



**TWEED**  
SHIRE COUNCIL

**Mayor:** Cr K Milne

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

# Minutes

## **Planning Committee Meeting Thursday 6 June 2019**

held at  
**Harvard Room, Tweed Heads Administration Building, Brett Street, Tweed Heads**  
commencing at 5.30pm

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - Section 4.15 Evaluation

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

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

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

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

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

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

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

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

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

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

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

(3A) **Development control plans**

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

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

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

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

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

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

(6) **Definitions**

In this section:

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

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The Meeting commenced at 5.30pm.

### **IN ATTENDANCE**

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

Also present were Mrs Suzanne Richmond (for the General Manager), Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), Mr Michael Chorlton (Executive Manager Finance, Revenue and Information Technology), Mr Shane Davidson (Executive Officer), Ms Stephanie Papadopoulos (Manager Corporate Governance) and Miss Janet Twohill (Minutes Secretary).

### **ABORIGINAL STATEMENT**

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

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

### **PRAYER**

The meeting opened with a Prayer read by the Pastor Daniel Christie from The Seventh Day Adventist Church.

*"Heavenly Father, we come to you today asking for your guidance and support as we begin this meeting."*

*I pray for each member here tonight to receive wisdom, so that they will make decisions for the betterment of this community. I also pray a blessing not only over this meeting, but also over each one of their families and lives as they continue to serve in their position. We ask this in your name Lord. Amen."*

### **APOLOGIES**

Attendee Cr R Byrnes has informed the General Manager that his absence is caused by being outside the Shire.

Attendee Cr W Polglase has informed the General Manager that his absence is caused by being outside the Shire.

### **P 21**

**Cr P Allsop**  
**Cr C Cherry**

**RESOLVED** that the apologies of Cr R Byrnes and Cr W Polglase be accepted and the necessary leave of absence be granted.

The Motion was **Carried**

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**FOR VOTE - Unanimous**

**DISCLOSURE OF INTEREST**

Nil.

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

Nil.

**SCHEDULE OF OUTSTANDING RESOLUTIONS**

Nil.

**ORDERS OF THE DAY**

Nil.

**REPORTS THROUGH THE GENERAL MANAGER**

Nil.

**REPORTS FROM THE DIRECTOR PLANNING AND REGULATION**

- 1 [PR-PC] Development Application DA18/1030 for the Demolition of Existing Structures and Erection of Dual Occupancy (Detached) at Lot 311 DP 246199 No. 43 The Quarterdeck, Tweed Heads

**P 22**

**Cr P Allsop  
Cr J Owen**

**PROPOSED** that Development Application DA18/1030 for the demolition of existing structures and erection of dual occupancy (detached) at Lot 311 DP 246199 No. 43 The Quarterdeck, Tweed Heads be approved subject to the following conditions:

**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos DA04, DA06, DA07, DA08, DA09, DA12, DA13, DA14, DA15, DA16, DA17, prepared by Armstrong & Co architects and dated 03/04/19, except where varied by the conditions of this consent.  
[GEN0005]
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.  
[GEN0115]

3. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property. Any necessary adjustment or modification of existing services is to be undertaken in accordance with the requirements of the relevant authority, at the Developer's expense.

[GEN0135]

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 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]

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. If asbestos containing material is to be removed then 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]

7. If asbestos containing material is to be removed then 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 2017. 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]

8. All existing trees within the road reserve are to be retained and protected during construction. Where existing trees within the road reserve cannot be adequately retained and protected, approval from Council's General Manager or their delegate is required to remove street trees and they are to be replaced with a similar species in a 45L pot in accordance with Council's Development Design Specification D14.08.03C Tree Planting and Location (for distances away from infrastructure such as light poles and driveways) and Standard Drawing 'Tree and Shrub Planting Details' Dwg. No. SD701 (including the installation of root barrier) to the satisfaction of Council's General Manager or their delegate.

[GEN0355]

9. All works shall comply with AS2601-2001 Demolition of Structures and the Work Health and Safety Regulation 2017.

[GEN0360]

10. 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).

[GEN0365]

11. Both proposed strata lots shall connect to the existing sewer junction at front of the property on The Quarterdeck road verge.

[GENNS01]

12. Geotechnical investigations and assessment of the subject site shall be in accordance with the recommendations and requirements as specified in the Pacific Geotech Consulting Geotechnical Engineers, dated November 2018, except where varied by the conditions of this consent.

All individual house sites may be subject to further geotechnical testing at time of building approval.

[GENNS02]

13. Vegetation removal shall be limited to those trees identified as 'Trees to be removed' on Dwg. No. DA06 dated 20 November 2018 prepared by Armstrong & Co Architects and described as tree numbers 1, 2, 8, 13 and 14 in Arboricultural Impact Assessment Report (AIAR) dated 02 October 2018 prepared by Peter Gray. All other native trees identified in the AIAR occurring on the subject site shall be afforded adequate protection during the construction stage and retained for the life of the development unless otherwise approved by Council's General Manager or delegate.

[GENNS03]

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

14. 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]

15. Section 7.11 Contributions

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

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 7.11 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

These charges include indexation provided for in the Section 7.11 Contribution Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 7.11 Contribution Plan current at the time of the payment.



