



TWEED
SHIRE COUNCIL

Mayor: Cr K Milne

Councillors: P Allsop
R Byrnes
C Cherry (Deputy Mayor)
R Cooper
J Owen
W Polglase

Minutes

Planning Committee Meeting Thursday 4 October 2018

held at
**Council Chambers, Murwillumbah Civic & Cultural Centre,
Tumbulgum Road, Murwillumbah**
commencing at 5.30pm

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - Section 4.15 Evaluation

(1) **Matters for consideration—general**

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:
 - (i) any environmental planning instrument, and
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
 - (iii) any development control plan, and
 - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
 - (v) any coastal zone management plan (within the meaning of the *Coastal Protection Act 1979*),
that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations, (e) the public interest.

Note. See section 75P(2)(a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

(2) **Compliance with non-discretionary development standards—development other than complying development.**

If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:

- (a) is not entitled to take those standards into further consideration in determining the development application, and
- (b) must not refuse the application on the ground that the development does not comply with those standards, and
- (c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards,

and the discretion of the consent authority under this section and section 4.16 is limited accordingly.

(3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:

- (a) subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and
- (b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.

Note. The application of non-discretionary development standards to complying development is dealt with in section 4.28 (3) and (4).

(3A) **Development control plans**

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

- (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and
- (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and
- (c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, **standards** include performance criteria.

(4) **Consent where an accreditation is in force**

A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the *Building Code of Australia* if the building product or system is accredited in respect of that requirement in accordance with the regulations.

- (5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).

(6) **Definitions**

In this section:

- (a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and
- (b) **non-discretionary development standards** means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

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The Meeting commenced at 5.33pm.

IN ATTENDANCE

Cr Katie Milne (Mayor), Cr Chris Cherry (Deputy Mayor), Cr Pryce Allsop, Cr Reece Byrnes, Cr Ron Cooper, Cr James Owen and Cr Warren Polglase

Also present were Mr Troy Green (General Manager), Mr Tim Mackney (Acting Director Engineering), Mr Vince Connell (Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), Mr Michael Chorlton (Executive Manager Finance, Revenue and Information Technology), Mr Mathew Greenwood (Acting Executive Officer), Ms Stephanie Papadopoulos (Manager Corporate Governance) and Miss Janet Twohill (Minutes Secretary).

ABORIGINAL STATEMENT

The Mayor acknowledged the Bundjalung Aboriginal Nation with the following statement:

"We wish to recognise the generations of the local Aboriginal people of the Bundjalung Nation who have lived in and derived their physical and spiritual needs from the forests, rivers, lakes and streams of this beautiful valley over many thousands of years as the traditional owners and custodians of these lands."

PRAYER

The meeting opened with a Prayer read by Pastor Bob Spence.

"Father we thank you for this day we lift up all those that are present in this leadership position in our Council today. We pray that they may be endowed with wisdom, strength and justice to administer their duties in a manner that is right and pleasing in Your sight.

Give them the wisdom to rightly and justly administer their duties within our shire and to carry out their judgements and decisions with respect for You and in service to our community. We pray for insight and integrity in the decisions they have to reach and we will give You all the glory and praise.

In Jesus name we pray.

Amen."

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Nil.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

Nil.

ORDERS OF THE DAY

- 1 [NOR-PC] Development Application DA16/0936 for a Bulk Loading/Delivery of Extracted Water and Roadworks at Lot 3 DP 815475 No. 350 Rowlands Creek Road, Rowlands Creek

NOTICE OF RESCISSION:

P 75

Cr K Milne
Cr R Cooper

PROPOSED that the resolution from the Planning Committee meeting held on 6 September 2018 at Minute No P63 Item No 1 titled [PR-PC] Development Application DA16/0936 for a Bulk Loading/Delivery of Extracted Water and Roadworks at Lot 3 DP 815475 No. 350 Rowlands Creek Road, Rowlands Creek being:

"that Development Application DA16/0936 for a bulk loading/delivery of extracted water and roadworks at Lot 3 DP 815475 No. 350 Rowlands Creek Road, Rowlands Creek 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 21525 D Sheet 1, prepared by B and P Surveys and dated 17/08/16, and the Rowlands Creek Road Traffic and Safety assessment prepared by Bitzios Consulting, dated 24 May 2017, except where varied by the conditions of this consent.*
[GEN0005]
2. *The first water truck cannot access the site until such time as the flood repair works to curve/site 5 and works required as part of Condition 17 are completed and access approved by Council Resolution.*
[GENNS01]
3. *This consent authorises:*
 - (a) *water extraction from bore GW304537 to the maximum extraction volume of 24 megalitres of water in any 12 month period;*
 - (b) *infrastructure as identified on the stamped approved Location Plan identified in Schedule 1 of this consent and the provision of two water tanks and an electric pump adjacent to the tanks;*
 - (c) *Maximum 15m truck with a maximum of three loads of water a day;*
 - (d) *Hours of operation of the business are restricted to the following hours (including pumping operations):*

* 7am to 6pm - Mondays to Fridays

* 7am to 6pm - Saturdays

- * *No operations are to be carried out on Sundays or Public Holidays*
- * *All deliveries and pickups relating to the business are to occur within the approved hours*

Note: No truck is to enter/exit the site before/after these hours.

- (e) *This use is in conjunction with Approval 30CA314315 issued by Water NSW under the Water Management Act 2000. The use must be undertaken in accordance with the provisions of this Approval.*
4. *The development is to be carried out in accordance with Council's Development Design and Construction Specifications and provided with appropriate stormwater management and erosion and sediment control.*
[GEN0265]
5. *The approved development shall not result in any clearing of native vegetation without prior approval from the relevant authority.*
6. *The driveway access to 350 Rowlands Creek road is to be constructed to Council's requirements and will be subject to submission and approval via a s138 Roads Act application.*
[GENNS02]
7. *All vehicles entering the subject allotment must enter and exit in a forward direction.*
[GENNS03]

PRIOR TO COMMENCEMENT OF WORK

8. *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]
9. *Prior to commencement of any works on the site, all appropriate erosion and sedimentation control measures are to be installed and maintained throughout the duration of the development.*
[PCW0985]
10. *Warning signage erected in relation to expected heavy vehicle encounters are to be installed on Rowlands Creek Road and the associated costs borne by the developer.*
[PCWNS01]

DURING CONSTRUCTION

11. *All proposed works are to be carried out in accordance with the conditions of development consent, any approved Management Plans, any approved Construction Certificate, drawings and specifications.*
12. *All necessary roadworks including pruning of vegetation as prescribed in the approved Traffic Assessment Report shall be undertaken strictly in accordance with Australian Standards AS 4372:2007 Pruning of amenity trees and AS 4970:2009 Protection of trees on development sites*
[DUR0005]

13. *Should any Aboriginal object or cultural heritage (including human remains) be discovered all site works must cease immediately and the Tweed Byron Local Aboriginal Land Council (TBLALC) Aboriginal Sites Officer (on 07 5536 1763) are to be notified. The find is to be reported to the Office of Environment and Heritage. No works or development may be undertaken until the required investigations have been completed and any permits or approvals obtained, where required, in accordance with the National Parks and Wildlife Act, 1974.*

[DUR0025]

14. *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 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 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]

15. *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]

PRIOR TO COMMENCEMENT OF THE OPERATION

16. *Section 7.11 Contributions*

Payment of the following contributions pursuant to Section 7.11 of the Act and the relevant Contribution Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, the use shall not commence unless all Section 7.11 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 Section 7.11 Contribution 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 7.11 Contribution Plan current at the time of the payment.

