



TWEED
SHIRE COUNCIL

Mayor: Cr K Milne

Councillors: G Bagnall (Deputy Mayor)
C Byrne
B Longland
W Polglase
P Youngblutt

Minutes

Planning Committee Meeting Thursday 5 May 2016

held at Harvard Meeting Room,
Tweed Heads Administration Building,
Brett Street, Tweed Heads
commencing at 5.00pm

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - SECT 79C
79C Evaluation

(1) Matters for consideration-general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
- (iii) any development control plan, and
- (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),

that apply to the land to which the development application relates,

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

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

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

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

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

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

and the discretion of the consent authority under this section and section 80 is limited accordingly.

- (3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:
 - (a) subsection (2) does not apply and the discretion of the consent authority under this section and section 80 is not limited as referred to in that subsection, and
 - (b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.

Note: The application of non-discretionary development standards to complying development is dealt with in section 85A (3) and (4).

- (4) Consent where an accreditation is in force A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the regulations.
- (5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).
- (6) Definitions In this section:
 - (a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and
 - (b) "non-discretionary development standards" means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

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The Meeting commenced at 5.00pm.

IN ATTENDANCE

Cr G Bagnall (Deputy Mayor), Cr C Byrne, Cr W Polglase and Cr P Youngblutt.

Also present were Mr Troy Green (General Manager), Ms Liz Collyer (Director Corporate Services), Mr Anthony Burnham (for Director Engineering), Mr Vince Connell (Director Planning and Regulation), Mr Shane Davidson (Executive Officer), Mr Neil Baldwin (Manager Corporate Governance) and Ms Ann Mesic (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 the Deputy Mayor.

APOLOGIES

Note from 21 April 2016

Cr K Milne (Mayor) was granted a leave of absence up to 31 May 2016 in accordance with Section 234(1)(d) of the Local Government Act, 1993 at Council Meeting held Thursday 21 April 2016 at Minute No 160.

Attendee Cr B Longland has informed the General Manager that his absence is caused by being at a Conference out of the Shire.

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Cr P Youngblutt

Cr C Byrne

RESOLVED that the apology of Cr B Longland be accepted and the necessary leave of absence be granted.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr K Milne, Cr B Longland

DISCLOSURE OF INTEREST

Nil.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

Nil.

REPORTS THROUGH THE GENERAL MANAGER

Nil.

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

- 1 **[PR-PC] Development Application DA14/0892 for a Staged Development for a Dwelling House and Related Works, the First Stage for which Development Consent is sought to Define a Dwelling House Pad Site. Concept Approval is also sought for a Second Stage Dwe**

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Cr W Polglase

Cr C Byrne

RECOMMENDED that:

- A. ATTACHMENTS 1 & 2 are CONFIDENTIAL in accordance with Section 10A(2)(g) of the Local Government Act 1993, because it contains:-
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- B. Development Application DA14/0892 for a staged development for a dwelling house and related works, the first stage for which Development Consent is sought to define a dwelling house pad site, and also for which concept approval is sought for a second stage dwelling, access and tree removal at Lot 1 DP 408972; Wooyung Road, Wooyung be refused for the following reasons:
1. The applicant has failed to provide sufficient development design and associated ecological survey and assessment information to enable comprehensive analysis and evaluation of potential cumulative impacts that may result from the ultimate development (Stage 1 and 2). As such:
 - a) Significant uncertainty remains as to the extent and level of cumulative impact on threatened species, their habitats and Endangered and Threatened Ecological Communities listed under the *Threatened Species Conservation Act 1995* and/or *Environment Protection and Biodiversity Conservation Act 1999*; therefore
 - b) Section 5A of the EP&A Act has not been satisfied
 2. The proposal is inconsistent with the likely outcome of the North Coast E Zone Review for this site where it is expected that the subject site be designated an E2 Environmental Conservation zoning.
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3. The proposal has not clearly demonstrated how the objectives of the 1(a) Rural Zone and 7(a) Environmental Protection (Wetlands and Littoral Rainforest) Zones designated under the *Tweed Local Environmental Plan 2000* have been met.
4. The proposal has not demonstrated how Clause 8 of the Tweed LEP 2000 has been satisfied in regards to cumulative impact.
5. The proposal has not demonstrated how Clause 45 of the Tweed LEP 2000 has been satisfied in regards to adequately reporting on the two known Aboriginal sites within the subject site. The NSW Office of Environment & Heritage requested additional information within the cultural heritage report which has not been provided.
6. The likely environmental impacts and effect on the long term functional value of a recognised Regional Wildlife Corridor at a local scale has not been comprehensively considered.
7. The proposal fails to adequately demonstrate how the SEPP 26 Littoral Rainforest is to be protected and managed based on the ultimate development (Stage 1 and 2) in accordance with Clause 25 of the Tweed LEP 2000.
8. The proposal fails to articulate how the design of the development sensitively responds to the sites ecological features to be confident that the development is suitable for the site.
9. The application is inconsistent with the existing approved development consent over the site (D88/0640).
10. The proposal has not provided sufficient information to be confident that the development complies with *State Environmental Planning Policy 71 – Coastal Protection*, particularly in relation to preservation of coastal vegetation and maintenance of wildlife corridors.
11. The proposed development is not considered to be in the public interest given the impacts of the proposal on the existing sensitive environment.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr G Bagnall

AGAINST VOTE - Nil.