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

(a) Tweed Road Contribution Plan: 1.3 Trips @ \$921 per Trips (\$815 base rate + \$106 indexation) CP Plan No. 4 Sector1_4	\$1,197
(b) Open Space (Casual): 1 ET @ \$624 per ET (\$502 base rate + \$122 indexation) CP Plan No. 5	\$624
(c) Open Space (Structured): 1 ET @ \$714 per ET (\$575 base rate + \$139 indexation) CP Plan No. 5	\$714
(d) Shirewide Library Facilities: 1 ET @ \$933 per ET (\$792 base rate + \$141 indexation) CP Plan No. 11	\$933
(e) Bus Shelters: 1 ET @ \$71 per ET (\$60 base rate + \$11 indexation) CP Plan No. 12	\$71
(f) Eviron Cemetery: 1 ET @ \$135 per ET (\$101 base rate + \$34 indexation) CP Plan No. 13	\$135
(g) Community Facilities (Tweed Coast - North) 1 ET @ \$1539 per ET (\$1,305.60 base rate + \$233.40 indexation) CP Plan No. 15	\$1,539
(h) Extensions to Council Administration Offices & Technical Support Facilities 1 ET @ \$2187.14 per ET (\$1,759.90 base rate + \$427.24 indexation) CP Plan No. 18	\$2,187.14
(i) Cycleways: 1 ET @ \$526 per ET (\$447 base rate + \$79 indexation) CP Plan No. 22	\$526

- (j) Regional Open Space (Casual)  
1 ET @ \$1215 per ET \$1,215  
(\$1,031 base rate + \$184 indexation)  
CP Plan No. 26
- (k) Regional Open Space (Structured):  
1 ET @ \$4264 per ET \$4,264  
(\$3,619 base rate + \$645 indexation)  
CP Plan No. 26

[PCC0215/POC0395/PSC0175]

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

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

**BELOW IS ADVICE ONLY**

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

Water: 0.6 ET @ \$13,926 = \$8,355.60  
Sewer: 1.0 ET @ \$6,690 = \$6,690

[PCC0265]

17. 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.

[PCC0935]

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

[PCC0945]

19. A Construction Certificate application for works that involve any of the following:

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

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

- a) Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments

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

[PCC1145]

20. For developments containing less than four attached or detached strata dwellings having a Building Code classification of 1a, each premises must be connected by means of a separate water service pipe, each of which is connected to an individual Council water meter to allow individual metering. Application for the meters shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.

[PCC1175]

21. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the issue of a Construction Certificate.

[PCC1195]

22. 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 form accompanied by the required attachments and the prescribed fee. The arrangements and costs associated with any adjustment to water and wastewater infrastructure shall be borne in full by the applicant/developer.

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

[PCC1310]

23. A detailed plan of landscaping is to be submitted and approved by Council's General Manager or delegate prior to the issue of a Construction Certificate. The detailed plan of landscaping should be reflective of the Landscape Concept Plan dated 14 November 2018 prepared by Plummer & Smith and shall meet the following plant selection criteria:
- a. A minimum of 80% locally occurring Australian native species and maximum of 20% non-locally occurring Australian native species to apply to all trees.
  - b. 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).
  - c. No environmental weed species.

[PCCNS01]

## **PRIOR TO COMMENCEMENT OF WORK**

24. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and

ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]

25. An application is to be made to Council to temporarily “cap off” the existing building sewerage house drainage from Council's sewerage system, prior to any demolition work commencing. A Plumbing and Drainage Works on Private Land <<http://www.tweed.nsw.gov.au/Controls/Forms/Documents/SewerSepticForm.pdf>> application form shall be submitted to Tweed Shire Council and payment of fees in accordance with Councils adopted fees and charges.

[PCW0045]

26. 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]

27. 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]

28. 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]

29. 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]

30. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the site is prohibited.

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

[PCW0255]

31. 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]

32. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. Note All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the Principal Certifying Authority prior to commencement of building works.

[PCW1005]

33. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of a new (or modification of the existing) driveway access (or modification of access).

Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

[PCW1170]

34. All pre-construction arboricultural management measures as specified in the Arboricultural Impact Assessment Report (AIAR) dated 02 October 2018 prepared by Peter Gray shall be satisfactorily implemented prior to commencement of works.

[PCWNS01]

## **DURING CONSTRUCTION**

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

[DUR0005]

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

[DUR0025]

37. Commencement of work, including the switching on and operation of plant, machinery and vehicles is limited to the following hours, unless otherwise permitted by Council:

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

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

work.

[DUR0205]

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

[DUR0375]

39. 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]

40. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Work Health and Safety Regulation 2017.

[DUR0415]

41. 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 2017.

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]

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

[DUR0905]

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

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

[DUR1005]

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

[DUR1015]

45. 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]

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

[DUR2015]

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

[DUR2185]

48. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials.

[DUR2205]

49. Written notice shall be provided to the 'regulator' at least 5 days before the removalist commences licensed asbestos removal work in accordance with Clause 466 of the Work Health and Safety Regulation 2017.

[DUR2840]

50. A supervising Project Arborist with a minimum Australian Qualification framework (AQF) level 5 in Arboriculture shall be engaged to:

- a. Oversee all tree removal and any earthworks (including piling) within the tree protection zone of all trees identified to be retained and protected
- b. Carry out mitigation/remediation works during the construction period in general accordance with the *Australian Standard AS4970 - 2009 Protection of trees on development sites*.