A copy of the Section 7.11 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

- (a) *Tweed Road Contribution Plan:*
6 Trips @ \$2529 per Trips *\$15,174*
(\$2,239 base rate + \$290 indexation)
S94 Plan No. 4
Sector12b_4

[POC0395]

17. *Prior to the commencement of the approved use on the site, 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 (but not limited to) engineering plans and specifications for the following required works:*
- (a) *Bitumen sealing (or equivalent) of the existing driveway servicing the site to at least the property boundary in accordance with Council's Development Control Plan - Section A2 "Site Access and Parking Code" and Council's "Driveway Access to Property - Design Specification" (current version), including any driveway widening as required to safely accommodate a 15.0m articulated Water Truck, confirmed by swept paths.*
- (b) *Road widening and upgrading of Rowlands Creek Road as recommended in the Bitzios - Traffic and Safety Assessment, dated 24 May 2017. These works are to include any recommended safety signage.*
18. *Truck warning signage at the approaches of the driveway of the subject site from both directions shall be installed to the satisfaction of the General Manager or delegate.*
19. *Prior to the commencement of the approved use, vegetative screening shall be provided along the eastern side boundary of the site to screen the proposed Water tanks and trucks from adjoining properties. This vegetative screening shall be to the satisfaction of the General Manager or delegate.*
20. *Prior to Water Trucks transporting extracted water from site, a Certificate of Practical Completion shall be obtained from Council's General Manager or his delegate for all works required under Section 138 of the Roads Act 1993.*

[POCNS01]

USE

21. *The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.*
22. *Except as may be expressly provided in a licence approval under the Protection of the Environment Operations Act 1997 (POEO) Act, the licence holder must comply with section 120 of the POEO Act 1997 prohibiting the pollution of waters.*

[USE0155]

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

[USE0175]

24. *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]

25. *Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified and practicing acoustic consultant. The NIS is to be submitted to the satisfaction of the General Manager or his delegate. It is to include recommendations for noise attenuation. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council's authorised officer.*

[USE0245]

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

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

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

[USE0315]

27. *Any pump used for water extraction and water transfer/ filling operations are to be installed and operated in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded to the satisfaction of Council's General Manager or his delegate so as to prevent the emission of offensive noise as a result of their operation.*

28. *Only one truck shall be permitted to travel along Rowlands Creek Road or be on site at any one time.*

29. *One truck is permitted to be on the site at any one time for the purposes of transporting water in association with this consent.*

30. *No truck movements are to take place on Rowlands Creek Road during school bus travel times.*

31. *No more than three trucks (3 in 3 out of the site) are permitted per day.*

32. *The movements of truck of the site in accordance with this development consent is to be maintained in a daily log which records the date and time of all inbound and outbound trucks from the subject site.*

At any time, Tweed Shire Council Officers may request a copy of the log to be provided for audit of compliance with conditions of this development consent in regard to the times and frequency of truck movements in and out of the subject site.

The submission of the log at the request by Tweed Shire Council is to be accompanied by a Statutory Declaration by the operator declaring that the information contained in the log is true and correct.

33. *The extraction of water in accordance with this development consent is to be maintained in a daily log which records the quantity of water being extracted from the subject site.*

At any time, Tweed Shire Council Officers may request a copy of the log to be provided for audit of compliance with conditions of this development consent and any approval or license issued by Water NSW.

The submission of the log at the request by Tweed Shire Council is to be accompanied by a Statutory Declaration by the operator declaring that the information contained in the log is true and correct.

[USENS01]

34. *No intensification of use beyond:*

- a) *The bore water extraction volume is limited to 24 ML / pa:*
- b) *A maximum of 3 x bulk water collections per day in accordance with the approved hours of operation;*
- c) *No supplementary or additional water collection vehicles are to service the site without the approval of the General Manager or his delegate.*

[USENS02]

35. *Prior to Water Trucks transporting extracted water from site, a Certificate of Practical Completion shall be obtained from Council's General Manager or his delegate for all works required under Section 138 of the Roads Act 1993.*

[USENS03]"

be rescinded.

The Motion was **Lost**

FOR VOTE - Cr C Cherry, Cr R Cooper, Cr K Milne

AGAINST VOTE - Cr R Byrnes, Cr J Owen, Cr W Polglase, Cr P Allsop

2 [NOM-PC] Development Application DA16/0936 for a Bulk Loading/Delivery of Extracted Water and Roadworks at Lot 3 DP 815475 No. 350 Rowlands Creek Road, Rowlands Creek

This Item was not dealt with as the Rescission Motion at Item 1 was **Lost**

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

3 [PR-PC] Development Application DA17/0573 for a Mixed Use Development Comprising of Creative Industries Precinct over 3 Stages, Establishment of a Bar and Restaurant, Boundary Adjustment/Subdivision and Signage at Lot 1 DP 202712 Brisbane Street, Murwillumbah

P 76

**Cr W Polglase
Cr P Allsop**

RECOMMENDED that:

A. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it; or
 - (ii) confer a commercial advantage on a competitor of the council; or
 - (iii) reveal a trade secret

B. That:

- 1. Development Application DA17/0573 for a mixed use development comprising of creative industries precinct over 3 stages, establishment of a bar and restaurant, boundary adjustment/subdivision, and signage at Lot 1 DP 202712; Brisbane Street, Murwillumbah; Lot 1 DP 439512 No. 1 Brisbane Street, Murwillumbah; Lot 1 DP 123065 & Lots 3 & 4 DP 772263 Wollumbin Street, Murwillumbah be approved subject to the following conditions:

GENERAL

- 1. The development shall be completed in accordance with the following plans and documents except where varied by the conditions of this consent.