ABSENT. DID NOT VOTE - Cr K Milne, Cr B Longland

NOTE: Cr G Bagnall requested on 9 May 2016 that the vote above be amended to reflect his vote FOR the Motion.
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2 [PR-PC] Development Application DA15/0716 for the Demolition of Existing Dwelling and Construction of Residential Flat Building at Lot 5 DP 1104481 No. 4 Hungerford Lane Kingscliff

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**Cr W Polglase
Cr P Youngblutt**

RECOMMENDED that Development Application DA15/0716 for the demolition of an existing dwelling and construction of a residential flat building consisting of four units at Lot 5 DP 1104481 No. 4 Hungerford Lane, Kingscliff be approved subject to the following conditions:

GENERAL

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

Title	Prepared by	Dated
Site Plan (DA001/3)	Refresh Design	22/03/16
Floor Plans 1 (DA003/3)	Refresh Design	22/03/16
Floor Plans 2 (DA004/3)	Refresh Design	22/03/16
Elevations (DA005/3)	Refresh Design	22/03/16
Sections (DA006/3)	Refresh Design	22/03/16

[GEN0005]

2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
[GEN0115]
3. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.
4. Sewer manholes are present on this site. Manholes are not to be covered with soil or other material. Should adjustments be required to the sewer manhole, then applications for these works must be submitted on Council's standard Section 68 Application to Alter Councils Water or Sewer Infrastructure application form accompanied by the required attachments and the prescribed fee. 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.
5. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.
[GEN0300]

6. Geotechnical investigations and assessment of the subject site shall be in accordance with the recommendations and requirements as specified in the report by Geotechniques Foundation Engineering dated 20 October 2014, except where varied by the conditions of this consent. In addition a slope stability geotechnical report shall be completed on site prior to issue of a Construction Certificate approval and provide recommendations for construction. All individual house sites are subject to further geotechnical testing at time of building approval.

[GENNS01]

7. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage or drainage works (including connection of a private stormwater drain to a public stormwater drain or installation of erosion and sediment control works).

There is an existing rock retaining wall located in Moss Street road reserve. As part of the S68 application a qualified structural engineer shall provide detailed design and corresponding certificate of approval that the existing retaining wall will not be impacted as part of the proposed drainage works. Any damage to the existing retaining wall shall be fixed at full cost by the developer.

[GENNS02]

8. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on the road reserve. Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

9. A concrete footpath shall be provided on the entire frontage of the site in Hungerford Lane. Design of the footpath shall be submitted as part of a S138 application to Council.

10. No access shall be permitted to Moss Street from the rear of the property.

[GENNS03]

11. Where easements in favour of Council are provided through private property no structures or part thereof may encroach into the easement. This includes (but is not limited to) awnings or eaves on the multi-level building and fences / retaining walls.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

12. Prior to issue of Construction Certificate the applicant is to submit to Council's General Manager or his delegate a list of the finished building materials and colours (including colour product photo images) for approval.

[PCC0175]

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

[PCC0285]

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

[PCC0465]

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

[PCC0585]

16. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all retaining walls/footings/structures etc taking into consideration the zone of influence on the sewer main or other underground infrastructure and include a certificate of sufficiency of design prior to the determination of a construction certificate. The proposed works must conform to the requirements identified in Council's *Sewers - Work in Proximity Policy*.

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

The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of.

[PCC1065]

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

[PCC1155]

19. 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.

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

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

[PCC1325]

21. In respect to slab on ground structures (garage to existing premises) erected prior to July 1995, where chemical treatment of the soil may have been carried out as a barrier to termites, a pre-demolition under-slab soil contamination investigation is to be carried out in accordance with Councils guideline for pre-demolition testing. A report, including the details of the laboratory analysis and site remediation action plan, is to be submitted to Council for consideration and approval prior to the commencement of demolition work.
22. Prior to issue of construction certificate, full design details of any proposed front fence and external building screening (including boundary fencing if proposed) is to be submitted to Council for approval.
23. Prior to issue of construction certificate, a detailed plan clearly showing internal building storage (within the subject units) is to be submitted to Council for approval.
24. Section 94 Contributions

[PCCNS01]

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

Prior to issue of the Construction Certificate, all Section 94 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

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

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

- (a) Tweed Road Contribution Plan:
- | | |
|---------------------------------------|----------|
| 9.1 Trips @ \$1195 per Trips | \$10,875 |
| (\$1,137 base rate + \$58 indexation) | |
| S94 Plan No. 4 | |
| Sector6_4 | |

(b) Open Space (Casual): 2.5 ET @ \$552 per ET (\$502 base rate + \$50 indexation) S94 Plan No. 5	\$1,380
(c) Open Space (Structured): 2.5 ET @ \$632 per ET (\$575 base rate + \$57 indexation) S94 Plan No. 5	\$1,580
(d) Shirewide Library Facilities: 2.5 ET @ \$851 per ET (\$792 base rate + \$59 indexation) S94 Plan No. 11	\$2,128
(e) Bus Shelters: 2.5 ET @ \$66 per ET (\$60 base rate + \$6 indexation) S94 Plan No. 12	\$165
(f) Eviron Cemetery: 2.5 ET @ \$124 per ET (\$101 base rate + \$23 indexation) S94 Plan No. 13	\$310
(g) Community Facilities (Tweed Coast - North) 2.5 ET @ \$1411 per ET (\$1,305.60 base rate + \$105.40 indexation) S94 Plan No. 15	\$3,528
(h) Extensions to Council Administration Offices & Technical Support Facilities 2.5 ET @ \$1888.66 per ET (\$1,759.90 base rate + \$128.76 indexation) S94 Plan No. 18	\$4,721.65
(i) Cycleways: 2.5 ET @ \$480 per ET (\$447 base rate + \$33 indexation) S94 Plan No. 22	\$1,200
(j) Regional Open Space (Casual) 2.5 ET @ \$1108 per ET (\$1,031 base rate + \$77 indexation) S94 Plan No. 26	\$2,770
(k) Regional Open Space (Structured): 2.5 ET @ \$3890 per ET (\$3,619 base rate + \$271 indexation) S94 Plan No. 26	\$9,725

[POC0395]

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

Council advises that to obtain a Certificate of Compliance for water and/or sewer works, Council will require payment of Developer Charges in accordance with Section 64 of the Local Government Act, 1993, which applies Section 306 of the Water Management Act, 2000.