[DURNS01]

51. A suitably qualified ecologist who holds a fauna survey licence is required to manage wildlife onsite during all tree removal operations. Fauna management methods employed should be generally consistent with the Draft Queensland Code of Practice for the Welfare of Wild Animals Affected by Clearing and Other Habitat and Wildlife Spotter/Catchers (Hangar & Nottidge 2009). Where translocation is required the proponent shall seek any relevant permits from the state regulating agency (NSW Office of Environment & Heritage). It is the responsibility of the proponents to ensure all relevant licences have been obtained prior to any fauna interactions.

[DURNS01]

52. During the construction period and with respect to vegetation and fauna management measures the applicant must comply with any directions given by:

- a. Project Arborist;
- b. Qualified ecologist; and/or
- c. Council's General Manager or delegate.

[DURNS01]

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

53. Prior to issue of an Occupation Certificate, all works/actions/inspections etc required at that stage by other conditions or any approved Management Plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

54. A person must not commence occupation or use of the whole or any part of a new



building or structure (within the meaning of Section 6.9 and 6.10 unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).  
[POC0205]

55. 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]

56. 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]

57. Prior to the issue of a final Occupation Certificate, all conditions of consent are to be met.  
[POC1055]

58. An arboricultural certification report prepared by the Project Arborist ((Minimum AQF Level 5 Arborist) shall be submitted to Council prior to the issue of occupation certificate demonstrating compliance with:

- a. Condition 1 of this consent and Arboricultural Impact Assessment Report (AIAR) dated 02 October 2018 prepared by Peter Gray;
  - b. *Australian Standard AS4970 - 2009 Protection of trees on development sites*; and
  - c. Any other tree management measure to protect retained vegetation as directed by Council's General Manager or delegate or Project Arborist during the construction period.
- [POCNS01]

59. All approved landscaping requirements must be completed in accordance with the approved detailed plan of landscaping to the satisfaction of the General Manager or delegate prior to the issue of occupation certificate. Landscaping must be maintained at all times to the satisfaction of Council's General Manager or delegate.  
[POCNS01]

## **AMENDMENT 1**

**P 23**

**Cr C Cherry  
Cr K Milne**

**RECOMMENDED** that Council defer this item for a site visit to understand how the neighbouring objectors concerns regarding overshadowing and privacy have been adequately addressed.

Amendment 1 was **Carried**

**FOR VOTE - Cr K Milne, Cr C Cherry, Cr R Cooper  
AGAINST VOTE - Cr J Owen, Cr P Allsop  
ABSENT. DID NOT VOTE - Cr W Polglase, Cr R Byrnes**

Amendment 1 on becoming the Motion was **Carried** - (Minute No P23 refers)

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

**AGAINST VOTE - Cr J Owen, Cr P Allsop**

**ABSENT. DID NOT VOTE - Cr W Polglase, Cr R Byrnes**

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- 2 [PR-PC] Development Application DA18/0652 for the Demolition of Existing Dwelling, Tree Removal and Construction of a Mixed Use Development Comprising a Dwelling, Shop Top Housing Unit, Shops and Signage at Road 713 & Lot 5 DP 8107 Kyogle Road, Uki; Lot 4 DP 8107 No. 1470 Kyogle Road, Uki**

**P 24**

**Cr P Allsop**

**Cr J Owen**

**RECOMMENDED** that:

- A. Development Application DA18/0652 for the demolition of existing dwelling, tree removal and construction of a mixed use development comprising a dwelling, shop top housing unit, shops and signage at Road 713 & Lot 5 DP 8107 Kyogle Road, Uki; Lot 4 DP 8107 No. 1470 Kyogle Road, Uki be approved subject to the following conditions:

**GENERAL**

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

Plan title	Plan number	Dated	Drawn by
Existing site demolition Plan	A-101 (F)	16 May 2018	Christian Zambelli
Proposed Site Plan	A-102 (F)	16 May 2018	Christian Zambelli
Proposed External works	A-111 (F)	16 May 2018	Christian Zambelli
Proposed External works	A-112 (F)	16 May 2018	Christian Zambelli
Proposed cut and Fill	A-121 (F)	16 May 2018	Christian Zambelli
Lot 4 - Proposed ground plan	A-201 (F)	16 May 2018	Christian Zambelli
Lot 4 - Proposed Level 1 Plan	A-202 (F)	16 May 2018	Christian Zambelli
Lot 4 - Proposed Roof Plan	A-203 (F)	16 May 2018	Christian Zambelli
Lot 5 - Proposed ground plan	A-204 (F)	16 May 2018	Christian Zambelli

Plan title	Plan number	Dated	Drawn by
Lot 4 - Proposed Level 1 Plan	A-205 (F)	16 May 2018	Christian Zambelli
Lot 4 - Proposed Roof Plan	A-206 (F)	16 May 2018	Christian Zambelli
Lot 4 & 5 Streetscape Elevations	A-301 (F)	16 May 2018	Christian Zambelli
Lot 4 - Southern and Western elevations	A-302 (F)	16 May 2018	Christian Zambelli
Lot 4 - Northern and Eastern elevations	A-303 (F)	16 May 2018	Christian Zambelli
Lot 4 - Southern and Western elevations	A-304 (F)	16 May 2018	Christian Zambelli
Lot 4 - Northern and Eastern elevations	A-305 (F)	16 May 2018	Christian Zambelli
Lot 4 Street Façade elevation	A-322 (F)	16 May 2018	Christian Zambelli
Lot 5 Street Façade elevation	A-324 (F)	16 May 2018	Christian Zambelli
Lot 4 AA & BB Sections	A-401 (F)	16 May 2018	Christian Zambelli
Lot 5 CC & DD Sections	A-402 (F)	16 May 2018	Christian Zambelli
Lot 5 Section EE	A-403 (F)	16 May 2018	Christian Zambelli
Pathway easement section	A-413 (F)	16 May 2018	Christian Zambelli
Lot 4 & 5 Pathway easement details	A-503 (F)	16 May 2018	Christian Zambelli
Letter: Response to Traffic Item in Council's Request 1470 Kyogle Road, Uki - Proposed shop-top dwelling development		13 December 2018	Bitzios Consulting
Attachment 2 to Bitzio's letter dated 13 December 2018	PP3314 ( Swept path, 6 pages)	6/12/2018	Bitzios Consulting

