01 all Section 94 Contributions must be paid.

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

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.

(a) Tweed Road Contribution Plan:	\$13,500
S94 Plan No. 4 (Version 4.0)	
Sector8a_4	

13. Delete Conditions 24 – 28.

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16. Delete Conditions 65 -66.

17. Delete Condition 69.

18. Delete Heading PRIOR TO OCCUPATION CERTIFICATE.

19. Delete Conditions 77 – 78.
 20. Delete Condition 79 and replace with a new condition under the GENERAL heading which reads as follows:
 - # Within 3 months of approval of DA06/1275.01 all existing essential fire safety measures are to be certified by a qualified person to the effect that each of the fire safety measures has been assessed and were found to be performing to a standard not less than that to which it was originally designed.
 21. Delete Condition 80 and replace with a new condition under the GENERAL heading which reads as follows:
 - # Within 3 months of approval of DA06/1275.01 a final inspection report is to be obtained from Council to verify the satisfactory installation of all plumbing and drainage and the on-site sewage management facility.
 22. Delete Conditions 81 – 83.
 23. Delete Condition 89 and replace with a new condition under the GENERAL heading which reads as follows:
 - # Within 3 months of approval of DA06/1275.01 Development Consent No.T4/1762 is to be surrendered in accordance with Section 80A(5) of the Environmental Planning and Assessment Act 1979 and Clause 97 of the Environmental Planning and Assessment Regulations 2000.
 24. Delete Condition 90.
 25. Delete Condition 99.
 26. Add new Condition under the USE heading which reads as follows:
 - # Sand blasting shall not be conducted at the premise.
 27. Add new Condition under the USE heading which reads as follows:
 - # Windows, doors and any other opening in the north, east or south walls of the manufacturing buildings are not permitted to be open at any time whilst manufacturing processes are being conducted.
 28. Add new Condition under the USE heading which reads as follows:
 - # The LAeq(15min) noise level emitted from any activity undertaken in association with this consent shall not exceed the background noise level (LA90) by more than 5dBA at the boundary of any effected residence during the permitted hours of operation.
 29. Add new Condition under the GENERAL heading which reads as follows:
 - # All activities at the property shall comply with the Site Management Plan for Industrial Site at Lot 201 DP 1002166 Pottsville Road Sleepy Hollow, Southern Cross University, August 2008 to the satisfaction of the Tweed Shire Council General Manager or his delegate. All necessary statutory approvals and associated investigations shall be obtained prior to any disturbances of the potentially contaminated portions of the site.
 30. Add new Condition under the GENERAL heading which reads as follows:
 - # The existing spoon drain on the northern side of the northern building shall be converted to piped stormwater drainage to the satisfaction of the General Manager or his delegate within 30 days of the date of this amended
-

consent. The piped stormwater drain shall be covered with imported material from an approved source that is free of any contamination. Existing materials at the base or sides of the spoon drain shall not be disturbed or excavated. Sediment and erosion controls shall be placed during these works which is effective in preventing the transport of any sediment material outside the property boundary.

31. Add new Condition under the USE heading which reads as follows:
 - # The premise is not to be used or adapted for separate residential habitation or occupation.
32. Add new Condition under the GENERAL heading which reads as follows:
 - # No exposure or use of groundwater on the site is permitted.
33. Add new Condition under the GENERAL heading which reads as follows:
 - # *Not more than 60 days from the date of this consent the applicant is required to lodge an application to install an onsite sewerage management system under section 68 of the Local Government Act, 1993 pay the appropriate fee and be issued with an approval.*
34. Add new Condition under the GENERAL heading which reads as follows:
 - # *Not more than 120 days from the date of this consent the existing on site sewage management system shall be upgraded in accordance with any Section 68 approval issued by Council. The on site sewage treatment and disposal system installed shall comply with the recommended on site sewage treatment and disposal methods outlined in the amended On-site Sewage Management Design Report, HMC August 2009 including all recommendations of that report or to the satisfaction of the General Manager or his delegate.*
35. Add new Condition under the GENERAL heading which reads as follows:
 - # *The treated effluent disposal area shall be identified by way of signs and vehicle access to the disposal area shall be prevented at all times.*
36. 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 within one (1) month of the amended consent being issued. The landscaping plan is to include landscaping along the southern and eastern property boundaries.
37. All landscaping work is to be completed in accordance with the approved plans within three (3) months of the landscaping plan being approved and maintained into the future.