Water:	2.2 ETs @ \$13,128	\$28,881.60
Sewer:	3 ETs @ \$6,307	\$18,921.00

PRIOR TO COMMENCEMENT OF WORK

26. 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.
27. An application is to be made to Council to disconnect the existing building from Council's sewerage system, prior to any demolition work commencing.
28. The erection of a building in accordance with a development consent must not be commenced until:
- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - (c) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:

- (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
- (ii) notified the principal certifying authority of any such appointment, and
- (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

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

[PCW0225]

30. Residential building work:

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

(i) in the case of work for which a principal contractor is required to be appointed:

- * in the name and licence number of the principal contractor, and
- * the name of the insurer by which the work is insured under Part 6 of that Act,

(ii) in the case of work to be done by an owner-builder:

- * the name of the owner-builder, and
- * if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.

(b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0235]

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

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

[PCW0245]

32. 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.

33. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land or is likely to effect the integrity of the adjoining land, the person causing the excavation to be made must comply with the following:
- (a) The person must, at the person's own expense:
 - (i) preserve and protect the building / property from damage; and
 - (ii) if necessary, underpin and support the building in an approved manner.
 - (b) The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.

[PCW0255]

[PCW0765]

34. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where required. These measures are to be in accordance with the approved erosion and sedimentation control plan and adequately maintained throughout the duration of the development.

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

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

35. 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.

[PCW0985]

[PCW1065]

36. Where any existing sewer junctions are to be disused on the site, the connection point shall be capped off by Council staff. Applications shall be made to Tweed Shire Council and include the payment of fees in accordance with Councils adopted fees and charges prior to commencing any building works.

DURING CONSTRUCTION

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

[DUR0005]

38. Construction and/or demolition site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:

Monday to Saturday from 7.00am to 6.00pm
No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

39. 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]

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

[DUR0245]

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

[DUR0375]

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

[DUR0395]

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

[DUR0405]

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

[DUR0415]

45. If the work involved in the erection or demolition of a building:

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
- (b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place in accordance with the WorkCover Authority of NSW Code of Practice and relevant Australian Standards.

Where necessary the provision for lighting in accordance with AS 1158 - Road lighting and provision for vehicular and pedestrian traffic in accordance with AS 1742 shall be provided.

Any such hoarding, fence or awning is to be removed prior to the issue of an occupation certificate/subdivision certificate.

Application shall be made to Tweed Shire Council including associated fees for approval prior to any structure being erected within Councils road reserve.

[DUR0435]

46. 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]

47. Minimum notice of 48 hours shall be given to Tweed Shire Council for the capping of any disused sewer junctions. Tweed Shire Council staff in accordance with the application lodged and upon excavation of the service by the developer shall undertake the works.

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

[DUR0905]

49. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate/Occupation Certificate. [DUR0995]
50. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:
- Noise, water or air pollution.
 - Dust during filling operations and also from construction vehicles.
 - Material removed from the site by wind.
- [DUR1005]
51. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. Such materials shall either be recycled or disposed of in a manner acceptable to Councils General Manager or his delegate. [DUR1015]
52. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development. [DUR1025]
53. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
54. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary in accordance with Council's Development Control Plan Section A15 - Waste Minimisation and Management. [DUR2205]
55. Hazardous or industrial waste must be stored and disposed of in a manner to minimise its impact on the environment including appropriate segregation for storage and separate disposal by a waste transporter licensed by the NSW Department of Environment and Climate Change. [DUR2215]
56. 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]

57. 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]

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

[DUR2505]

59. 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]

60. 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]

61. 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]

62. The Applicant shall submit the bulk water meter 'Application for Water Service Connection' to Council's Water Unit to facilitate a property service water connection for the Lot, from the existing water main in Hungerford Lane. The connection shall be undertaken by Tweed Shire Council, with all applicable costs and application fees paid by the Applicant.

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

[DUR2835]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

[POC0205]

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

The street number is to be on a white reflective background professionally painted in black numbers 75-100mm high.

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

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

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

[POC0265]

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

[POC0435]

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

[POC1045]

USE

68. 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]

69. 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]

- 69a. All external window screenings to be constructed flush with the side of the building avoiding any further protrusion.
70. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises. [USE0225]
71. The premises shall be suitably identified by Unit No. (where appropriate) and Street Number displayed in a prominent position on the facade of the building facing the primary street frontage, and is to be of sufficient size to be clearly identifiable from the street. [USE0435]
72. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building. [USE0735]
73. All residential wastes shall be collected, stored and disposed of in accordance with any approved Waste Management Plan or to the satisfaction of the General Manager or his delegate. [USE0875]
74. Swimming pool pumps, air conditioning units, heat pump water systems and the like shall not be operated if it can be heard in a habitable room of a residence during restricted hours or at other times should the noise from the article be deemed to be offensive as defined within the NSW Protection of the Environment Operations (Noise Control) Regulation 2008. [USE1510]

The Motion was **Carried**

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

3 [PR-PC] Development Application DA16/0007 for a Deck Within Front Building Line at Lot 33 Sec 1 DP 1223 No. 24 Fawcett Street, Tumbulgum

P 34

Cr W Polglase

Cr P Youngblutt

RECOMMENDED that Development Application DA16/0007 for a deck within front building line at Lot 33 Section 1 DP 1223 No. 24 Fawcett Street, Tumbulgum be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the plans approved by Council, except where varied by conditions of this consent. [GEN0015]

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

3. 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]

4. The eastern elevation of the deck shall remain an open structure above the railing and shall not be fitted with either temporary or permanent screening. [GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided. [PCC0285]

PRIOR TO COMMENCEMENT OF WORK

6. 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]

7. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing.