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

[GEN0135]

4. 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]

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

[GEN0300]

6. Bushfire Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

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

[GEN0320]

7. Bushfire Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- (a) New construction shall comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire prone area' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.

[GEN0335]

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 2017. 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. All works shall comply with AS2601-2001 Demolition of Structures and the Work Health and Safety Regulation 2017.

[GEN0360]

10. 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). [GEN0365]
11. The inspection opening for the sewer junction in trafficable areas shall be modified to a sewer inspection opening with trafficable lid, constructed flush with the proposed driveway surface. [GENNS01]

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

### 12. Section 7.11 Contributions

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

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 7.11 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

These charges include indexation provided for in the Section 7.11 Contribution Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 7.11 Contribution Plan current at the time of the payment.

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

- (a) Tweed Road Contribution Plan:  
6.5553 Trips @ \$2529 per Trips \$9,946.80  
(\$2,239 base rate + \$290 indexation)  
(\$6,631.20 has been subtracted from this total as this development is deemed an 'Employment Generating Development')  
CP Plan No. 4  
Sector12b\_4
- (b) Extensions to Council Administration Offices  
& Technical Support Facilities  
0.2165 ET @ \$2187.14 per ET \$473.52  
(\$1,759.90 base rate + \$427.24 indexation)  
CP Plan No. 18

[PCC0215]

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

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

**BELOW IS ADVICE ONLY**

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

Lot 4

Water: 0.087 ET @ \$13,926 = \$1,211.60

Sewer: 0.117 ET @ \$6,690 = \$782.70

Lot 5

Water: 0.386 ET @ \$13,926 = \$5,375.40

Sewer: 0.479 ET @ \$6,690 = \$3,204.50

Total S64 Charges

Water: 0.473 ET @ \$13,926 = \$6,587.00

Sewer: 0.596 ET @ \$6,690 = \$3,987.20

[PCC0265]

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

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

[PCC0485]

15. A detailed Plan of Landscaping containing no priority weed species and with a minimum 80% of total plant numbers comprised of local native species to the Tweed Shire is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate. The landscaping plan should include works within the adjacent road way along the river frontage edge of the newly sealed access road along Milsons Lane. This area is to be comprised of low growing local natives. Local native species are to comprise appropriate species selected from the Tweed Shire Native Species Planting Guide available online at: <http://www.tweed.nsw.gov.au/Controls/NativeSpeciesPlanting/Landing.aspx>

[PCC0585]

16. A Traffic Control Plan in accordance with AS1742 and the latest version of the NSW Government Roads and Maritime Services (RMS) publication "Traffic Control

at Work Sites" shall be prepared by an RMS accredited person and shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Safe public access shall be provided at all times.

[PCC0865]

17. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include (but not limited to) engineering plans and specifications undertaken in accordance with Councils Development Design and Construction Specifications for the following required works:
- (a) Removal of the existing rock retaining wall in Milsoms Lane to facilitate the construction of retaining walls within the property boundaries of Lots 4 & 5 DP 8107.
  - (b) A reinforced concrete footpath 1.2 metres wide is to be constructed on a compacted base between Lot 4 and Lot 5 DP 8107 linking into the footpath along the Kyogle Road frontage.
  - (c) The footpath along the Kyogle Road frontage is to be upgraded to a minimum 1.2m wide reinforced concrete footpath.

The proposed / upgraded footpaths are to be in accordance with Tweed Shire Council Standard Drawing SD013 Footpaths.

- (d) The existing driveway on Kyogle Road is to be removed and the area replaced with upright kerb matching into the existing kerb on Kyogle Road.
- (e) Driveway entrance into proposed car park on Milsoms Lane
- (f) Milsoms Lane is to be upgraded with a two coat bitumen seal along the property boundary of Lots 5 & 6 DP 8107 linking into the existing bitumen seal on the laneway near the boundary of Lots 6 & 7 DP 8107. The width of the two coat seal is to match into the existing seal on Milsoms Lane.
- (g) A Traffic Control Plan in accordance with AS1742 and the latest version of the NSW Government Roads and Maritime Services (RMS) publication "Traffic Control at Work Sites" shall be prepared by an RMS accredited person and shall be submitted to Council with the Section 138 application. Safe public access shall be provided at all times.
- (h) Sedimentation and erosion control measures are to be shown on the plans and adequately maintained throughout the works.

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

- Road works/furnishings
- Stormwater drainage
- Water and sewerage works

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

Where Council is requested to issue a Construction Certificate for subdivision works associated with this consent, the abovementioned works can be incorporated as part of the Construction Certificate application, to enable one single approval to be issued. Separate approval under Section 138 of the Roads Act 1993 will then NOT be required.