Document/Plan Title	Drawn By	Project Reference	Rev No.	Drawing No.	Dated
Floor Plan - Ground Level - Proposed	Buro Two Architects	M-ARTS Creative Precinct	C	DA 102c	19/09/2018

Document/Plan Title	Drawn By	Project Reference	Rev No.	Drawing No.	Dated
Floor Plan - Upper Level - Proposed	Buro Two Architects	M-ARTS Creative Precinct	B	DA 104b	14/06/2018
Site Plan - Lot Layout - Proposed	Buro Two Architects	M-ARTS Creative Precinct	B	DA106b	14/06/2018
Floor Plan – Indicative Staging	Buro Two Architects	M-ARTS Creative Precinct	B	DA 107b	13/08/2018
Floor Plan – Indicative Staging – Upper Level	Buro Two Architects	M-ARTS Creative Precinct	-	DA 112	August 2018
Elevations - North	Buro Two Architects	M-ARTS Creative Precinct	B	DA 201b	21/06/2018
Elevations - East	Buro Two Architects	M-ARTS Creative Precinct	B	DA 202b	21/06/2018
Elevations - South	Buro Two Architects	M-ARTS Creative Precinct		DA 203	JULY 2017
Elevations - Advertising Locations	Buro Two Architects	M-ARTS Creative Precinct	B	DA 207b	21/06/2018
Floor Plan - Brisbane Street Gallery Zone - Ground Level	Buro Two Architects	M-ARTS Creative Precinct	B	DA 301b	21/06/2018
Floor Plan - Brisbane Street Gallery Zone - Upper Level	Buro Two Architects	M-ARTS Creative Precinct	B	DA 302b	21/06/2018
Elevations - East and North	Buro Two Architects	M-ARTS Creative Precinct	B	DA 303b	21/06/2018
Floor Plan - Proudfoots Lane Creative Precinct Zone - Ground Level	Buro Two Architects	M-ARTS Creative Precinct	B	DA 401b	21/06/2018
Floor Plan - Proudfoots Lane Creative Precinct Zone - Upper Level	Buro Two Architects	M-ARTS Creative Precinct	B	DA 402b	21/06/2018
Section A	Buro Two Architects	M-ARTS Creative Precinct	-	DA403	JULY 2017
Section B	Buro Two Architects	M-ARTS Creative Precinct	-	DA404	JULY 2017
Section C	Buro Two Architects	M-ARTS Creative Precinct	-	DA405	JULY 2017
Floor Plan - Proudfoots Lane Bar Zone- Ground Level	Buro Two Architects	M-ARTS Creative Precinct	B	DA 501b	21/06/2018
Floor Plan - Proudfoots Lane Bar Zone- Upper Level	Buro Two Architects	M-ARTS Creative Precinct		DA 502	JULY 2017
Floor Plan - Wollumbin Street Zone - Ground Level	Buro Two Architects	M-ARTS Creative Precinct	B	DA 601b	21/06/2018

Document/Plan Title	Drawn By	Project Reference	Rev No.	Drawing No.	Dated
Floor Plan - Wollumbin Street Zone -Upper Level	Buro Two Architects	M-ARTS Creative Precinct		DA 602	JULY 2017
Section D	Buro Two Architects	M-ARTS Creative Precinct		DA 603	JULY 2017
Existing Site Services Plan - Drainage Services - Water Services	Sedgman Consulting	-	A	17H174-00-0100	18.05.18

[GEN0005]

2. The Development shall be undertaken generally in accordance with the stamped approved indicative staging plan.

The development shall be undertaken generally in accordance with the following elements of the development being included in the relevant stages:

Stage 1a

Construction of the Proudfoots Lane access and internal driveway including associated lighting installations as required by this consent.

Provision of 7 on-site carparking spaces. Construction of bar adjacent to Proudfoots Lane and associates services, including toilets.

Provision / adjustment of services, as applicable to the consolidation.

(Works associated with the provision of entry and exit to and from Proudfoots Lane and 7 on site car parking spaces is to be completed to the satisfaction of Tweed Shire Council prior to the issue of an Occupation Certificate for Stage 1a).

Stage 1b

Construction of creative studios and workshop spaces as nominated in the stamped approved staging plan.

Construction of outdoor café dining space in terrace adjacent to art gallery building.

Stage 1c

Construction of studios adjacent to the gallery/terrace and associated works at the rear of the gallery building as nominated in the stamped approved staging plan.

Lot consolidation and registration of new Lots 1 and 2 with the Lands and Property Information (LPI).

Stage 2:

Provision of additional studios (except for the centralised 'creative Industry space' as identified in the Stage 3 works on the stamped approved staging plan).

Construction of the Wollumbin Street driveway and access.

Provision of 4 car parking spaces and bicycle parking spaces at the Wollumbin Street frontage.

Associated embellishment works at the Wollumbin Street frontage as required by this consent.

Works associated with the vehicular and pedestrian access at Wollumbin Street frontage together with four parking spaces and nominated bicycle parking areas are to be completed to the satisfaction of Council prior to the issue of an Occupation Certificate for Stage 2.

To this extent, a total of 11 on site car parking spaces in accordance with AS2890.1 are to be available by the completion of this Stage of works.

Stage 3:

Provision of centralised restaurant and 'Creative Industry Space' as nominated in the stamped approved staging plan.

[GENNS03]

3. The use of the site as a function centre is not permitted.

[GENNS04]

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

[GEN0115]

5. The development is to be carried out in accordance with Tweed Shire Council's Development Control Plan Part A5 - Subdivision Manual and Council's Development Design and Construction Specifications.

[GEN0125]

6. 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. Any necessary adjustment or modification of existing services is to be undertaken in accordance with the requirements of the relevant authority, at the Developer's expense.

[GEN0135]

7. Any business or premises proposing to discharge wastewater containing pollutants differing from domestic sewage must submit a Liquid Trade Waste Application Form to Council. The application is to be approved by the General Manager or his delegate prior to any discharge to the sewerage system. A Liquid Trade Waste Application fee will be applicable in accordance with Council's adopted Fees and Charges.

[GEN0190]

8. Council advises that the site is flood liable with a Design Flood Level of 3.8-4.2m AHD.
 - (a) All new building materials used below Council's Design Flood Level must not be susceptible to water damage.
 - (b) Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. for the proposed building should, to the maximum extent possible be located above the Design Flood Level. All new electrical wiring installed below the Design Flood Level should to suitably treated to withstand continuous submergence in water and provide appropriate earth leakage devices.
 - (c) Provide adequate provision for the flood free storage for goods and equipment susceptible to water damage.

[GEN0195]

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

[GEN0300]

10. All works shall comply with AS2601-2001 Demolition of Structures and the Work Health and Safety Regulation 2011.

[GEN0360]

11. Prior to commencement of construction works all asbestos material in the relevant work area shall be identified and removed from the site by an asbestos removalist who is licensed to carry out the work by WorkCover NSW. All asbestos waste shall be disposed at a facility that is licensed to receive asbestos waste (all receipts related to disposal must be kept on site and provided to a Council Authorised Officer upon request).

[GEN0365]

12. Within 6 months of the date of this consent a Contaminated Land Site Management Plan shall be submitted to the satisfaction of the General Manager or his delegate. The site shall be operated and managed in accordance with the adopted Management Plan. A copy of the Management Plan shall be maintained on site and made available to Council officers upon request. The Plan shall address:
 - a. Additional groundwater monitoring of the existing monitoring wells, to confirm whether the contamination has reduced in concentration, and/or is not migrating off-site. Ongoing monitoring may be required to evaluate potential offsite migration.
 - b. Potential exposure of subsurface contaminants in the vicinity of the decommissioned underground petroleum storage system to onsite workers

- c. Limits to permissible site disturbances, having regard for any OH & S or environmental protection requirements.