[PCW0225]

8 Residential building work:

- (a) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - * in the name and licence number of the principal contractor, and
 - * the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - * the name of the owner-builder, and
 - * if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.

- (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0235]

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

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

[PCW0245]

10. **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]

11. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where required. These measures are to be in accordance with the approved erosion and sedimentation control plan and adequately maintained throughout the duration of the development.

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

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

[PCW0985]

DURING CONSTRUCTION

12. Construction and/or demolition site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

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

[DUR0245]

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

[DUR0245]

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

[DUR0395]

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

[DUR0405]

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

[DUR0415]

18. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:

- Noise, water or air pollution.
- Dust during filling operations and also from construction vehicles.
- Material removed from the site by wind.

[DUR1005]

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

[DUR1875]

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

[DUR1945]

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

[DUR2185]

22. 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]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

[POC0205]

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

[POC0355]

USE

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

[USE0505]

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr K Milne, Cr B Longland

- 4 [PR-PC] Development Application DA16/0076 for a 2 Lot Subdivision, Demolition Works, Alterations to Existing Kingscliff Beach Holiday Park (Reduction in Sites from 176 to 61) at Part Lot 2 DP 1122062 Marine Parade, Kingscliff**

P 35

**Cr C Byrne
Cr W Polglase**

RECOMMENDED that Development Application DA16/0076 for a 2 lot subdivision, demolition works, alterations to existing Kingscliff Beach Holiday Park (reduction in sites from 176 to 61) at Part Lot 2 DP 1122062 Marine Parade, Kingscliff 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:

- Site Demolition and Earthworks Plan Sheet 1 of 2 (Drawing No. MDP5-4-SK04,

Issue D), prepared by Tweed Shire Council Design Unit and dated 21 December 2015;

- Site Demolition and Earthworks Plan Sheet 2 of 2 (Drawing No. MDP5-4-SK05, Issue C), prepared by Tweed Shire Council Design Unit and dated 21 December 2015;
- Proposed Site Plan (Drawing No. MDP5-4-SK06, Issue E), prepared by Tweed Shire Council Design Unit and dated 15 March 2016;
- Site Details Sheet 1 of 2 (Drawing No. MDP5-4-SK07, Issue D), prepared by Tweed Shire Council Design Unit and dated 21 December 2015;
- Site Details Sheet 2 of 2 (Drawing No. MDP5-4-SK08, Issue C), prepared by Tweed Shire Council Design Unit and dated 21 December 2015;
- Proposed Site Services (Drawing No. MDP5-4-SK010, Issue E), prepared by Tweed Shire Council Design Unit and dated 15 March 2016, and:
- Plan of Subdivision of Lot 2 DP 1122062, prepared by Colin John Lutton and dated 8 November 2015,

except where varied by the conditions of this consent.

[GEN0005]

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

[GEN0115]

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

[GEN0125]

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

[GEN0135]

5. Sewer manholes are present on this site. These manholes are not to be covered with soil or other material.

Should adjustments be required to the sewer manholes, then applications for these works must be submitted on Council's standard Section 68 Application to Alter Councils Water or Sewer Infrastructure application form accompanied by the required attachments and the prescribed fee. 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.

[GEN0155]

6. 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]

7. Prior to demolition work commencing a sign containing the words “DANGER ASBESTOS REMOVAL IN PROGRESS” measuring not less than 400mm by 300mm shall be erected in a prominent visible location on the site. The sign shall remain in place until all asbestos has been removed from the site.
[GEN0345]
8. Prior to the commencement of construction of the new structure or use of the site a ‘clearance inspection’ shall be conducted for the site and a ‘clearance certificate’ issued by a licensed asbestos assessor or competent person which states that the site ‘does not pose a risk to health and safety from exposure to asbestos’ in accordance with Clause 474 of the Work Health and Safety Regulation 2011. A copy of this certificate shall be forwarded to the Principal Certifying Authority and Council within 7 days of completion of the ‘clearance inspection’.
[GEN0350]
9. The caravan park shall be constructed and operated in accordance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
10. Prior to the commencement of operation of the park a modified/updated Local Government Act 1993 Section 68 approval to operate the caravan park shall be obtained from Council.
11. The total number of sites shall not exceed 61, being 52 short term sites and 9 camp sites.
12. Road widths, entry forecourt, numbers of visitor and disabled parking, street lighting, numbers of shower/toilet/ laundry facilities, fire hose reels and fire hydrants shall comply with the provisions of Part 3 Subdivision 3 - 6 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
13. This consent does not amend or modify the current Sec 68 Approval issued under the provisions of the Local Government Act 1993. A further approval of the General Manager or delegate shall be required to be obtained and shall include but not be limited to the provisions of Part 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
[GENNS01]
14. The importation or export of waste (including fill or soil) to or 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*”. The only fill material that may be received at the development is virgin excavated natural material or waste-derived fill material the subject of a resource recovery exemption (and documented accordingly).
15. ‘Resident parking’ shall be provided ‘on-site’ for each approved site as per Clause 96 of the Regulation.
[GENNS02]

16. Permanent stormwater quality treatment shall be provided in accordance with Council's *Development Design Specification D7 - Stormwater Quality* prior to discharge to the public realm, unless agreed otherwise with Council.