[PCC0895]

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

[PCC0945]

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

- (a) The Construction Certificate Application for Building Works shall include a detailed Stormwater Management Plan (SWMP) for the occupational or use stage of the development in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
- (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 - Stormwater Quality*.
- (c) The stormwater and site works shall incorporate Water Sensitive Urban Design principles and where practical, integrated water cycle management.

[PCC1105]

20. A Construction Certificate application for works that involve any of the following:

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

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

- a) Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments and the prescribed fee. The Section 68 Application must be approved by Council prior to the associated Construction Certificate being issued.
- b) Where Council is requested to issue a Construction Certificate for subdivision works associated with this consent, the abovementioned works can be incorporated as part of the Construction Certificate application, to enable one single approval to be issued. Separate approval under Section 68 of the Local Government Act will then NOT be required.



[PCC1145]

21. 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]

22. For developments containing less than four attached or detached strata dwellings having a Building Code classification of 1a, each premises must be connected by means of a separate water service pipe, each of which is connected to an individual Council water meter to allow individual metering. Application for the meters shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.

[PCC1175]

23. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the issue of a Construction Certificate.

[PCC1195]

24. In accordance with Section 68 of the Local Government Act, 1993 any premises proposing to discharge wastewater into Council's 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]

25. 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 form accompanied by the required attachments and the prescribed fee. The arrangements and costs associated with any adjustment to water and wastewater infrastructure shall be borne in full by the applicant/developer.

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

[PCC1310]

26. All roof water from the development is to be piped to Kyogle Road. Yard and carparking areas that cannot grade to Kyogle Road are to drain toward Milsoms Lane as dispersed overland flow. Flow spreaders and energy dissipation devices shall be installed as necessary to mitigate any areas of concentrated stormwater flow toward Milsoms Lane, with details shown in the Construction Certificate application. Impervious surfaces in the yard and carparking areas are to be minimised. [PCCNS01]
27. The development shall be designed to avoid any increased risk of slope instability in Milsoms Lane. The design shall be certified as such by a qualified and experienced geotechnical engineer. [PCCNS02]
28. A Construction Management Plan shall be submitted with the Construction Certificate application detailing how the construction shall be carried out such that loadings and vibrations from plant, equipment, stockpiles, and the like do not increase the likelihood of slope instability in Milsoms Lane, and are in accordance with recommendations from a qualified and experienced geotechnical engineer. [PCCNS03]
29. Approval of the development does not permit any post-construction increase in heavy vehicle usage of Milsoms Lane to service the development. All deliveries and servicing employing heavy vehicles are restricted to the Kyogle Road frontage, unless prior approval is obtained from Council's Manager Roads and Stormwater. [PCCNS04]
30. The Stormwater Management Plan submitted to Council under S68 of the Local Government Act shall include details of how all possible stormwater is directed to the Kyogle Road frontage of the site. Stormwater that remains discharging to the Milsoms Lane frontage should be minimised. For any substantial stormwater discharge to Milsoms Lane the SWMP shall detail any necessary measures to mitigate the effects on Milsoms Lane using measures such as onsite detention, infiltration or the like. [PCCNS04]
31. The applicant shall submit to Council an amended parking plan. The plan shall include the provision of three (3) onsite parking spaces on Lot 4 and on Lot 5 DP8107. The spaces shall have a width of 3.0m each in accordance with the letter titled Response to Traffic Item in Council's Information request 1470 Kyogle Road, Uki - Proposed shop-top dwelling development, dated 13 December 2018. The amended plans are to be submitted to Council, to the satisfaction of the General Manager or their delegate prior to Issue of Construction Certificate. [PCCNS05]

## **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 the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works. [PCW0005]

33. An application is to be made to Council to temporarily “cap off” the existing building sewerage house drainage from Council's sewerage system, prior to any demolition work commencing. A Plumbing and Drainage Works on Private Land <<http://www.tweed.nsw.gov.au/Controls/Forms/Documents/SewerSepticForm.pdf>> application form shall be submitted to Tweed Shire Council and payment of fees in accordance with Councils adopted fees and charges. [PCW0045]
34. 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]
35. 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]
36. 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]

37. 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]

38. 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]

39. 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]

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

[PCW0745]

41. A Dilapidation Report detailing the current general condition (including the structural condition) of the adjoining buildings/sites and infrastructure is to be prepared and certified by a suitably qualified and experienced structural engineer. The Report (supported by recent photos) is to be submitted to and accepted by the Principal Certifying Authority prior to commencement of ANY works on the site.

[PCW0775]

42. 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]

43. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. Note All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the Principal Certifying Authority prior to commencement of building works.

[PCW1005]

44. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of a new (or modification of the existing) driveway access (or modification of access).

Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

[PCW1170]

## **DURING CONSTRUCTION**

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

[DUR0005]

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

[DUR0015]

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

[DUR0025]

48. Commencement of work, including the switching on and operation of plant, machinery and vehicles is limited to the following hours, unless otherwise permitted by Council:

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

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

- A. Short Term Period - 4 weeks.

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

- B. Long term period - the duration.