[GENNS01]

13. The Applicant shall ensure that sewer reticulation and water reticulation servicing each of the proposed lots does not encroach adjacent properties including the other lot created as part of this development. The Applicant shall also ensure that any internal reticulation joining the two lots is removed.

[GENNS02]

14. All works associated with the new crossover and internal driveway off Proudfoots Lane is to be established as part of the first Building works Construction Certificate obtained for the development.

[GENNS05]

15. The internal driveway and all parking is to be constructed in accordance with AS/NZS 2890.1.

[GENNS06]

16. Within 24 months after the date of the First Occupation Certificate for any stage of the development, proposed Lot 1 and proposed Lot 2 are to be consolidated and registered with LPI in accordance with the stamped approved Lot Layout Plan No DA106b dated 14/06/2018.

17. The buildings on each new lot are to be fire separated at the new boundary line for Proposed Lot 1 and Proposed Lot 2 (as identified on the stamped approved plans) in accordance with the BCA.

[GENNS07]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

18. The developer shall provide the following parking spaces including parking for the disabled (as required) in accordance with Tweed Shire Council's Development Control Plan Part A2 - *Site Access and Parking Code*.

- A minimum of 7 off street car parking spaces as part of Stage 1a works
- A minimum of 4 off street car parking spaces as part of Stage 2 works

Full design detail of the proposed parking and maneuvering areas including integrated landscaping shall be submitted to Tweed Shire Council and approved by the General Manager or his delegate prior to the issue of a Construction Certificate for the respective stages of development.

A total of 11 off street car parking spaces are to be provided and maintained on the site prior to the issue of an Occupation Certificate for Stage 2 works.

[PCC0065]

19. Section 7.11 Contributions

Payment of the following contributions pursuant to Section 7.11 of the Act and the relevant Contribution Plan.

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

Certifying Authority unless all Section 7.11 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 Section 7.11 Contribution 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 7.11 Contribution Plan current at the time of the payment.

A copy of the Section 7.11 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

Stage 1A

- (a) Tweed Road Contribution Plan:
2.3331 Trips @ \$1488 per Trips \$3,472
(\$1,317 base rate + \$171 indexation)
CP Plan No. 4
Sector9_4

Stage 1B

- (a) Tweed Road Contribution Plan:
2.3331 Trips @ \$1488 per Trips \$3,472
(\$1,317 base rate + \$171 indexation)
CP Plan No. 4
Sector9_4

Stage 1C

- (a) Tweed Road Contribution Plan:
2.3331 Trips @ \$1488 per Trips \$3,472
(\$1,317 base rate + \$171 indexation)
CP Plan No. 4
Sector9_4
- (b) Extensions to Council Administration Offices
& Technical Support Facilities
0.09 ET @ \$2187.14 per ET \$196.84
(\$1,759.90 base rate + \$427.24 indexation)
CP Plan No. 18

Stage 2

- | | |
|--|----------|
| (a) Tweed Road Contribution Plan:
6.9993 Trips @ \$1488 per Trips
(\$1,317 base rate + \$171 indexation)
CP Plan No. 4
Sector9_4 | \$10,415 |
| (b) Extensions to Council Administration Offices
& Technical Support Facilities
0.36 ET @ \$2187.14 per ET
(\$1,759.90 base rate + \$427.24 indexation)
CP Plan No. 18 | \$787.37 |

Stage 3

- | | |
|--|----------|
| (a) Tweed Road Contribution Plan:
6.9993 Trips @ \$1488 per Trips
(\$1,317 base rate + \$171 indexation)
CP Plan No. 4
Sector9_4 | \$10,415 |
| (b) Extensions to Council Administration Offices
& Technical Support Facilities
0.31 ET @ \$2187.14 per ET
(\$1,759.90 base rate + \$427.24 indexation)
CP Plan No. 18 | \$678.01 |

TRCP contributions applicable for each stage of the development could be levied through a deferred payment incentive in accordance with Councils Business Investment Policy. A written agreement between the applicant and Council is to be entered into for deferred payments of TRCP charges in accordance with the incentive threshold and deferral periods contained in the Business Investment Policy.

[PCC0215]

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

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

BELOW IS ADVICE ONLY

The Section 64 Contributions for this development at the date of this approval have been estimated as:

Stage 1a

Water: 2.9095 ET @ \$13,926 = \$40,517.70
Sewer: 5.7825 ET @ \$6,690 = \$38,684.90

Stage 1b

Water: 0.507 ET @ \$13,926 = \$7,060.50
Sewer: 0.752 ET @ \$6,690 = \$5,030.90

Stage 1c

Water: 0.059 ET @ \$13,926 = \$821.60
Sewer: 0.059 ET @ \$6,690 = \$394.70

Stage 2

Water: 0.922 ET @ \$13,926 = \$12,839.80
Sewer: 1.208 ET @ \$6,690 = \$8,081.50

Stage 3

Water: 0.743 ET @ \$13,926 = \$10,347.00
Sewer: 1.118 ET @ \$6,690 = \$7,479.40

TOTAL (stages 1a, 1b, 1c, 2 and 3)

Water: 5.1405 ET @ \$13,926 = \$71,586.60
Sewer: 8.9195 ET @ \$6,690 = \$59,671.50

[PCC0265]

21. 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 associated with any stage of the development shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid (as applicable). Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

22. Prior to the issue of a Building Works Construction Certificate for each Stage of works, design detail shall be provided to the PCA to address the flood compatibility of the proposed use of the building including the following specific matters:
- a) All building materials used below Council's design flood level must not be susceptible to water damage.
 - b) Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent

possible be located above the design flood level. All electrical wiring installed below the design flood level should to suitably treated to withstand continuous submergence in water and provide appropriate earth leakage devices.

- c) Define adequate provision for the flood free storage for goods and equipment susceptible to water damage for lower floor tenancies.

[PCC0705]

23. A Traffic Control Plan in accordance with AS1742 and the latest version of the RTA publication "Traffic Control at Work Sites" shall be prepared by an RTA accredited person and shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate for Subdivision Works for Stage 1a works. Safe public access shall be provided at all times.

[PCC0865]

24. An 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, including (but not limited to) the construction of a new, vehicular access off Wollumbin Street for Stage 2 of the development, in accordance with Council's Development Control Plan - Section A2 "*Site Access and Parking Code*" and Council's "*Driveway Access to Property - Design Specification*" (*current version*).

Applications shall include (as applicable) engineering plans and specifications undertaken in accordance with Council's Development Design and Construction Specifications, including:

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

[PCC0895]

25. Prior to the issue of a Subdivision Construction Certificate for Subdivision Works (for Stage 1A), the following detail in accordance with Council's Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.