Bio-retention facilities shall comply with "Water By Design" guidelines (being a program of the South East Queensland Healthy Waterways Partnership).

[GENNS03]

17. Erosion and Sediment Control shall be designed, installed and maintained in accordance with Tweed Shire Council *Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".
18. A representative of the Tweed Byron Local Aboriginal Land Council shall be present on site to monitor ground disturbance initially and over the course of the project.
19. The removal of vegetation shall be limited to those trees and vegetation identified as 'Existing trees to be removed' on *Existing Trees - Retention and Removal Plan Dwg. No. 616-06 to 07 Issue A dated 18 December 2015 prepared by Plummer & Smith*. All other vegetation shown on the plan shall be retained and afforded adequate protection unless otherwise approved for removal or pruning by Council's General Manager or delegate.

[GENNS04]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

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

[PCC0165]

21. Prior to the issue of a Construction Certificate for Subdivision Works, a Cash Bond or Bank Guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works associated with the Construction Certificate for Subdivision Works, as set out in Council's fees and charges at the time of payment.

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

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

[PCC0275]

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

[PCC0285]

23. Any filling of proposed Lot 1 is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system. The development must at no time result in additional ponding occurring within neighbouring properties.

[PCC0485]

24. Prior to the issue of a Construction Certificate for subdivision works, the following detail in accordance with Council's Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.

- (a) copies of compliance certificates relied upon
- (b) 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 Council:
 - earthworks
 - roadworks
- (c) construction of new vehicular access
 - stormwater drainage
- (d) installation of proposed bio retention basin
 - water supply works
- (e) adjustment to water service connection, as applicable to service the development.
 - sewerage works
- (f) adjustment to reticulated sewer, as applicable to service the development.
 - 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]

25. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the issue of a construction certificate. Works are to include, but not limited to:

- The decommissioning and removal of sewer gravity main M/3 to M/4, inclusive of manhole M/4 and the capping of that line at manhole M/3.
- All redundant internal water and sewer lines shall be decommissioned and removed.
- Sewer connection to Lot 2 (parklands)

[PCC1195]

26. Where any existing sewer junctions are to be disused on the site, the connection point shall be capped off by Council staff. Applications shall be made to Tweed Shire Council and include the payment of fees in accordance with Councils adopted fees and charges.

[PCC1235]

27. 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]

28. 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]

29. If 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 or any works commencing, whichever occurs first. Applications for these works must be submitted on Council's standard Section 68 Application to Alter Councils Water or Sewer Infrastructure 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.

[PCC1310]

30. A detailed plan of landscaping shall be submitted and approved by Council's General Manager or delegate prior to the issue of a Construction Certificate or commencement of works whichever occurs first. The detailed plan of landscaping shall:
- a. Be based on the *Landscape Concept Plan (LCP) Kingscliff Beach Holiday Park Dwg 616-01 to 616-08 Issue A dated 18 December 2015 prepared by Plummer & Smith*
 - b. Reflect a coastal theme
 - c. Incorporate existing native vegetation
 - d. Meet the following plant selection criteria:
 - i. A minimum of 80% locally occurring Australian native species and maximum of 20% non-locally occurring Australian native species to apply to all trees;
 - ii. A minimum of 80% locally occurring Australian native species and maximum of 20% Australian native or exotic species to apply to other plants (shrubs, ground cover and similar); and
 - iii. No noxious or environmental weed species
 - e. Include tree protection measures as detailed on LCP Dwg. 616-09
 - f. Show locations of tree protection fencing to be installed around trees to be retained in accordance with *Australian Standard AS4970-2009 Protection of trees on development sites*

[PCCNS01]

31. The caravan park (lot 1) 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.

[PCCNS02]

PRIOR TO COMMENCEMENT OF WORK

32. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and advise the Principal Certifying Authority 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]

33. An application is to be made to Council to disconnect the existing building from Council's sewerage system, prior to any demolition work commencing.

[PCW0045]

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

[PCW0225]

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

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

[PCW0245]

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

[PCW0665]

37. 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]

38. The proponent shall provide to the PCA copies of Public Risk Liability Insurance to a minimum value of \$10 Million for the period of commencement of works until the completion of the Defects Liability Period for the subdivision works.

[PCW0835]

39. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where required to the satisfaction of the Principal Certifying Authority. These measures are to be in accordance with the approved Erosion and Sedimentation Control Plan and adequately maintained throughout the duration of the development. [PCW0985]
40. 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]
41. The Applicant must obtain all relevant licences and permits from State Agencies prior to commencement of works. [PCWNS01]

DURING CONSTRUCTION

42. 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 and the following provisions:
- (a) All trades persons, workers and visitors vehicles must be contained within the site at all times or parked north of the Kingscliff Bowls Club. No trades persons, workers or visitors vehicles are to be parked in allocated car parks adjacent to shops, residences or Kingscliff Bowls Club.
 - (b) Sand drift to neighbouring properties must be managed at all times during demolition and construction phases, particularly in weather that includes onshore winds by maintaining regularly watering down of the site and other measure to manage this nuisance.
 - (c) Marine Parade is to remain accessible at all times to permit access to shops.
 - (d) Kingscliff Beach Bowls Club, local businesses and adjacent residents are to be given regular written progress reports and to be given contact details of the responsible person managing the site.
43. All works shall comply with AS2601-2001 Demolition of Structures and the Work Health and Safety Regulation 2011. [DUR0165]
44. Construction and/or demolition site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:
- Monday to Saturday from 7.00am to 6.00pm
No work to be carried out on Sundays or Public Holidays
- The proponent is responsible to instruct and control subcontractors regarding hours of work. [DUR0205]