$L_{Aeq, 15 \text{ min}}$  noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0215]

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

[DUR0375]

51. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.  
[DUR0395]
52. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 6.6 of the Environmental Planning and Assessment Act 1979.  
[DUR0405]
53. 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]
54. Excavation
- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with WorkCover 2000 Regulations.
- (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.  
[DUR0425]
55. The finished floor level of the building should finish not less than 225mm above finished ground level.  
[DUR0445]
56. To ensure the development is correctly positioned on the site, a report prepared by a registered surveyor is to be submitted to the principal certifying authority at footings/formwork stage and at the completion of the structures indicating that the development has been correctly positioned on the site in accordance with the approved development consent plans/consent conditions.  
[DUR0495]
57. 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 2017.
- 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]
58. 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]
-

59. 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]
60. 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]
61. Landscaping of the site shall be carried out in accordance with the submitted/approved Landscaping Plans. [DUR1045]
62. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428. [DUR1685]
63. Where a building or part of a building is required, under the provisions of Section D of the Building Code of Australia, to be accessible to permit use by people with disabilities, prominently displayed signs and symbols shall be provided to identify accessible routes, areas and facilities. The signage, including Braille or tactile signage, should be installed in accordance with the relevant provisions of the Building Code of Australia and achieve the minimum design requirements provided under AS1428. [DUR1695]
64. Where access for people with disabilities is required to be provided to a building, sanitary facilities for the use of the disabled must also be provided in accordance with the provisions Part F-2 of the Building Code of Australia. [DUR1705]
65. Pursuant to the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility. [DUR1725]
66. 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]
67. The proponent must not undertake any work within the public road reserve without giving Council's Development Engineering Unit 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]

68. 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]

69. During construction, a “satisfactory inspection report” is required to be issued by Council for all works required under Section 138 of the Roads Act 1993. The proponent shall liaise with Councils Engineering Division to arrange a suitable inspection.

[DUR1925]

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

[DUR2015]

71. 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]

72. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed.

[DUR2245]

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

[DUR2445]

74. 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]

75. 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]

76. 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]

77. 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]

78. 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]

79. Works in the vicinity of public infrastructure must comply with the following requirements;

- a) Surface treatment over the sewer pipe shall be limited to soft landscaping, noninterlocking paving, concrete slab with construction joints along the alignment of the sewer easement (or one metre from the sewer if no easement exists) or similar treatments as specified by Council officers, to allow ready access to the pipe for excavation. Council will not be responsible for the reinstatement of plantings, unauthorised structures or decorative surfacing in the vicinity of the pipe in the event of pipe excavation or other maintenance works.
- b) Any fencing erected across the sewer main shall be designed and constructed with removable panels and footings located at least 1.0 metres horizontally clear of sewer main.
- c) Trees and other landscaping that will grow to over one metre in height at maturity are not permitted within the sewer easement or within one metre of the sewer if no easement exists, to prevent the tree roots intruding into sewer mains and internal sewer pipes. Landscaping over the sewer shall be of a minor nature designed to ensure they do not damage or interfere with any part of the pipeline.

[DURNS01]

80. All trees along the Milsons Lane road reserve immediately adjacent to the work zone are to be provided adequate protection throughout the construction phase of

the development in accordance with Australian Standard AS4970-2009 Protection of Trees on Development Sites and in particular, adequate tree protection fencing is to be provided and maintained for the during of construction phase.

[DURNS02]

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

81. Prior to issue of an Occupation Certificate, all works/actions/inspections etc required at that stage by other conditions or any approved Management Plans or the like shall be completed in accordance with those conditions or plans.  
[POC0005]
82. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 6.9 and 6.10 unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).  
[POC0205]
83. A final occupation certificate is not to be issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been assessed by a properly qualified person and was found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building.  
[POC0225]
84. 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]
85. All landscaping work is to be completed in accordance with the approved plans prior to the issue of a final occupation certificate for the building.  
[POC0475]
86. Prior to the issue of an Occupation Certificate, the applicant shall produce a copy of the "Satisfactory Inspection Report" issued by Council for all works required under Section 138 of the Roads Act 1993.  
[POC0745]
87. Redundant road pavement, kerb and gutter or foot paving including any existing disused vehicular laybacks/driveways or other special provisions shall be removed and the area reinstated to match adjoining works in accordance with Councils Development Design and Construction Specifications.  
[POC0755]
88. Submission to the Principal Certifying Authority, Certification for the structural integrity of any retaining structures in excess of 1.2m erected on the site by a suitably qualified Structural Engineer.  
[POC0815]
89. Upon completion of all works on the site and prior to the issue of an Occupation (including interim) Certificate, a further dilapidation report is to be prepared and certified by a suitably qualified and experienced structural engineer detailing the condition including the structural condition of the adjoining buildings/sites and

infrastructure. The dilapidation reports shall take into consideration the findings of the original reports and advise if any damages have occurred that could be attributed to the work the subject of this development consent. If damages have occurred the PCA is to be provided with evidence that the damages have been satisfactorily repaired prior to the issue of an Occupation Certificate (including interim).

A copy of the dilapidation report is to be provided to the Principle Certifying Authority/Council.

[POC0825]

90. Prior to the issue of an Occupation Certificate, the applicant shall produce a copy of the "Satisfactory Inspection Report" issued by Council for all s68h2 permanent Stormwater Quality Control Devices.