- (a) copies of compliance certificates relied upon;

- (b) Detailed engineering plans and specifications, *prepared in accordance with Development Design Specification D13 - particularly Section D13.09*. The detailed plans shall include (but are not limited to) the following, unless approved otherwise by the PCA:

- earthworks
- roadworks/furnishings

- (c) Construction of two one-way driveway crossovers in Proudfoots Lane to accommodate Stage 1A of the development.
- stormwater drainage
- (d) Adjustment of internal drainage, as applicable to ensure drainage associated with the consolidation and creation of proposed Lot 1 and Lot 2 are self-contained and legally discharged, per allotment.
- 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]

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

- (a) The first Construction Certificate Application for any stage of works associated with this consent shall include a detailed Stormwater Management Plan (SWMP) for the occupational or use stage of the development in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
- (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 - Stormwater Quality*.

[PCC1105]

27. A Construction Certificate application for any stage of the development containing works that involve any of the following:

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

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

- a) Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments and the prescribed fee. The Section 68 Application must be approved by Council prior to the associated Construction Certificate being issued.
- b) Where Council is requested to issue a Construction Certificate for Subdivision Works for works associated with the creation of Proposed Lot 1 and Proposed Lot 2 associated with this consent, the

abovementioned works can be incorporated as part of the Construction Certificate application, to enable one single approval to be issued. Separate approval under Section 68 of the Local Government Act will then NOT be required.

[PCC1145]

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

- (a) The Construction Certificate Application for each stage of works 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]

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

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

[PCC1185]

30. In accordance with Section 68 of the Local Government Act, 1993 any premises proposing to discharge wastewater into Councils sewerage system other than domestic sewage, shall submit to Council a completed Liquid Trade Waste Application for a Liquid Trade Waste Services Agreement. The Application is to be approved by the General Manager or his delegate PRIOR to the issuing of a Construction Certificate to discharge to Council's sewerage system.

[PCC1255]

31. Pursuant to Section 68 of the Local Government Act, 1993 an approved pre-treatment device (eg. grease arrestor, oil separator, basket traps) must be installed in accordance with Tweed Shire Council's Policy - Discharge of Liquid Trade Waste to Council's Sewerage System. Submission of detailed hydraulic plans and specifications indicating the size, type and location of pre-treatment devices and full details of drainage installations in accordance with AS 3500 shall be submitted to Council for approval along with a Liquid Trade Waste Application Form and all required information required therein.

[PCC1265]

32. If any stage of the development is likely to disturb or impact upon water or sewer infrastructure (eg: extending, relocating or lowering of pipeline), written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate for that stage or any works commencing, whichever occurs first.

Applications for these works must be submitted on Council's standard Section 68 Application form accompanied by the required attachments and the prescribed fee. The arrangements and costs associated with any adjustment to water and wastewater infrastructure shall be borne in full by the applicant/developer.

The Section 68 Application must be approved by Council prior to the associated Construction Certificate being issued.

[PCC1310]

33. If any stage of the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate for any stage of the development or any works commencing, whichever occurs first.

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

[PCC1325]

34. Prior to the issue of building works Construction Certificates for Stage 1a & Stage 3, plans drawn to a scale of 1:50 detailing the following with regards to all food related areas shall be provided to Council for assessment and approval, accompanied by a completed Application for Approval of Food Premise Fitout and the adopted fee in Council's Fees and Charges. Evidence of the plans being approved shall be provided prior to release of the construction certificate:

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

[PCCNS01]

35. Prior to the issue of building works Construction Certificate for Stage 2 works a plan outlining a high level of landscaping treatment or public art embellishment at the Wollumbin Street frontage to be submitted to Tweed Shire Council for consideration and approval.

The provision of such embellishment is to be located forward of the four car parking spaces at Wollumbin Street interface in an effort to screen views of these spaces from the street and compliment the pedestrian amenity at the

public domain and private land interface of the site in this location. Any works to this area of the site are to maintain sight lines for vehicles entering and existing the site in accordance with AS2890.1.

[PCCNS03]

36. Prior to the issue of the first building works Construction Certificate associated with any stage of works approved under this consent, a signage plan is to be provided to Council for consideration and approval. All signage intended for the road reserve is to be installed by Council at the expense of the applicant.

[PCCNS04]

37. Prior to the issue of the first building works Construction Certificate associated with any stage of works under this consent, a pedestrian management plan for the entire site is to be provided to Council for consideration and approval. The pedestrian management plan is to outline physical measures to separate pedestrians and vehicles, include the provision of directional signage, speed humps and pavement treatment. Particular consideration is to be given to the pedestrian safety at the western access off Proudfoots Lane as well as the control of pedestrians (and patrons) spilling out or accessing the Garden Bar.

[PCCNS05]

PRIOR TO COMMENCEMENT OF WORK

38. 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]

39. The erection of a building in accordance with a development consent must not be commenced until:

(a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and

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

- (i) appointed a principal certifying authority for the building work, and
(ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and

(c) the principal certifying authority has, no later than 2 days before the building work commences:

- (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
(ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

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

[PCW0215]

40. Prior to work commencing for any stage of the development, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

[PCW0225]

41. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0255]

42. Subdivision work in accordance with a development consent must not be commenced until:

- (a) a Construction Certificate for the subdivision 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 Certifying Engineer to certify the compliance of the completed works.

The Certifying Engineer shall be a Professional Engineer (Civil) with National Engineering Register (NER) or a Registered Surveyor. Documentary evidence is to be provided to Council demonstrating currency of the above accreditation, 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 Certifying Engineer 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 subdivision work.

[PCW0815]

43. Prior to commencement of any work on the site, all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where required to the satisfaction of the Principal Certifying Authority. These measures are to be in accordance with the approved Erosion and Sedimentation Control Plan and adequately maintained throughout the duration of the development.

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

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

[PCW0985]

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

[PCW1065]

ADVISORY NOTE:

45. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works associated with any stage of the development to determine the necessity for them to be incorporated within the design.

[PCW0665]

DURING CONSTRUCTION

46. All proposed works are to be carried out in accordance with the conditions of development consent, any approved Management Plans, approved Construction Certificate, drawings and specifications.

[DUR0005]

47. Should any Aboriginal object or cultural heritage (including human remains) be discovered, all site works must cease immediately and the Tweed Byron Local Aboriginal Land Council (TBLALC) Aboriginal Sites Officer (on 07 5536 1763) are to be notified. The find is to be reported to the Office of Environment and Heritage. No works or development may be undertaken until the required investigations have been completed and any permits or approvals obtained, where required, in accordance with the National Parks and Wildlife Act, 1974.

[DUR0025]

48. Commencement of work, including the switching on and operation of plant, machinery and 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]

49. 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]

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

[DUR0375]

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

[DUR0395]

52. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 6.6 of the Environmental Planning and Assessment Act 1979.

[DUR0405]

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

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

[DUR0645]

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

[DUR0815]

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

[DUR0985]

56. 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 deposited on the roadway by construction vehicles will be at the Developers expense and any such costs are payable prior to the issue of either the Subdivision Certificate or Occupation Certificate as applicable to each stage of the development.