45. 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]
46. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of buildings with direct line of sight to the proposed building. [DUR0245]
47. Prior to demolition of the structure is commenced all asbestos material 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). [DUR0335]
48. Prior to demolition of the structure is commenced all asbestos material 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). [DUR0335]
49. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Work Health and Safety Regulation 2011.
- The proponent shall also observe the guidelines set down under the Department of Environment and Climate Change publication, "A Renovators Guide to the Dangers of Lead" and the Workcover Guidelines on working with asbestos. [DUR0645]
50. Minimum notice of 48 hours shall be given to Tweed Shire Council for the capping of any disused sewer junctions. Tweed Shire Council staff in accordance with the application lodged and upon excavation of the service by the developer shall undertake the works. [DUR0675]
51. Filling of the site shall be carried out in accordance with AS 3798 (current version) to an inspection regime and testing in accordance with Table 8.1. [DUR0795]
52. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited. [DUR0815]

53. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate. [DUR0985]
54. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate. [DUR0995]
55. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:
- Noise, water or air pollution.
 - Dust during filling operations and also from construction vehicles.
 - Material removed from the site by wind.
- [DUR1005]
56. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works. [DUR1795]
57. The proponent must not undertake any work within the public road reserve without giving Council's Engineering Division 48 hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken. [DUR1845]
58. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings. [DUR1875]
59. Tweed Shire Council shall be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, Appendix D. Inspection fees are based on the rates contained in Council's current Fees and Charges:

Roadworks

- (a) Pre-construction commencement erosion and sedimentation control measures
- (b) Steel Inspection - Pre-pour of driveway access
- (c) Final Practical Inspection - On Maintenance
- (d) Off Maintenance inspection

Water Reticulation, Sewer Reticulation, Drainage (as applicable)

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

Stormwater Quality Control Devices (other than proprietary devices)

For detail refer to Water By Design - Technical Guidelines

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

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

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

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

[DUR1895]

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

[DUR1905]

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

[DUR1905]

62. 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]

63. 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]

64. 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]

65. 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]

66. 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]

67. 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]

68. 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]

69. A Liquid Trade Waste Services Agreement will be issued and a Liquid Trade Waste Approval Number allocated once the device has been installed, inspected and Council has received a copy of the Waste Contractor's Service Agreement

[DUR2685]

70. 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 Marine Parade. The connection shall be undertaken by Tweed Shire Council, with all applicable costs and application fees paid by the Applicant.
71. 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 2, from the existing water main in Marine Parade. The connection shall be undertaken by Tweed Shire Council, with all applicable costs and application fees paid by the Applicant.
72. 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 Marine Parade. The connection shall be undertaken by Tweed Shire Council, with all applicable costs and application fees paid by the Applicant.
73. 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 2, from the existing water main in Marine Parade. The connection shall be undertaken by Tweed Shire Council, with all applicable costs and application fees paid by the Applicant.

PRIOR TO OCCUPATION OR USE OF THE CARAVAN PARK

74. A satisfactory final inspection, where applicable, is to be carried out by Council prior to occupation or use commencing.
[POC0255]
75. Prior to the occupation or use of any structure, where applicable, a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.
[POC1045]
76. Following completion of earthworks and prior to use or occupation of the caravan park a surface radiation survey shall be completed. All surface radiation levels shall be below the adopted remedial action level of 0.7uGy/hr. Should the remedial action level be exceeded a remediation action plan shall be submitted for approval prior to commencement of these works. A copy of the final radiation survey shall be provided to the Building Certifier and Council's Environmental Health Officer upon request.
77. Prior to the use or occupation of the caravan park, the applicant is to submit certification of adequacy of design from a suitably qualified structural/civil engineer with respect to the internal road upgrade and earthworks proposed as part of this application to the satisfaction of Council's General Manager or delegate.
[POCNS01]

USE

78. 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]

79. 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]
80. 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]
81. Caravans and tents shall not be placed closer than 2 metres to the boundary of the caravan park. [USENS01]
82. All wastes shall be collected, stored and disposed of in accordance with the provisions of Tweed Shire Council Development Control Plan Section A15 - Waste Minimisation and Management and to the satisfaction of the General Manager or his delegate. [USENS02]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

83. Prior to issue of a Subdivision Certificate, all works/actions/inspections etc required by other conditions or approved Management Plans or the like shall be completed in accordance with those conditions or plans. [PSC0005]
84. 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.

A Subdivision Certificate shall NOT be issued unless the Certifying Authority is satisfied provisions pursuant to Section 109J of the EP&A Act, 1979 have been complied with and the Certifying Authority has sighted Council's contributions sheet and Certificate of Compliance signed by an authorised officer of Council. [PSC0165]

85. Prior to the issue of a Subdivision Certificate a Defect Liability Bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.

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

It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period. [PSC0215]

86. At the completion of the earthworks/filling and prior to the issue of the Subdivision Certificate, a certificate of compliance shall be submitted to Council by the Developer's Certifying Engineer verifying that the placed fill has been compacted in accordance with the requirements of AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments" and is suitable for its intended use.

The submission shall include copies of all undertaken test results.

[PSC0395]

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

[PSC0725]

88. Prior to the issue of a Subdivision Certificate, Work as Executed Plans shall be submitted in accordance with the provisions of Tweed Shire Council's Development Control Plan Part A5 - Subdivision Manual and Council's Development Design Specification, D13 - Engineering Plans for any new works intended to be dedicated to Council as public infrastructure.

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]

89. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of this Development Consent deemed to be relevant to the two lot subdivision have been complied with.

[PSC0825]

90. 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.

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating a Right Of Carriageway or Easement shall make provision for maintenance of the Right Of Carriageway or Easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis (as applicable).

Any Section 88B Instrument creating Restrictions As To User, Rights Of Carriageway or Easements which benefit Council shall contain a provision enabling such Restrictions, Easements or Rights Of Way to be revoked, varied or modified only with the consent of Council.

[PSC0835]

91. Submit to Council's Property Officer for approval an appropriate plan indicating the street/road address number to both proposed and existing lots. In accordance with clause 60 of the Surveying and Spatial Information Regulation 2012 the Plan of

Subdivision (Deposited Plan) shall show the approved street address for each lot in the new Deposited Plan.

[PSC0845]

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

[PSC0855]

93. Prior to registration of the Plan of Subdivision, a Subdivision Certificate shall be obtained.

The following information must accompany an application:

- (a) original Plan of Subdivision prepared by a registered surveyor and 2 copies of the original plan together with any applicable 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.
- (b) all detail as tabled within Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, CL 5.7.6 and Councils Application for Subdivision Certificate including the attached notes.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

[PSC0885]

94. 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, as applicable. This may require obtaining individual Compliance Certificates for various civil works components such as (but not limited to) the following:

- (a) Roadworks
- (b) Water Reticulation
- (c) Sewerage Reticulation
- (d) Drainage
- (e) Bulk Earthworks

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]

95. The six (6) months Defects Liability Period for the subdivision works commences upon the registration of the Plan of Subdivision.

[PSC0925]

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

[PSC1025]

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

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

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

[PSC1065]

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

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

[PSC1115]

99. All landscaping shall be completed in accordance with the approved detailed landscape plan prior to the issue of subdivision certificate or occupation certificate whichever occurs first.

[PSCNS01]

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

1. The development proposal is to comply with the subdivision layout identified on the drawing prepared by Colin John Lutton, titled "Plan of Subdivision of Lot 2 DP 1122062" and dated 4 November 2015.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne

AGAINST VOTE - Cr G Bagnall

ABSENT. DID NOT VOTE - Cr K Milne, Cr B Longland

5 [PR-PC] Development Application PTV15/0021 for a Foreshore Protection Works and Central Park Development at Lot 169 DP 755701 & Part Lot 2 DP 1122062 & Marine Parade Kingscliff

P 36

Cr C Byrne

Cr P Youngblutt

RECOMMENDED that:

- A. Following assessment of the Review of Environmental Factors for the foreshore protection works and central park development it is determined that the activity is not likely to have a significant impact on the environment (including critical habitat) or threatened species, populations or ecological communities, or their habitats.
- B. PTV15/0021 application for foreshore protection works and central park development at Lot 169 DP 755701 & Part Lot 2 DP 1122062 & ROAD 3340; Marine Parade KINGSCLIFF be approved subject to the following conditions:
1. The development shall be completed in general accordance with the Review of Environmental Factors - Foreshore protection works and central park development, Kingscliff Rev. 2.0 dated February 2016 prepared by the TSC Design Unit and associated plans. [PTV0010]
 2. Prior to commencement of work all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the General Manager or his delegate. Erosion and sedimentation control devices shall be installed in accordance with the publication, "Managing Urban Stormwater - Soil and Construction", prepared by the NSW Department of Housing. All erosion and sedimentation controls shall be maintained throughout the period of construction. [PTV0020]
 3. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution. [PTV0030]
 4. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles. [PTV0040]
 5. 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.
[PTV0060]
6. Written notice shall be given to any affected residences at least two weeks prior to any works commencing.
[PTV0070]
7. All imported fill material shall be from an approved source. Prior to commencement of construction, details of the source of the fill, description of the material, and evidence that the material is free of contaminants, must be produced.
[PTV0090]
8. 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.
9. Excavations shall be supervised by a knowledgeable person capable of identifying visual acid sulfate soil indicators.
10. In the event that visual inspections identify actual or potential acid sulfate soils all works shall cease until a site specific acid sulfate soils management plan is approved by Council's General Manager or Delegate.
11. In the event that acid sulfate soils are excavated they shall be immediately placed within a bunded area and immediate notification shall be provided to Council's Environmental Scientist.
12. All works shall be undertaken in accordance with the approved vibration and noise management plan.
13. Earthworks and excavated material shall be monitored by a suitably qualified person for radiation levels. Where radiation levels exceed 0.7uGy/hr within the proposed central park development or 1.0uGy/hr within the proposed foreshore protection works all works shall cease and a radiation management plan would be submitted to the satisfaction of Council's Environmental Health Officer. All works shall comply with the Plan. Upon the completion of earthworks a radiation surface validation statement shall be provided to Council to the satisfaction of the General Manager or his delegate which provides details of the radiation monitoring undertaken on the site and which confirms that final surface radiation levels are suitable for the intended land uses.
14. No soil, sand, gravel, clay or other material shall be removed or relocated from the work site, where the radiation level of that material exceeds 0.7uGy/hr, without prior approval from Tweed Shire Council's General Manager.
15. Prior to the commencement of works a dewatering management plan shall be submitted to Council's General Manager or delegate for approval.
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16. All works shall be undertaken in accordance with the approved dewatering management plan.
17. Where access for people with disabilities is required to be provided to a building, sanitary facilities for the use of the disabled must also be provided in accordance with the provisions Part F-2 of the Building Code of Australia.
18. A representative of the Tweed Byron Local Aboriginal Land Council shall be present on site to monitor ground disturbance during excavations beyond 2.6m associated with foreshore protection works, with evaluation for the need for ongoing monitoring to be determined based on the level of disturbance encountered.
19. All trade person's, worker's and visitor's vehicles must be contained within the site at all times or lawfully parked north of the Kingscliff Bowls Club. No trade person's, worker's or visitor's vehicles are to be parked in allocated car parks adjacent to shops, residences or Kingscliff Bowls Club.
20. Sand drift to neighbouring properties must be managed at all times during demolition and construction phases, particularly in weather that includes onshore winds by maintaining regularly watering down of the site and other measures to manage this nuisance.
21. Marine Parade is to remain accessible at all times to permit access to shops.
22. Kingscliff Beach Bowls Club, local businesses and adjacent residents to be given regular written progress reports and to be given contact details of the responsible person managing the site.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne

AGAINST VOTE - Cr G Bagnall

ABSENT. DID NOT VOTE - Cr K Milne, Cr B Longland

6 [PR-PC] Application DA15/0532.01 for an Amendment to Development Consent DA15/0532 for Use of Part of Tavern Floor Area as a Retail Shop at Lot 2 Section 10 DP 2087 No. 9 Commercial Road, Murwillumbah

P 37

**Cr W Polglase
Cr P Youngblutt**

RECOMMENDED that DA15/0532.01 for an amendment to Development Consent DA15/0532 for use of part of tavern floor area as a retail shop at Lot 2 Section 10 DP 2087 No. 9 Commercial Road, Murwillumbah be approved and the consent be amended as follows:

1. Delete Condition No. 6 and replace it with Condition No. 6A which reads as follows:
 - 6A. *A development application must be submitted to Council for approval on or before 11 September 2016 along with payment of the appropriate fee for signage, the replacement of an awning along the building frontage and the existing doors/gates on the building facade. This application must consider the location of the site within the Murwillumbah Main Street Heritage Conservation Area and provide an assessment of the proposed works against the relevant Clauses in Tweed Local Environmental Plan 2014 and Development Control Plan B22 - Murwillumbah Town Centre.*

2. Delete Condition No. 7 and replace it with Condition No. 7A which reads as follows:
 - 7A. *The developer shall construct the parking area at the rear of the site including parking for the disabled in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.
Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to Tweed Shire Council on or before 11 June 2016 and prior to any construction of the car park commencing for determination by the General Manager or his delegate.

The car park design shall identify and consider any and all rights of carriageway/restrictions as to user which burden the subject Lot to provide rear vehicular access to any adjoining Lot. Access must be maintained at all times through the subject site to any allotment to which it lawfully exists by way of these instruments.

The parking area must be constructed as per the approved plan on or before 11 September 2016.*

3. Delete Condition No. 14 and replace it with Condition No. 14A which reads as follows:
 - 14A. *Hours of operation of the business are restricted to the following hours:
* 7.00am to 9.00pm - Mondays to Saturdays
* 7.00am to 7.00pm – Sundays and Public Holidays
* All deliveries and pickups relating to the business are to occur within the approved hours*

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr K Milne, Cr B Longland

7 [PR-PC] Planning Proposal PP15/0004 Water Extraction and Bottling Facility on Land Zoned RU2 Rural Landscape

P 38

**Cr W Polglase
Cr P Youngblutt**

RECOMMENDED that:

1. The public submission summary and Officer's response is noted.
2. Planning Proposal PP15/0004 for water extraction and bottling facilities, being *Tweed Local Environmental Plan 2014 Amendment No 16*, is approved as amended.
3. Planning Proposal PP15/0004 be referred to the Minister for NSW Planning & Environment with a request that the Plan be made under s.59 of the *Environmental Planning and Assessment Act 1979*, at the earliest time.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne

AGAINST VOTE - Cr G Bagnall

ABSENT. DID NOT VOTE - Cr K Milne, Cr B Longland

8 [PR-PC] Schedule 1, Additional Permitted Uses - LEP Amendment No.22, for a 'Dwelling House' on Lot 8 DP 12676 at Eviron Road, Eviron

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**Cr C Byrne
Cr W Polglase**

RECOMMENDED that Council endorses:

1. Planning Proposal PP16/0001 relating to Lot 8 DP 12676 at Eviron Road, Eviron for the purposes of dwelling-house, being *Tweed Local Environmental Plan 2014 Amendment No 22*, as publicly exhibited; and
2. Planning Proposal PP16/0001 be referred to the Minister for NSW Planning & Environment with a request that the Plan be made under s.59 of the *Environmental Planning and Assessment Act 1979*.

The Motion was **Carried**

FOR VOTE – Unanimous

ABSENT. DID NOT VOTE - Cr K Milne, Cr B Longland

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

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**Cr C Byrne
Cr P Youngblutt**

RECOMMENDED that Council notes the April 2016 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

***FOR VOTE – Unanimous
ABSENT. DID NOT VOTE - Cr K Milne, Cr B Longland***

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**Cr P Youngblutt
Cr C Byrne**

RESOLVED that the Committee resumes in Open Council.

The Motion was **Carried**

***FOR VOTE – Unanimous
ABSENT. DID NOT VOTE - Cr K Milne, Cr B Longland***

There being no further business the Planning Committee Meeting terminated at 5.08pm.