[POC0985]

91. 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]

92. Prior to the issue of a final Occupation Certificate, all conditions of consent are to be met.

[POC1055]

93. Prior to the issue of an Occupation Certificate, documentary evidence is to be provided demonstrating a 1.2m wide easement for public access has been created over the footpath linking the car park in Milsoms Lane to the existing footpath on Kyogle Road is registered with NSW Land and Property Services. Tweed Shire Council are to be listed as the Authority to release or remove the easement.

[POCNS01]

94. External living areas located at the rear of the proposed residential uses on both Lots 4 and 5 which are within 4m of a side boundary are to be suitably screened from adjoining properties. Details of proposed screening is to be submitted for the written satisfaction of Councils General Manager or delegate prior to the issue of an occupation certificate.

[POCNS02]

95. Prior to the issue of an occupation certificate signage for each on-site parking space stating "reverse-in only" shall be installed. Evidence of the signage is to be submitted to Council and approved to the satisfaction of the General Manager or their delegate.

[POCNS03]

## USE

96. 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]

97. The  $L_{Aeq, 15 \text{ min}}$  noise level emitted from the premises shall not exceed the background noise level ( $L_{A90}$ ) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of

any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.

[USE0165]

98. 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]

99. Hours of operation are as follows:

- Lot 4 - A Tinker's Cuss – 9.00am – 4pm Friday, Saturday, and Sunday only.
- Lot 5 – Illusive Wood Design – 9.30am – 3.30pm Thursday – Saturday and 10.00- 2.00pm every second Sunday.

All deliveries and pickups relating to the business are to occur within the approved hours.

[USE0185]

100. 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]

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

[USE0245]

102. All commercial / industrial / residential wastes shall be collected, stored and disposed of to the satisfaction of the General Manager or his delegate.

[USE0875]

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

[USE1035]

104. 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]

105. Footpath trading activities shall not be carried out unless a Footpath Dining License Agreement has been approved by the General Manager or his delegate.

[USE1105]

106. 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]

#### GENERAL TERMS OF APPROVAL UNDER THE WATER MANAGEMENT ACT 2000

Condition Number	Details
	Design of works and structures
GT0009-00010	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
GT0019-00003	Any proposed excavation on waterfront land must be undertaken in accordance with a plan submitted as part of a controlled activity approval, to be approved by Natural Resources Access Regulator.
	Erosion and sediment controls
GT0014-00007	A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval. B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land.
GT0021-00004	The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.
	Plans, standards and guidelines
GT0002-00553	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 18.0652 provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
GT0005-00212	A. The application for a controlled activity approval must include the following plan(s): - i. Detailed Civil Construction and Drainage Plans; ii. Erosion and Sediment Control Plans; iii. Landscape Plans; iv. Stormwater Management Plans;

	and v. Detailed Stormwater Outlet Structure Plans. B. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website www.industry.nsw.gov.au/water/licensingtrade/approvals/controlled-activities.
GT0010-00006	All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person.
GT0012-00004	Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Natural Resources Access Regulator.
GT0030-00006	The application for a controlled activity approval must include plans prepared in accordance with Natural Resources Access Regulator's guidelines located on the website < <a href="https://www.industry.nsw.gov.au/water/licensingtrade/approvals/controlled-activities">https://www.industry.nsw.gov.au/water/licensingtrade/approvals/controlled-activities</a> > .
	Rehabilitation and maintenance
GT0023-00001	Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).
	Reporting requirements
GT0016-00003	The consent holder must inform Natural Resources Access Regulator in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.

- B. Council writes to the applicant and invite them to include details onsite of the "Rotten Row" to provide increased heritage interpretation. These "advertisements" may be subject to separate consent (if not exempt development).

The Motion was **Carried** - (Minute No P24 refers)

**FOR VOTE - Cr J Owen, Cr R Cooper, Cr P Allsop**

**AGAINST VOTE - Cr K Milne, Cr C Cherry**

**ABSENT. DID NOT VOTE - Cr W Polglase, Cr R Byrnes**

## AMENDMENT 1

P 25

Cr K Milne

Cr C Cherry

**PROPOSED** that Council defers this item for a workshop to further explore the impacts to the neighbour objecting, and the potential costs, risks and impacts for Milsoms Lane and the

surrounding environment in regard the lane and riparian bank if failure occurred or reinforcement was required.

Amendment 1 was **Lost**

**FOR VOTE - Cr K Milne, Cr C Cherry**

**AGAINST VOTE - Cr J Owen, Cr R Cooper, Cr P Allsop**

**ABSENT. DID NOT VOTE - Cr W Polglase, Cr R Byrnes**

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**3 [PR-PC] Development Application DA02/1983.19 for an Amendment to Development Consent DA02/1983 for the Use of Property for Filming and Producing a Television Program at Lot 77 DP 755715 Dungay Creek Road, Dungay; Part Lot 74 DP 755715 No. 366 Dungay Creek**

**P 26**

**Cr C Cherry**

**Cr J Owen**

**RECOMMENDED** that Development Application DA02/1983.19 for an amendment to Development Consent DA02/1983 for the use of property for filming and producing a television program at Lot 77 DP 755715 Dungay Creek Road, Dungay; Part Lot 74 DP 755715 No. 366 Dungay Creek Road, Dungay; Lot 93 DP 755715 No. 486 Dungay Creek Road, Dungay be approved subject to the following amendments to conditions:

1. Delete Condition 1.6 and replace it with a new Condition 1.6A which reads as follows:

*1.6A Within 90 days of the approval of DA02/1983.17 a traffic counter shall be in place at the gate of the property from the commencement of preproduction until the end of the wrap period. The results are to be submitted to Council demonstrating that:*

*i. Vehicular ingress to the site is limited to 80 each day for 330 days each year and a limit of 100 is to enter the site no more than 35 days each year.*

*Within 90 days of the approval of DA02/1983.19 the applicant is to submit a revised Site Management Plan (for approval under staff delegation) which removes the reference to exclude multiple trips from a single vehicle (Site Management Plan in Section 8.1 - 9) and to include a statement that "Temporary advisory signage is to be installed on Dungay Creek Road, approved by Council, during days when expected traffic generation is expected to exceed 80 entering vehicles per day, advising motorists accordingly."*

The Motion was **Carried**

**FOR VOTE - Unanimous**

**ABSENT. DID NOT VOTE - Cr W Polglase, Cr R Byrnes**

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4 [PR-PC] North Byron Parklands SSD8169 Mod 1

**ALTERNATE TEXT**

**P 27**

**Cr C Cherry**  
**Cr K Milne**

**RECOMMENDED** that Council forwards the following submission to the Department of Planning:

***"Tweed Shire Council endorsed comments on the proposed amendment of the approved North Byron Parklands Cultural Event Site (SSD 8169 Mod 1)***

*I refer to your email of 13 May 2019 inviting Council's comments in relation to the proposed SSD Mod 1 for the North Byron Parklands Cultural Event Site, Yelgun.*

*The proposed amendment of Condition A7 to allow the Falls Festival to progress to Stage 2 capacity (30,000 patrons) is not considered to be acceptable.*

*The proposed amendment is considered to raise significant concerns given that no event has been held to date on the site using the proposed traffic management configuration whereby a patron exit is now located on the Northern side, exiting to Wooyung Rd in Tweed Shire. During the trial period a Splendour in the Grass event did use an emergency accessway informally to exit patrons along this route and it caused considerable issues with traffic on Tweed Coast Rd and Coronation Ave in Pottsville as is referenced in the appropriate Performance Report. This impact was reported during the winter months of July and it is anticipated that such traffic impacts when considered on the peak New Year traffic flows already impacting Tweed Coast Rd has the potential to significantly reduce level of service within Pottsville itself.*

*Accordingly, Tweed Shire Council objects to the proposed amendment of Condition A7, and disputes that it was mistakenly included as below by the Commissioners as maintained by the applicant.*

*Commencement of Large Events*

*A6. This consent limits the Applicant to commence large events at the following capacities:*

- (a) large winter event at 35,000 patrons; and*
- (b) large summer event at 25,000 patrons,*

*except in accordance with a staged approval by the Planning Secretary to progressively expand the large events in accordance with Condition D9, and subject to conditions D10 to D15.*

*A7. Notwithstanding Condition A6, the Applicant may commence the large winter event at a capacity of 42,500 patrons, subject to meeting the following requirements:*

- (a) the Applicant has previously held an event at the site with a capacity of 35,000 patrons;*
- (b) the Applicant has met the requirements in conditions D16 and D17; and*

- (c) *the Planning Secretary has approved the Applicant's request to progress to the next stage as required by Condition D14.*

*No Performance Report has been provided for the Falls Festival 2018/2019 event demonstrating that 25,000 patron capacity can be achieved while meeting all KPI's.*

*The Performance Report for SITG 2018 demonstrates non-compliance with KPI's for traffic during 3 of the four event days ( as detailed on page 41, Traffic Evaluation Report attached to PER SITG 2018) which is cause for concern when considered in light of any request to increase patron numbers for subsequent events. It is also cause for concern with regard to evacuation of the site at increased levels.*

*Condition A7 allows the increase of patron numbers to Stage 2 levels provided the conditions in D16 and D 17 are met. However, as the new traffic management plan approved for the SSD has a significantly altered traffic management process by way of a northern Access Gate E onto Wooyung Rd, which has not been trialled to date for the Falls Festival it is not possible to demonstrate compliance and as such an increase to 30,000 patrons is not supported, particularly combined with the changed definition of patrons which now allows all complimentary tickets, stall holders and volunteers to no longer be counted in patron numbers.*

*Council advises that traffic issues have been reported with Park n Ride at Kingscliff and any illegal parking will be subject to the usual fines."*

The Motion was **Carried**

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

**AGAINST VOTE - Cr J Owen, Cr P Allsop**

**ABSENT. DID NOT VOTE - Cr W Polglase, Cr R Byrnes**

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## **5 [PR-PC] 2018-2019 Local Heritage Assistance Fund Program**

**P 28**

**Cr C Cherry**

**Cr P Allsop**

**RECOMMENDED** that:

1. The summary of the outcomes of the 2018-19 Local Heritage Assistance Fund Grants program, as attached to this report, are noted;
2. Council supports the continuation of the Local Heritage Assistance Fund and Heritage Advisor Program; and
3. Council provides staff advice in regard to whether there can be prioritisation of future grants for commercial/CBD areas.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**ABSENT. DID NOT VOTE - Cr W Polglase, Cr R Byrnes**

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

**P 29**

**Cr C Cherry  
Cr R Cooper**

**RECOMMENDED** that Council notes there are no variations for the month of May 2019 to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

***FOR VOTE - Unanimous  
ABSENT. DID NOT VOTE - Cr W Polglase, Cr R Byrnes***

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There being no further business the Planning Committee Meeting terminated at 6.43PM.



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