[DUR0995]

57. All work associated with this approval is to be carried out so as not to impact on the neighborhood, 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]

58. Fire hose reels shall be installed throughout the whole of the building in accordance with the provisions of Part E1.4 of the Building Code of Australia and comply with Australian Standard AS1221 and AS2441.

However, they shall not be installed until the PCA has been furnished with a certificate, signed by a Hydraulics Engineer stating that the design and proposed manner of installation complies with the relevant standards.

[DUR1255]

59. All materials used in the building must comply with the smoke developed and spread of flame indices specified in Specification C1.10 of the Building Code of Australia.

Note: Many materials including some timbers such as western red cedar do not comply and it is the applicant's responsibility to ensure that all materials to be used are within the criteria specified.

[DUR1275]

60. Exits are to be provided so that no point on the floor of the building shall be more than 20 metres from:

- (a) an exit; or
- (b) a point from which travel in different directions to two exits is available in which case the maximum distance to one of those exits shall not exceed 40 metres.

[DUR1285]

61. Exit signs which comply with Part E4.5 of the Building Code of Australia and are designed in accordance with Part E4.8 of the Building Code of Australia and are to be installed throughout the whole of the building. Mounting heights shall be in accordance with AS2293.1.

[DUR1295]

62. Emergency lighting to comply with Part E4.2 of the Building Code of Australia shall be provided throughout the building. Details of the system to be used and a certificate from the electrical engineer to certify that the system will comply with all relevant requirements of Part E4.4 of the Building Code of Australia and AS 2293.1 are to be submitted to the PCA prior to installation.

[DUR1305]

63. Doors forming exits, paths of travel to exits and parts of exits shall comply with the relevant provisions of D2.19 and D2.20 and D2.21 (door latch to operate by single handed, downward action on egress) of the Building Code of Australia.

[DUR1315]

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

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

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

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

[DUR1495]

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

[DUR1505]

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

[DUR1515]

67. Separate hand washing facilities must be provided with warm water and located in a position where it can be easily accessed by food handlers and be of a size that allows easy and effective hand washing to the satisfaction of the General Manager or his delegate.

[DUR1545]

68. During the course of the construction and fitout of the kitchen/food premises periodic inspections must be arranged with Council's Environmental Health officer to ensure compliance with all health related conditions of approval and respective legislation.

[DUR1575]

69. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of any stage of the development shall be repaired in accordance with Council's Development Design and Construction Specifications prior to the issue of an Occupation Certificate associated with the relevant stage of the works.

[DUR1875]

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

Roadworks / Driveway

- (a) Pre-construction commencement erosion and sedimentation control measures
- (b) Completion of earthworks / "boxing"
- (c) Pathways, footways, cycleways - formwork/reinforcement
- (d) Final Practical Inspection - On Maintenance
- (e) Off Maintenance Inspection

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

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

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

[DUR1895]

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

[DUR1905]

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

[DUR2015]

73. All waste shall be collected, stored and disposed of in accordance with the provisions of Tweed Shire Council Development Control Plan Section 15 - Waste Minimisation and Management.

[DUR2195]

74. 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]

75. 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]

76. During construction, a "Satisfactory Inspection Report" is required to be issued by Council for all s68h2 permanent Stormwater Quality Control Devices, prior to backfilling. The proponent shall liaise with Councils Engineering Division to arrange a suitable inspection.

[DUR2445]

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

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

[DUR2485]

78. Plumbing

- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the Plumbing Code of Australia and AS/NZS 3500.

[DUR2495]

79. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.

[DUR2535]

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

[DUR2545]

81. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:

- * 45°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- * 50°C in all other classes of buildings.

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

[DUR2555]

82. Drainage lines affected by the proposal are to be relocated to Council's satisfaction. Prior to the relocation of any plumbing and drainage lines, a plumbing permit and the relevant plumbing permit fee is to be submitted to Council. Inspection of drainage works prior to covering is required

[DUR2565]

83. The Applicant shall submit the appropriate 'Application for Water Service Connection' to Council's Water Unit to facilitate a property service water connection for proposed Lot 1, from the existing water main in Wollumbin Street. The connection shall be undertaken by Tweed Shire Council, with all applicable costs and application fees paid by the Applicant.

[DUR2800]

84. The maximum depth of excavation in any development stage shall be 1m below ground level, except for connection to existing services. Should excavation greater than 1m in depth be required, prior to those works being undertaken the applicant shall submit to Council an Acid Sulfate Soil Management Plan to the satisfaction of the General Manger or his delegate. All works shall comply with the approved plan.
[DURNS01]
85. The exportation of waste (including fill or soil) from the site must be in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the Office of Environment and Heritage "*Waste Classification Guidelines*". Excavated material shall be disposed of at an approved landfill facility unless material has been demonstrated to be the subject of a resource recovery exemption under Clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2014*. Any waste-derived material the subject of a resource recovery exemption must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to Council on request.
[DURNS02]
86. As part of the first building works Construction Certificate issued; the existing external western timber frame wall (adjoining the Gym property) is to be upgraded with a fire rated external wall with a fire resistance level (FRL) of 90/90/90 in accordance with the Building Code of Australia. Install fire attenuation screens with a tested minimum heat flux resistance of 20kW/m² to all the external wall opening adjoining the Cinema/ supermarket building (south east) and Gym building (west) OR fire protect the opening in accordance with Part C3.4 of the Building Code of Australia OR infill the openings with a material having a fire resistance equivalent to the existing wall system.
[DURNS03]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

87. Prior to issue of an Occupation Certificate for each Stage of works, all works/actions/inspections etc required at that stage by other conditions or any approved Management Plans or the like shall be completed in accordance with those conditions or plans.
[POC0005]
88. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 6.9 and 6.10 unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).
[POC0205]
89. No part of the building for any stage of works is to be occupied or a final occupation certificate issued for that stage until a fire safety certificate has been issued for that part of the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.
[POC0225]

90. Prior to commencement of operation of food premises in Stages 1a & Stage 3 and on completion of fit out an inspection is to be arranged with Council's Environmental Health Officer for final approval. [POC0615]
91. Prior to the issue of an Occupation Certificate for Stage 1a and Stage 2 works, the applicant shall produce a copy of the "Satisfactory Inspection Report" issued by Council for all works required under Section 138 of the Roads Act 1993, as applicable to each stage of the development. [POC0745]
92. Prior to the issue of the first Occupation Certificate for any stage of development completed as part of this consent, the applicant shall produce a copy of the "Satisfactory Inspection Report" issued by Council for all s68h2 permanent Stormwater Quality Control Devices. [POC0985]
93. Prior to the issue of any Occupation Certificate for the development a detailed acoustic report from a suitably qualified person shall be provided to the building certifier which assesses music, mechanical plant and compliance with all Part 6 recommendations of the Environmental Noise Impact Report, CRG Acoustics 7 August 2017 (crgref:17102 report rev.1). [POCNS01]
94. Prior to the issue of any Occupation Certificate for any stage of the development, a certificate of practical completion shall be obtained from Council's General Manager or his delegate for all works required under Section 68 of the Local Government Act, as applicable to each stage of the development. [POCNS02]
95. Prior to the issue of any Occupation Certificate for Stage 2 Works, the location of construction waste storage areas in the approved Car 1 and Car 2 parking spaces (at Wollumbin Street frontage) is to be relocated so to not compromise onsite car parking associated with any other stage of approved works and operations of the site.
- Any relocated construction waste storage areas for other stages of work not yet complete after the finalisation of Stage 2 works shall be provided onsite (not on public land) and be located to avoid impact on the overall operation of the site in regard to vehicle and pedestrian access and manoeuvrability. [POCNS03]
96. Prior to the issue of the First Occupation Certificate for any Stage of works associated with this consent, a lighting system shall be installed for the development to provide uniform lighting across common areas, driveways and pedestrian access points to and from the site. The lighting system is to include an external lighting scheme for illumination of Proudfoots Lane.
97. Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).

[POCNS04]

98. Prior to the issue of any Occupation Certificate for each stage of the development directional signage associated with works within the relevant stage to which the Occupation Certificate is being issued is to be erected within common areas of the site. The signage is to assist way finding and access control for pedestrian entry and exit points in and out of the site.

[POCNS05]

99. 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 Council's Development Design and Construction Specifications, prior to the issue of an Occupation Certificate, as applicable to each stage of the development.

[POCNS06]

100. Prior to the issue of the first Occupation Certificate for any stage of building works, works associated with the vehicular access and construction of the internal driveway off Proudfoots Lane is to be completed to the satisfaction of Tweed Shire Council.

[POCNS08]

101. Prior to the issue of the last Occupation Certificate for the development or 24 months after the first Occupation Certificate for the development (whichever comes first) the submitted draft Operational Management Plan to be updated and re-submitted to Tweed Shire Council for consideration and approval prior.

The updated Operational Management Plan is to:

- a. outline an obligation for each art studio operator (tenant) to store Material Safety Data Sheets (MSDS) for all classified Dangerous Goods being used within their individual studio spaces, and the detail of such goods in terms of classification and quantity be provided to the site manager so to maintain a common register of classified Dangerous Goods for the site.

To this extent, the common register is to be audited by the site manager on a monthly basis to ensure the cumulative quantity of goods used by the individual tenants do not reach the thresholds which require screening as per the items scheduled in Table 3 of the Department of Planning Hazardous and offensive Development Application Guideline 'Applying SEPP 33' (January 2011);

- b. Include a copy of the ongoing use conditions of this consent;
- c. Include all parts of the originally submitted draft operational management plan as considered and approved under this consent.
- d. Include the name of the contact person for community liaison including the telephone number and email address.

[POCNS09]

USE

102. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.

[USE0125]

103. The $L_{Aeq, 15 \text{ min}}$ noise level emitted from the premises shall not exceed the background noise level (L_{A90}) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.

[USE0165]

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

[USE0175]

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

- * Gallery: 10am to 11pm 7 Days.
- * Cafe Restaurant: 6am to 9pm 7 Days
- * Restaurant: 12pm to midnight 7 Days
- * Artist studios: 9am to 6pm 7 Days
- * Bar: 3pm – 10pm Wednesday – Thursday
12pm – 12am Friday
11am – 12am Saturday
11am – 10pm Sunday

- * Shared space for Special Events: Outside of normal business hours but no later than 12am on Friday and Saturday or 10pm on any other night.

[USE0185]

106. All deliveries to the premises and waste collection services are to occur only within the hours of 7am to 6pm unless otherwise approved by Councils General Manager or his delegate. Urgent or medical related deliveries exempted.

[USE0195]

107. A community liaison officer and contact phone number shall be available for the approved operations on the site. Details of the name of the contact person and contact phone number are to be included in the Operational Management Plan, be made available to Tweed Shire Council at the request of the General Manager or his delegates, and be clearly displayed at the site at all times.

[USE0215]

108. 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 including the adjacent roads.
[USE0225]
109. Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified and practicing acoustic consultant. The NIS is to be submitted to the satisfaction of the General Manager or his delegate. It is to include recommendations for noise attenuation. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council's authorised officer.
[USE0245]
110. No items or goods are to be stored or displayed outside the confines of the premises.
[USE0445]
111. The building is not to be used for any habitable purpose.
[USE0455]
112. Any premises used for the storage, preparation or sale of food are to comply with the *Food Act* 2003, FSANZ Food Safety Standards and AS 4674-2004 Design, construction and Fit-out of Food Premises and other requirements of Councils Environmental health Officer included in this approval.
[USE0835]
113. All mechanical ventilation shall comply with AS1668.2 Ventilation Requirements.
[USE0845]
114. All commercial / industrial / residential wastes shall be collected, stored and disposed of to the satisfaction of the General Manager or his delegate.
[USE0875]
115. The premises shall be maintained in a clean and tidy manner.
[USE0965]
116. All hazardous and/or dangerous goods shall be stored in accordance with requirements of WorkCover NSW.
[USE1035]
117. The disposal of all wash water, oil, grease or other pollutants from the business shall be disposed of to the satisfaction of Council's General Manager or his delegate as outlined in the Liquid Trade Waste Services Agreement and General Conditions of Approval.
[USE1055]
118. All activities shall be carried out in accordance with the requirements of the NSW Office of Liquor, Gaming and Racing (OLGR).
[USE1085]
119. Footpath dining activities shall not be carried out unless a Footpath Dining License Agreement has been approved by the General Manager or his

delegate. Footpath dining activities shall be restricted to the approved footpath dining area and carried out in accordance with Councils adopted Footpath Dining Policy.

[USE1105]

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

[USE1455]

121. The designated smoking area shall not be external to the building in Proudfoots Lane.

[USENS01]

122. Live or amplified music shall not be played external to the building and live music in the 'bar' area shall cease at 10pm on Sundays.

[USENS05]

123. The development shall be constructed and operated in accordance with the Part 6 recommendations of the *Environmental Noise Impact Report, CRG Acoustics 7 August 2017 (crgref:17102 report rev.1)*.

[USENS06]

124. An appropriate area on the upper floor shall be made available to lower floor tenancies for the temporary storage of goods and equipment prior to, and during, flood events.

[USENS02]

125. No A-Frame advertising structures are permitted to be erected on Council owned land as part of this consent.

[USENS03]

126. The internal driveway must be closed to vehicular traffic for "special events" where the parking or laneway area is being used for event purposes. However, the closure of this road is not permitted prior to 6pm Monday - Friday.

127. The closure of internal driveway and associated vehicular access to the site from Proudfoots Lane for use of the internal driveway for 'Special Events' is not permitted until works associated with the provision of four vehicle parking spaces and associated pedestrian access and bicycle parking at the Wollumbin Street frontage have been completed to the satisfaction of Council.

[USENS04]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

128. Prior to issue of a Subdivision Certificate, all works/actions/inspections etc required by other conditions or approved management plans or the like as applicable to the approved lot consolidation into 2 lots shall be completed in accordance with those conditions or plans.

[PSC0005]

129. 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 the

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]

130. Prior to the issue of the Subdivision Certificate for Proposed Lot 1 and Proposed Lot 2, 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]

131. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of this Development Consent associated with the consolidation of lots (and subsequent creation of Proposed Lot 1 and Proposed Lot 2) have been complied with.

[PSC0825]

132. The creation of Easements for services, Rights Of Carriageway and Restrictions as to user (including restrictions associated with planning for bushfire) as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:

- (a) Easements for sewer, water supply and drainage over ALL public services/infrastructure on private property;
- (b) Right of Carriageway burdening Lot 1 and benefiting Lot 2;
- (c) Notation of historic site investigation reports which relate to the land, as listed below:
 - Validation Report Cavvanba August 2012 (Ref 11014 R03)
 - Validation Addendum Cavvanba June 2014 (Ref 11014L03 SM03)
 - Preliminary Site Investigation HMC Environmental August 2017 (HMC2017.108.02)
 - Groundwater, Soil Vapour and Indoor Air Monitoring Factual Report Precise Environmental, May 2018 (PE2626.18)
 - The Detailed Site Investigation HMC Environmental, June 2018 (HMC2018.117)

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, Right Of Carriageway or Easements which benefit Council shall contain a provision enabling such Restrictions, Easements or Rights Of Carriageway to be revoked, varied or modified only with the consent of Council.

[PSC0835]

133. In accordance with clause 60 of the Surveying and Spatial Information Regulation 2012 the Plan of Subdivision (Deposited Plan) shall show the approved street address for each lot in the new Deposited Plan.

[PSC0845]

134. Prior to registration of the Plan of Subdivision for Proposed Lot 1 and Proposed Lot 2, a Subdivision Certificate shall be obtained.

The following information must accompany an application:

- (a) submission of all documentation electronically (in pdf format), plus the original Plan of Subdivision (and Admin Sheets) prepared by a registered surveyor together with any applicable, original 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]

135. In conjunction with the application for a Subdivision Certificate, the applicant must also apply to Council (OR PCA if applicable) for a Compliance Certificate for Subdivision Works. This may require obtaining individual Compliance Certificates for various civil works components such as (but not limited to) the following:

- (a) Water Reticulation
- (b) Sewerage Reticulation
- (c) Drainage
- (d) Driveway Access.

Note:

- 1. All compliance certificate applications for Subdivision Works must be accompanied by documentary evidence from the developers Certifying Engineer, 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]

136. The six months Defects Liability Period for the Subdivision Works commences upon the registration of the Plan of Subdivision.

[PSC0925]

137. 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.

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]

138. The production of written evidence from the local telecommunications supply authority certifying that the provision of underground telecommunications at the front boundary of both allotments associated with the lot consolidation has been completed.

Unless agreed otherwise by Council, an acceptable form is Telstra's "*Telstra Network Infrastructure Letter*" or NBN's "*Provisioning of Telecommunication Services - Confirmation of final payment*" letter (for small subdivisions) / "*Certificate of Practical Completion of NBN network infrastructure*" letter (for large subdivisions) (as applicable to the development).

The NBN letter must reference:

- Over which Lot and Deposited Plan the agreement applies to,
- Identification of the number of lots to be serviced,

[PSC1165]

139. Electricity

- (a) The production of written evidence from the local electricity supply authority certifying that reticulation and energising of underground electricity has been provided adjacent to the front boundary of each allotment associated with the Stage 1 consolidation; and

An acceptable form is Essential Energy's "Notice of Arrangement".

Unless agreed otherwise by Council, the form must reference;

- Over which lot and Deposited Plan did the arrangement for the provisioning of electricity (and street lighting, as applicable) apply to,
- Identification of the proposed lots to be created that have been serviced, or the development stage to which the arrangement applies,

140. 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.

141. Compensatory measures may be pursued by the General Manager or his delegate for any significant effect on Public Reserves or Drainage Reserves. [PSC1185]

142. Prior to the issue of a Subdivision Certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all works required under Section 68 of the Local Government Act 1993 as applicable to the creation of Proposed Lot 1 and Proposed Lot 2 on the approved lot layout plan.

143. The application for a Subdivision Certificate is to include a report from an accredited building surveyor confirming that the building structures adjoining the proposed new boundary fully comply with the National Construction Code Volume 1 (BCA). [PSCNS01]

C. NSW Police and Roads and Maritime Services be notified of Councils decision and a copy of the consent notice be provided.

The Motion was **Carried**

FOR VOTE - Unanimous

4 [PR-PC] Singh's Quarry, 617 Numinbah Road North Arm

P 77

**Cr P Allsop
Cr W Polglase**

PROPOSED that the report be received and noted that additional monitoring and investigation be undertaken in the catchment by Council, if further pollution/acidification events are identified in relation to the operation of Singh's Quarry.

AMENDMENT 1

P 78

Cr K Milne
Cr C Cherry

RECOMMENDED that:

1. the report be received and noted that additional monitoring and investigation be undertaken in the catchment by Council, if further pollution/acidification events are identified in relation to the operation of Singh's Quarry;
2. Council brings back a report on:
 - a. the state of council's quarry on Harry's Rd, including the current state of the holding ponds and unnamed creek, and plans for further remedial work on the quarry and creek;
 - b. Results of the water quality testing at Singh's quarry.

The Motion was **Carried**

FOR VOTE - Unanimous

Amendment 1 on becoming the Motion was **Carried** - (Minute No P 78 refers)

FOR VOTE - Unanimous

5 [PR-PC] Work Priorities Plan 2018-19 - Strategic Planning & Urban Design Unit

P 79

Cr K Milne
Cr R Cooper

RECOMMENDED that Council endorse:

1. The Work Priorities (Unit Resourcing) Plan Quarter 1, 2018-19; Project Priority Schedule 2018-19, and Priorities Plan (Delivery) 2018-19 for the Strategic Planning and Urban Design Unit, as presented in this report;
2. The deferral of the Chinderah round table, and that it be included as part of any future community engagement strategy in relation to the Chinderah Locality Plan. This consultation is to occur before work is commenced on this plan and before any additional approvals are given for the Chinderah mixed use commercial development; and
3. A further report on the Strategic Planning and Urban Design Unit's work program and resourcing be submitted by July 2019.

The Motion was **Carried**

FOR VOTE - Cr R Byrnes, Cr C Cherry, Cr R Cooper, Cr K Milne
AGAINST VOTE - Cr J Owen, Cr W Polglase, Cr P Allsop

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

P 80

Cr K Milne
Cr J Owen

RECOMMENDED that Council notes there are no variations for the month of September 2018 to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

FOR VOTE - Unanimous

There being no further business the Planning Committee Meeting terminated at 6.26pm.



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