Amendment 2 was **Carried**

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

AGAINST VOTE - Cr B Longland, Cr K Milne

PROCEDURAL MOTION

619

Cr W Polglase
Cr K Skinner

RESOLVED that the Motion be put.

The Procedural Motion was **Carried**

FOR VOTE - Unanimous

Amendment 2 on becoming the Motion was **Carried** - (Minute No 618 refers)

FOR VOTE - Unanimous

16 **[PR-CM] Development Application DA09/0722.01 - Amendment to Development Consent DA09/0722 for a Dwelling, Swimming Pool and Spa at Lot 31 DP 1030322, Collins Lane, Casuarina**

620

Cr D Holdom
Cr P Youngblutt

RESOLVED that Development Application DA09/0722.01 for amendment to Development Consent DA09/0722 for a dwelling, swimming pool and spa at Lot 31 DP 1030322 Collins Lane, Casuarina be refused for the following reasons:

1. Pursuant to Section 79C(1)(a)(iii) the proposed amendment does not comply with the side boundary setback required by Section B5 Casuarina Beach) of the Tweed Development Control Plan.
2. Pursuant to Section 79C(1)(b) the proposal will have an adverse impact on the amenity of the adjacent property at Lot 30 Collins Lane, Casuarina.

The Motion was **Carried**

FOR VOTE - Unanimous

17 **[PR-CM] Urliup Road Compliance Matter**

This item was dealt with earlier in the Agenda – (Minute No 613 refers)

18 **[PR-CM] Planning Reform Unit Project Update on Draft Tweed Local Environmental Plans, Review of Development Control Plan Section A1 (Residential and Tourist Development Code) and Hastings Point Locality Based Development Control Plan**

621

Cr J van Lieshout
Cr P Youngblutt

PROPOSED that the report on Planning Reform Unit Project Update on Draft Tweed Local Environmental Plans, Review of Development Control Plan Section A1 (Residential and Tourist Development Code) and Hastings Point Locality Based Development Control Plan be received and noted.

622

AMENDMENT

Cr K Milne
Cr B Longland

RESOLVED that:

1. The report on Planning Reform Unit Project Update on Draft Tweed Local Environmental Plans, Review of Development Control Plan Section A1 (Residential and Tourist Development Code) and Hastings Point Locality Based Development Control Plan be received and noted.
2. Council holds a workshop to update Councillors on the Draft LEP Stage 1, including model local clauses.

The Amendment was **Carried**

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

The Amendment on becoming the Motion was **Carried** - (Minute No 622 refers)

FOR VOTE - Unanimous

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

623

Cr D Holdom
Cr B Longland

RESOLVED that Council notes the August 2010 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

FOR VOTE - Unanimous

a19 [PR-CM] Development Application DA10/0382 for a Boundary Alteration at Lot 1 and 2 DP 129075; Lot 11, 12, 15, 16 DP 44722, Tyalgum Road, Eungella

624

**Cr D Holdom
Cr B Longland**

RESOLVED that Development Application DA10/0382 for a boundary alteration at Lot 1 and 2 DP 129075; Lot 11, 12, 15, 16 DP 44722, Tyalgum Road, Eungella be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Titled "Plan of Proposed Boundary Alteration Lots 1 & 2 DP 129075 & Lots 11, 12, 15 & 16 DP 44722 Tyalgum Road, Eungella", Revision A prepared by Landsurv Pty Ltd and dated 21.05.10, except where varied by the conditions of this consent.

[GEN0005]

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

[GEN0125]

3. Prior to the issue of the subdivision certificate approval to operate the on-site sewage management facility under Section 68 of The Local Government act 1993 shall be obtained from Council.

[GENNS01]

4. The proponent shall not clear any threatened or endangered species.

[GENNS02]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

5. 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]

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

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

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such

restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

[PSC0835]

7. 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]

8. Prior to the issue of a Subdivision Certificate, the existing accesses servicing proposed Lots 20 and 21 shall be bitumen sealed from the existing bitumen edge of Tyalgum Road to the respective property boundaries, in accordance with Tweed Shire Council's Development Control Plan, Part A5 - Subdivision Manual and Council's "Driveway Access To Property – Part 1 – Design Specification".

[PSCNS01]

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

1. At the issue of subdivision certificate and in perpetuity, the land surrounding the existing dwelling(s) on proposed Lot 21, to a distance of 20 metres, 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'.

Cr P Youngblutt left the meeting at 05:39 PM

FOR VOTE - Voting - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt