



**TWEED**  
SHIRE COUNCIL

**Mayor:** Cr K Milne

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

# Minutes

## **Planning Committee Meeting Thursday 7 April 2016**

held at Murwillumbah Cultural and Civic Centre  
commencing at 5.00pm

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

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

(a) the provisions of:

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

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

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

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

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

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

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

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

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

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

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

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

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The Meeting commenced at 5.00pm.

### **IN ATTENDANCE**

Cr G Bagnall (Deputy Mayor), Cr B Longland, Cr W Polglase and Cr P Youngblutt.

Also present were Mr Troy Green (General Manager), Ms Liz Collyer (Director Corporate Services), Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), Mr Shane Davidson (Executive Officer), and Miss Janet Twohill (Minutes Secretary).

### **ABORIGINAL STATEMENT**

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

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

### **PRAYER**

The meeting opened with a Prayer read by the Deputy Mayor.

### **APOLOGIES**

Attendee Cr C Byrne has informed the General Manager that her absence is caused by personal circumstances.

Attendee Cr K Milne has informed the General Manager that her absence is caused by illness.

### **P 21**

**Cr W Polglase**  
**Cr P Youngblutt**

**RESOLVED** that the apology of Cr C Byrne be accepted and the necessary leave of absence be granted.

The Motion was **Carried**

**FOR VOTE - Unanimous**  
**ABSENT. DID NOT VOTE - Cr K Milne, Cr C Byrne**

**Cr W Polglase**  
**Cr P Youngblutt**

**RESOLVED** that the apology of Cr K Milne be accepted and the necessary leave of absence be granted up to and including 2 May 2016.

The Motion was **Carried**

**FOR VOTE - Unanimous**  
**ABSENT. DID NOT VOTE - Cr K Milne, Cr C Byrne**

**DISCLOSURE OF INTEREST**

**Cr G Bagnall** declared a Non-Pecuniary, Non-Significant conflict of interest in Item 6.

The nature of this interest is that he employs a person who lives on the site

Cr G Bagnall will remain in the Chambers during discussion and voting.

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

Nil.

**SCHEDULE OF OUTSTANDING RESOLUTIONS**

Nil.

**REPORTS THROUGH THE GENERAL MANAGER**

Nil.

**REPORTS FROM THE DIRECTOR PLANNING AND REGULATION**

- 1 **[PR-PC] Development Application DA15/0655 for a Proposed Demolition, Three into Two Lot Subdivision and Construction of Two Single Dwellings in Four Stages at Lot B DP 942309; Lot 641 DP 755740 & Lot A DP 7937 No. 8 Lagoon Road, Fingal Head**

**P 22**

**Cr W Polglase**  
**Cr P Youngblutt**

**RECOMMENDED** that:

- A. Development Application DA15/0655 for a proposed demolition, three into two lot subdivision and construction of two single dwellings in four stages at Lot B DP 942309; Lot 641 DP 755740 & Lot A DP 7937 No. 8 Lagoon Road, Fingal Head 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:

- Stage 1 - Demolition Plan
- Stage 2 - Subdivision
- Overall Site Plan prepared by Habitat Studio Architects Issue G 26/05/2015
- Stage 3 Proposed Lot 11 House Plans as follows:
  - Site Plan Lot 11 House prepared by Habitat Studio Architects Issue G dated 26/05/2015
  - Ground Floor Plan Lot 11 House prepared by Habitat Studio Architects Issue G dated 26/05/2015
  - Upper Floor Plan Lot 11 House prepared by Habitat Studio Architects Issue G dated 26/05/2015
  - Roof Level Lot 11 House prepared by Habitat Studio Architects Issue G dated 26/05/2015
  - North & East Elevation Lot 11 House prepared by Habitat Studio Architects Issue G dated 26/05/2015
  - South & West Elevation Lot 11 House prepared by Habitat Studio Architects Issue G dated 26/05/2015
  - Section AA Lot 11 House prepared by Habitat Studio Architects Issue G dated 26/05/2015
  - Section BB Lot 11 House prepared by Habitat Studio Architects Issue G dated 26/05/2015
- Stage 4 Proposed Lot 10 House Plans as follows (Note these plans need to be amended to relocate eaves and structures out of the sewer easement):
  - Site Plan Lot 10 House prepared by Habitat Studio Architects Issue G dated 26/05/2015
  - Ground Floor Plan Lot 10 House prepared by Habitat Studio Architects Issue G dated 26/05/2015
  - Upper Floor Plan Lot 10 House prepared by Habitat Studio Architects Issue G dated 26/05/2015
  - Roof Level Lot 10 House prepared by Habitat Studio Architects Issue G dated 26/05/2015
  - North & East Elevation Lot 10 House prepared by Habitat Studio Architects Issue G dated 26/05/2015
  - South & West Elevation Lot 10 House prepared by Habitat Studio Architects Issue G dated 26/05/2015
  - Section CC Lot 10 House prepared by Habitat Studio Architects Issue G dated 26/05/2015
  - Section DD Lot 10 House prepared by Habitat Studio Architects Issue G dated 26/05/2015

except where varied by the conditions of this consent.

[GEN0005]

2. All trees occurring on the subject site identified to be retained in the approved *Tree Protection Management Plan (TPMP) 6-8 Lagoon Road Rev. 2 dated 22 December 2015 prepared by TreeScience* and shown in Section 6.3 titled 'Tree Survey' (of that plan) shall be retained and afforded adequate protection during the construction phase and the life of the development.

[GENNS02]

3. To ensure protection of vegetation occurring within the adjacent Lagoon Road reserve all works shall be undertaken in accordance with the approved Tree Protection Management Plan unless otherwise directed/approved by Council's General Manager or delegate.

[GENNS03]

4. The approved subdivision/development shall not result in any clearing of native vegetation without prior approval from the relevant authority

[GENNS04]

5. The development shall be completed in the following stages, except where varied by conditions of this consent, or approved otherwise by Council.

Stage 1

- Demolition of all existing structures on the site comprising the existing dwelling house and the detached garage structure.

Stage 2

- The creation of the two lot subdivision and associated subdivision works.

Stage 3

- Erection of a new dwelling house with attached garage on proposed Lot 11, with access off Lagoon Road.

Stage 4

- Erection of a new dwelling house with spa and attached garage on proposed Lot 10, with access off Dune Street.

[GEN0015]

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

[GEN0115]

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

[GEN0125]

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

[GEN0135]

9. Council advises that the land is subject to inundation in a 1 in 100 year event to the Design Flood Level of 2.6m AHD. Development of the site is subject to the provisions of Council's Consolidated DCP Section A3 *Development of Flood Liable Land*.

[GEN0195]

10. 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]



11. 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]
12. Prior to the commencement of construction of the new structure or use of the site a ‘clearance inspection’ shall be conducted for the site and a ‘clearance certificate’ issued by a licensed asbestos assessor or competent person which states that the site ‘does not pose a risk to health and safety from exposure to asbestos’ in accordance with Clause 474 of the Work Health and Safety Regulation 2011. A copy of this certificate shall be forwarded to the Principal Certifying Authority and Council within 7 days of completion of the ‘clearance inspection’.  
[GEN0350]
13. Geotechnical investigations and assessment of the subject site shall be in accordance with the recommendations and requirements as specified in the Geotech Report prepared by Geotech Investigations Pty Ltd, dated 23 April 2014, except where varied by the conditions of this consent.  
[GENNS01]
14. Where easements in favour of Council are provided through private property no structures or part thereof may encroach into the easement. This includes (but is not limited to) the proposed roof, eave, proposed solar system, proposed rainwater tank and other services shown on plan to be located within the sewer easement.  
[GENNS02]
15. Structures proposed/identified within/over the easements on the land are not approved and are to be located external to the easement.  
[GENNS03]

#### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

16. Prior to the issue of a Construction Certificate for Subdivision Works (Stage 2), a Cash Bond or Bank Guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the public infrastructure works as set out in Council’s fees and charges at the time of payment.

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

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

[PCC0275]

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

[PCC0285]

18. Both proposed allotments shall be filled such that they grade at a minimum of 1%, to their respective street frontages, (unless an alternative legal point of discharge is provided) in accordance with Section A3 - *Development of Flood Liable Land* of Council's Tweed Development Control Plan. The filling must at no time result in additional ponding or runoff impacting on neighbouring properties.

Detailed engineering plans of cut/fill levels and perimeter drainage (as required) shall be submitted with the Construction Certificate application for Stage 2 for Council approval.

[PCC0485]

19. 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]

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

- (a) copies of Compliance Certificates relied upon
- (b) four copies of detailed engineering plans and specifications, *prepared in accordance with Development Design Specification D13 - particularly Section D13.09*. The detailed plans shall include (but are not limited to) the following, unless approved otherwise by Council:
  - earthworks
- (c) Filling of proposed allotments to comply with Section A3 - *Development of Flood Liable Land* of Council's Tweed Development Control Plan.
  - roadworks/furnishings
  - stormwater drainage
  - water supply works
- (d) Individual house connections are to be provided for each allotment.
  - sewerage works
- (e) Individual house connections are to be provided for each allotment.
- (f) Proposed sewerage pipeline and easement must meet Tweed Shire Council Development Design Specification D12
  - landscaping works
  - sedimentation and erosion management plans

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

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

[PCC0985]

21. Disposal of stormwater by means of infiltration devices shall be carried out in accordance with Section D7.9 of Tweed Shire Councils Development Design and Construction Specification - Stormwater Quality.

[PCC1125]

22. Stormwater

- (a) Details of the proposed roof water disposal for both proposed dwellings (Stage 3 & 4), including surcharge overland flow paths are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the respective Construction Certificates. These details shall include likely landscaping within the overland flow paths.
- (b) All roof water shall be discharged to infiltration pits located wholly within the subject allotment.
- (c) The infiltration rate for sizing infiltration devices shall be 3m per day:
- \* As a minimum requirement, infiltration devices are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) over a range of storm durations from 5 minutes to 24 hours and infiltrate this storm within a 24 hour period, before surcharging occurs.
- (d) Surcharge overflow from the infiltration area to the street frontage must occur by visible surface flow, not piped.
- (e) Runoff other than roof water must be treated to remove contaminants prior to entry into the infiltration areas (to maximise life of infiltration areas between major cleaning/maintenance overhauls).
- (f) All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.
- (g) All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.
- (h) All infiltration devices are to be designed to allow for construction and operation vehicular loading.
- (i) All infiltration devices are to be located clear of stormwater or sewer easements.

[PCC1135]

23. A construction certificate application for works that involve any of the following:

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

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

- a) Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.
- b) Where Council is requested to issue a construction certificate for subdivision works, 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]

24. 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".

A detailed Erosion and Sediment Control Plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality* shall be submitted with each Construction Certificate Application.

[PCC1155]

25. For developments containing less than four attached or detached 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]

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

[PCC1235]

27. As the Water Supply Authority under the Water Management Act 2000, prior to construction certificate the proposed water supply and sewerage system information for the development meeting the Tweed Shire Council Development Design Specifications shall be to be submitted to Council's General Manager or his delegate for approval.

[PCCNS01]

28. Any future development of this site will require an updated plans to be submitted be approved by the General Manager or his delegate for approval prior to construction. The plans shall show that no structures or part thereof encroaching into the sewer easement.

[PCCNS02]

#### PRIOR TO COMMENCEMENT OF WORK

29. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and advise the Principal Certifying Authority of its location and depth prior to commencing works for each stage of the development and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]

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

[PCW0045]

31. 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]

32. 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]

33. 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]

34. 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]

35. 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]

36. All imported fill material shall be from an approved source.

Prior to commencement of filling operations for Stage 2, details of the source of the fill, description of material, proposed use of material and confirmation that further blending, crushing or processing is not to be undertaken shall be submitted to the satisfaction of the General Manager or his delegate.

Once the approved haul route has been identified, payment of the applicable Heavy Haulage Contribution calculated in accordance with Section 94 Plan No 4 will be required prior to the issue of the Subdivision Certificate.

[PCW0375]

37. Stage 2 Subdivision work in accordance with a development consent must not be commenced until:

- (a) a Construction Certificate for the Subdivision Work has been issued in accordance with Councils Development Construction Specification C101 by:
  - (i) the Consent Authority, or
  - (ii) an Accredited Certifier, and
- (b) the person having the benefit of the development consent:
  - (i) has appointed a Principal Certifying Authority,
  - (ii) has appointed a Certifying Engineer to certify the compliance of the completed works.

The Certifying Engineer shall be an Institute of Engineers Australia Chartered Professional Engineer (Civil College) with NPER registration. Documentary evidence is to be provided to Council demonstrating current NPER accreditation, and

- (i) has notified the Consent Authority and the Council (if the Council is not the Consent Authority) of the appointment,
  - (ii) a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Certifying Engineer is erected and maintained in a prominent position at the entry to the site in accordance with Councils Development Design and Construction Specifications. The sign is to remain in place until the Subdivision Certificate is issued, and
- (c) the person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the subdivision work.

[PCW0815]

38. 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.

[PCW0985]

39. 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]

40. 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 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]

41. Prior to commencement of work for Stage 1 demolition work a detailed landscape plan shall be submitted and approved by Council's General Manager addressing the area described as Deep Soil Zone/s on the approved development plans. The detailed landscape plan shall:
- a. Ensure 100% of total plant numbers are comprised of local native species known to be represented within a littoral rainforest community.
  - b. Detail environmental weed control works.
  - c. Indicate an establishment period of six (6) months.

[PCWNS01]

42. Prior to commencement of work for Stage 1 demolition work the applicant must give a security to Council in the form of a performance bond (cash bond or bank guarantee) to the total amount of \$15, 000.00. The performance bond is required to assure compliance with the applicant's obligations during the construction phase of the development to retain and protect all trees and littoral rainforest identified in the approved Tree Protection Management Plan (Section 6.3) (pursuant to Condition 2 and Condition 3 of this consent).

The performance bond shall be lodged prior to the issue of Stage 1 construction certificate, demolition certificate or commencement of any works on site whichever occurs first. The bond may be proportionally released where obligations for tree protection and management have been met to the satisfaction of Council's General Manager or delegate in accordance with the following scheduling:

- a. \$7500 released 12 months following construction of a dwelling on proposed Lot 10
- b. \$7500 released 12 months following construction of a dwelling on proposed Lot 11

[PCWNS02]



43. Appropriate tree protection fencing shall be installed prior to commencement of any works in accordance with the approved Tree Protection Management Plan and *Australian Standard AS4970-2009 Protection of trees on development sites*. Additional tree protection fencing shall be installed in the following areas of the Lagoon Road reserve in accordance with *AS4970-2009* to the satisfaction of Council's General Manager or delegate. Consideration shall be given to traffic safety in the design of any protection measures.
- a. Around the Tree Protection Zone of Tree No. 13 *Elaeocarpus obovatus* (Hard Quandong)
  - b. Extended along the northern most edge of the littoral rainforest community as identified in Section 6.3 of the Tree Protection and Management Plan.
- [PCWNS03]
44. Tree protection fencing shall remain for the duration of the construction period relevant to each stage.
- [PCWNS04]
45. A suitably experienced and qualified Project Arborist (Minimum AQF Level 5 Arborist) must be appointed prior to commencement of any works on site. The Project Arborist is to be responsible for supervising tree works and completing certification of tree management requirements in accordance with the approved Tree Protection Management Plan and *Australian Standard AS4970-2009 Protection of trees on development sites* through all stages of the development.
- [PCWNS05]

#### DURING CONSTRUCTION

46. All proposed works are to be carried out in accordance with the conditions of development consent, approved Management Plans, approved Construction Certificates, drawings and specifications.
- [DUR0005]
47. All works shall comply with AS2601-2001 Demolition of Structures and the Work Health and Safety Regulation 2011.
- [DUR0165]
48. Construction and/or demolition site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:
- Monday to Saturday from 7.00am to 6.00pm  
No work to be carried out on Sundays or Public Holidays
- The proponent is responsible to instruct and control subcontractors regarding hours of work.
- [DUR0205]
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. Prior to demolition of the structure is commenced all asbestos material shall be identified and removed from the site by an asbestos removalist who is licensed to carry out the work by WorkCover NSW. All asbestos waste shall be disposed at a facility that is licensed to receive asbestos waste (all receipts related to disposal must be kept on site and provided to a Council Authorised Officer upon request).

[DUR0335]

51. 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]

52. 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]

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

[DUR0405]

54. 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]

55. 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]

56. If the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
  - (b) building involves the enclosure of a public place,

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

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

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

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

[DUR0435]

57. The finished floor level of the building should finish not less than 225mm above finished ground level.

[DUR0445]

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

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

[DUR0645]

59. 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]

60. Required earthworks and filling shall be carried out in accordance with AS 3798 (current version) and testing in accordance with Table 8.1.

Notwithstanding earthworks and filling, the frequency of field density tests for trenches shall be undertaken in accordance with Table 8.1 of AS 3798 (current version).

[DUR0795]

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

[DUR0815]

62. 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]
63. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate. [DUR0985]
64. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate for Stage 2 works and prior to the issue of an Occupation Certificate for Stage 3 & 4 works. [DUR0995]
65. 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]
66. All works shall be carried out in accordance with Councils Acid Sulfate Soils Management Plan for Minor Works. A signed copy of this Management Plan shall be submitted to Council prior to the commencement of works. [DUR1075]
67. 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]
68. Any damage caused to public infrastructure (roads, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Council's Development Design and Construction Specifications prior to the issue of a Subdivision Certificate for Stage 2 or prior to any use or occupation of the Stage 3 & 4 dwellings as deemed applicable. [DUR1875]
69. Tweed Shire Council shall be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, Appendix D. Inspection fees are based on the rates contained in Council's current Fees and Charges:

Water Reticulation, Sewer Reticulation, Drainage

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

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

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

The fee for the abovementioned inspections shall be invoiced upon completion of all Stage 2 subdivision works, and subject to the submission of an application for a 'Subdivision Works Compliance Certificate'.

[DUR1895]

- 70. No portion of the structure may be erected over any existing sillage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.  
[DUR1945]
- 71. 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]
- 72. 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]
- 73. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed.  
[DUR2245]
- 74. 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 to ensure minimal impact on adjoining properties. Drainage must be installed and operational prior to commencement of any building work.  
[DUR2325]
- 75. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the Tweed Shire Council General Manager or his delegate.  
[DUR2425]

76. 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]

77. 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]

78. 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]

79. 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]

80. The Applicant shall submit the appropriate 'Application for Water Service Connection' to Council's Water Unit to facilitate a property service water connection for proposed Lot10, from the existing water main in Dune Street. The connection shall be undertaken by Tweed Shire Council, with all applicable costs and application fees paid by the Applicant.

[DUR2800]

81. 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 2011.

[DUR2840]

82. The importation of fill or soil to the site shall be in accordance with the provisions of the Protection of the Environment Operations Act 1997.

[DURNS01]

83. Works in the vicinity of public infrastructure must comply with the following requirements:
- a) No portion of any structure may be erected within any easement for public infrastructure over the subject site. All structures shall be designed and sited such that all structure loads will be transferred to the foundation material outside of the zone of influence of any public infrastructure.
  - b) Surface treatment over the sewer pipe shall be limited to soft landscaping, non-interlocking paving, asphalt 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.
  - c) 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.
  - d) Trees and other landscaping that will grow to over one meter in height at maturity are not permitted within the sewer easement to prevent the tree roots intruding into sewer mains and internal sewer pipes. Landscaping within sewer easements shall be of a minor nature designed to ensure they do not damage or interfere with any part of the pipeline.
- [DURNS01]
84. All vegetation management measures detailed in the approved Tree Protection Management plan shall be complied with for all stages of the development during the construction phase
- [DURNS02]
85. The applicant must comply with any directions given by the Project Arborist or Council's General Manager or delegate during the construction phase in respect to vegetation management measures employed onsite.
- [DURNS03]
86. In the event that any threatened species, populations, ecological communities or their habitats are detected during operations with a high likelihood of negative impact appropriate Plans of Management for those species must be formulated to the satisfaction of the General Manager or delegate and/or the Office of Environment and Heritage. No further site clearing will take place until the Plan(s) of Management is/are approved.
- [DURNS04]
87. All landscaping shall be carried out in accordance with the approved landscaping plans.
- [DURNS05]
88. All practical measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development
- [DURNS06]

## PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

89. Prior to issue of an occupation certificate, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans. [POC0005]
90. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units). [POC0205]
91. Prior to the issue of an occupation certificate,
- (a) Certification of termite protection methods performed by the person carrying out the works is to be submitted to the PCA; and
  - (b) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
    - (i) the method of protection; and
    - (ii) the date of installation of the system; and
    - (iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
    - (iv) the need to maintain and inspect the system on a regular basis. [POC0235]
92. Application is to be made to Tweed Shire Council for a street address number. The number is to be prominently displayed prior to the occupation of the building. [POC0245]
93. 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]
94. 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]
95. Prior to the issue of a final occupation certificate, all conditions of consent are to be met. [POC1055]

## PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

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



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

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

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

Water:	1 lot @ \$13128	\$13,128
Sewer:	1 lot @ \$6307	\$6,307

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

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

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

[PSC0165]

98. Prior to the issue of a Subdivision Certificate for Stage 2, a Defect Liability Bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.

The bond shall be based on 5% of the value of the Stage 2 public infrastructure works (minimum as tabled in Council's fees and charges current at the time of payment) which will be held by Council for a period of 6 months from the date on which the plan of subdivision is registered.

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

[PSC0215]

99. At the completion of the Stage 2 filling and prior to the issue of the Subdivision Certificate for Stage 2, an appropriately qualified practising professional Geotechnical Engineer shall provide an Engineering Certification that clearly states the following:

1. All filling have been inspected to a standard in accordance with AS 3798 (current version) and in accordance with the recommendations of the Geotech Investigations Pty Ltd Geotech Report, dated 23 April 2014, and is suitable for its intended residential.
2. Trenches have been compacted in accordance with Council's Construction Specifications.

[PSC0395]

100. Any damage to property (including pavement damage) caused during Stage 2 works is to be rectified to the satisfaction of the General Manager or his delegate prior to the issue of a Subdivision Certificate for Stage 2. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.

[PSC0725]

101. Prior to the issue of a Subdivision Certificate for Stage 2, Work as Executed Plans shall be submitted in accordance with the provisions of Tweed Shire Council's Development Control Plan Part A5 - Subdivision Manual and Council's Development Design Specification, D13 - Engineering Plans.

The plans are to be endorsed by a Registered Surveyor OR a Consulting Engineer Certifying that:

- (a) all drainage lines, sewer lines, services and structures are wholly contained within the relevant easement created by the subdivision;
- (b) the plans accurately reflect the Work as Executed for Stage 2.

Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed (WAX) plans.

[PSC0735]

102. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of this Development Consent associated with Stage 2 have been complied with.

[PSC0825]

103. Prior to the issue of the Subdivision Certificate, certification from a Fire Protection Association Australia (FPA Australia) accredited Bushfire Planning And Design (BPAD) certified practitioner, must be submitted to the PCA, confirming that the subject development complies with the Rural Fire Service's General Terms of Approval imposed under Section 100B of the Rural Fires Act 1997 on the consent, as applicable to Stage 2.

[PSC0830]

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

- (a) Easements for sewer, water supply and drainage over ALL public services/infrastructure on private property.
- (b) Positive Covenant over the subject land (as applicable) to ensure that the required provisions of the "Planning for Bushfire Protection 2006" Guidelines and the General Terms of Approval of the Consent as imposed under Section 100B of the Rural Fires Act 1997 are enforced in perpetuity.
- (c) A Restriction As To User requiring that all roofwater from future houses, buildings or structures shall be discharged to approved infiltration pits

located upon the respective allotments. The infiltration pits shall be approved by the Principle Certifying Authority.

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

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

[PSC0835]

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

[PSC0855]

106. Prior to registration of the Plan of Subdivision, a Subdivision Certificate for Stage 2 shall be obtained.

The following information must accompany an application:

- (a) original Plan of Subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.
- (b) all detail as tabled within Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, CL 5.7.6 and Councils Application for Subdivision Certificate including the attached notes.

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

[PSC0885]

107. In conjunction with the application for a Subdivision Certificate, the applicant must also apply to Council (OR PCA if applicable) for a Compliance Certificate for the Stage 2 Subdivision Works for (but not limited to) the following:-

- (a) Water Reticulation
- (b) Sewerage Reticulation
- (c) Drainage
- (d) Filling

Note:

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

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

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

[PSC0915]

108. The six (6) months Defects Liability Period for the Stage 2 subdivision works commences upon the registration of the Plan of Subdivision.

[PSC0925]

109. Prior to the issue of a Subdivision Certificate for Stage 2 and also prior to the end of Defects Liability Period, a CCTV inspection of any stormwater pipes and gravity sewerage systems installed and to be dedicated to Council including joints and junctions will be required to demonstrate that the standard of the infrastructure is acceptable to Council.

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

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

[PSC1065]

110. Prior to issuing a Subdivision Certificate for the Stage 2, reticulated water supply and outfall sewerage reticulation (including household connections) shall be provided to all lots within the subdivision in accordance with Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual, Councils Development Design and Construction Specifications and the Construction Certificate approval.

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

[PSC1115]

111. Prior to issuing a Subdivision Certificate for Stage 2, written evidence from the local telecommunications supply authority shall be provided to Council certifying that the provision and commissioning of underground telephone supply at the front boundary of all allotments has been completed.

[PSC1165]

112. Electricity

- (a) Prior to issuing a Subdivision Certificate for Stage 2 written evidence from the local electricity supply authority shall be provided to Council certifying that reticulation and energising of underground electricity has been provided adjacent to the front boundary of each allotment.

[PSC1185]

113. An arboricultural certification report prepared by the Project Arborist (Minimum AQF Level 5 Arborist) shall be submitted to Council prior to the issue of the subdivision certificate and occupation certificate for each stage of the development demonstrating compliance with:
- a. The approved Tree Protection Management Plan
  - 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

[PSCNS01]

114. The following restrictions as to user under Section 88B of the *Conveyancing Act 1919* are to be created to Council's satisfaction prior to issue of the subdivision certificate:

- a. Restriction as to user regarding the retention of native vegetation identified in Section 6.3 titled 'Tree Survey' of the *Tree Protection Management Plan (TPMP) 6-8 Lagoon Road Rev. 2 dated 22 December 2015 prepared by TreeScience*. The following trees described in the approved plan shall be retained and protected in perpetuity.
  - i. Tree No. 5-7 and 10 - *Cupaniopsis anacardioides* (Tuckeroo)
  - ii. Tree No. 8 - *Ficus obliqua* (Small-leaved Fig)
  - iii. Tree No. 9a and 9b - *Cryptocarya triplinervis* (Three-veined Laurel)
  - iv. Tree No. 6a - *Elaeocarpus obovatus* (Hard Quandong)
  - v. Tree No. 6b - *Cryptocarya triplinervis* (Stinking Cryptocarya)
- b. Burden: Lot 10 and Lot 11: Benefit: Tweed Shire Council.

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

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

1. The development proposal is to comply with the following drawings, except where modified by the following conditions:
  - subdivision layout plan prepared by Stewart McIntyre & Associates Pty Ltd numbered DWG9301C, dated 31 March 2014; and
  - plan set titled Lagoon Road Residences prepared by Habitat Studio Architects Pty Ltd numbered Project No. 14-25 (Revision G), dated 26 May 2015.

#### 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:

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

#### Water and Utilities

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

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

#### 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:

4. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
5. Roofing shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall be non-combustible.
6. All new fencing within 10 metres of the dwelling(s) shall be non-combustible.

#### Landscaping

7. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

- B. The applicant be advised that the subject site may be affected by a listing registered under the Australian Heritage Information Management System and that advice should be sought from the NSW Office of Environment and Heritage prior to commencing any ground disturbing works.

The Motion was **Carried**

**FOR VOTE - Cr B Longland, Cr W Polglase, Cr P Youngblutt**

**AGAINST VOTE - Cr G Bagnall**

**ABSENT. DID NOT VOTE - Cr K Milne, Cr C Byrne**

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- 2 [PR-PC] Development Application DA15/0776 for a Mixed Use Development Incorporating 40 Dual Use Units (Residential and Tourist Accommodation) Including an Ancillary Communal Area with Swimming Pool and Gym, Ground Level Commercial Premises (Retail, Restaurant/Café and Office Use) and Vehicular Parking over the Basement and Ground Levels, Two Lot Stratum Subdivision and 40 Lot Strata Subdivision at Lots 54 & Lot 55 DP 1145386 Cylinders Drive, Kingscliff, Cylinders Drive & Ocean Avenue Road Reserves, Kingscliff**

**P 23**

**Cr W Polglase  
Cr P Youngblutt**

**RECOMMENDED** that:

- A. Clause 4.6 variation to Clause 4.3 and Clause 4.4 of Tweed Local Environmental Plan 2014 regarding the height of the building and the floor space ratio be supported and the concurrence of the Director-General of the Department of Planning be assumed.
- B. That Development Application DA15/0776 for a Mixed Use Development Incorporating 40 Dual Use Units (Residential and Tourist Accommodation) Including an Ancillary Communal Area with Swimming Pool and Gym, Ground Level Commercial Premises (Retail, Restaurant/Café and Office Use) and Vehicular Parking over the Basement and Ground Levels, Two Lot Stratum Subdivision and 40 Lot Strata Subdivision at Lots 54 & Lot 55 DP 1145386 Cylinders Drive, Kingscliff, Cylinders Drive & Ocean Avenue Road Reserves, Kingscliff be approved subject to the following conditions:

GENERAL

1. This consent relates to a staged development as follows:

- Stage 1: Construction of mixed use building
- Stage 2: Two lot stratum subdivision
- Stage 3: 40 lot strata subdivision

and shall be completed in accordance with the Statement of Environmental Effects and the following plans identified as:

- Basement Plan (Drawing No. DA-100, Rev 2), prepared by Ferro Arch Architects and dated 23 December 2015
- Ground Floor Plan (Drawing No. DA-101, Rev 5), prepared by Ferro Arch Architects and dated 23 December 2015
- Level 1 Plan (Drawing No. DA-102, Rev 4), prepared by Ferro Arch Architects and dated 23 December 2015, as amended in red
- Level 2 Plan (Drawing No. DA-103, Rev 4), prepared by Ferro Arch Architects and dated 23 December 2015, as amended in red
- Level 3 Plan (Drawing No. DA-104, Rev 5), prepared by Ferro Arch Architects and dated 23 December 2015, as amended in red
- Roof Plan (Drawing No. DA-110, Rev 2), prepared by Ferro Arch Architects

and dated 23 December 2015

- Elevations East & West (Drawing No. DA-200, Rev 3), prepared by Ferro Arch Architects and dated 23 December 2015, as amended in red
- Elevations North & South (Drawing No. DA-201, Rev 3), prepared by Ferro Arch Architects and dated 23 December 2015, as amended in red
- Sections (Drawing No. DA-300, Rev 2), prepared by Ferro Arch Architects and dated 23 December 2015
- Proposed Stratum Subdivision Plan (Surveyor's Ref: T16218/21041D, Sheet 1 & 2), prepared by B & P Surveys and dated 13 November 2015
- Strata Plan of Subdivision of Proposed Lot 100 being part of Stratum Subdivision -(Surveyor's Ref: T16218/21042D, Sheet 1 - 6), prepared by B & P Surveys and dated 13 November 2015

except where varied by the conditions of this consent.

[GEN0005]

2. The development shall be completed in accordance with the plans approved by Council, except where varied by conditions of this consent.  
[GEN0015]
3. Submission of further Development Application(s), where required, for the first use of the retail tenancies and cafe/restaurants, such to be approved by Council prior to their use or occupation.  
[GEN0055]
4. Advertising structures/signs to be the subject of a separate development application (where statutorily required).  
[GEN0065]
5. The subdivision is to be carried out in accordance with Tweed Shire Council Development Control Plan Part A5 - Subdivision Manual and Councils Development Design and Construction Specifications.  
[GEN0125]
6. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.  
[GEN0135]
7. A Construction Certificate approval is to be obtained for all proposed pre-cast concrete panel fencing of any height and masonry fencing in excess of 1.2 metres in height, prior to any construction of the fence being commenced.

Site specific design details or approved generic details prepared by a practicing structural engineer are required to be submitted and approved as part of the Construction Certificate application.

Such structural engineers design details are to confirm that the fence proposal has been designed to take account of all site issues including the site's soil and load bearing characteristics, wind and other applied loadings, long term durability of all components particularly in relation to corrosion and compliance with Tweed Shire Council's policies for "Sewers - Building in Proximity" and provision of appropriate pedestrian sight clearances to footpaths in accordance with Australian Standard AS2890 "Parking Facilities".

[GEN0145]



8. Sewer manholes are present on this site. Manholes are not to be covered with soil or other material. Should adjustments be required to the sewer manhole, then applications for these works must be submitted on Council's standard Section 68 Application to Alter Councils Water or Sewer Infrastructure application form accompanied by the required attachments and the prescribed fee. Works will not be approved until prior separate approval to do so has been granted by Council under Section 68 of the Local Government Act.
- [GEN0155]
9. 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]
10. 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. Furthermore, the finished floor level of the ground level commercial units is to be consistent with those exhibited to the Ocean Avenue and Cylinders Drive road reserves to enable access to these tenancies in accordance with the provisions of the Disability Discrimination Act.
- [GEN0300]
11. Any premises used for the storage, preparation or sale of food are to comply with the *Food Act* 2003, FSANZ Food Safety Standards and AS 4674-2004 Design, construction and Fit-out of Food Premises.
12. Footpath dining activities within a public road reserve shall not be carried out unless a Footpath Dining Licence Agreement has been approved by the General Manager or delegate. Footpath dining activities shall be restricted to the approved footpath dining area and carried out in accordance with Councils adopted Footpath Dining Policy.
- [GENNS01]
13. Small Rigid Vehicle (SRV) parking on the ground floor shall be provided in accordance with AS2890.2 parking facilities and details relevant to but not limited to the following:
- Minimum clearance heights.
  - Design turning radius provisions.
  - Parking / service bay dimensions.
  - Maximum roadway and ramp grades and rates of change.
  - Access driveway widths.
  - Access driveway sight distances.
  - Manoeuvring clearances.
- [GENNS02]

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

All stormwater shall be treated on site prior to entering the public drainage system. A pollution control device in driveways with limited space such as a Humeceptor, Rocla Downstream Defender, Ecosol Unit or equivalent is generally suitable for treatment of surface runoff for a 3 month ARI storm events as required by Tweed Shire Council Design Specification D7. Detailed stormwater treatment design to be submitted as part of the Section 68 application.

[GENNS03]

15. Where easements in favour of Council are provided through private property no structures or part thereof may encroach into the easement. This includes (but is not limited to) exterior vertical sunshade panels on the multi-level building and other services.

[GENNS04]

16. Storage area shall be provided to each unit in accordance with the provisions of NSW Planning & Environment, Apartment Design Guide, Section 4G - Storage, Design Criteria 1.
17. Stormwater management shall be in general accordance with the Stormwater Management Plan (Issue 1) prepared by DNBS Consulting engineers and dated 2 September 2015, except where varied by the conditions of this consent.
18. Erosion and Sediment Control shall be designed, installed and maintained in accordance with Tweed Shire Council Development Design Specification D7 - Stormwater Quality and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".
19. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications for the following required works:
- (a) Provision for accesses in accordance with Section A2 - "Site Access and Parking Code" of Council's consolidated Tweed Development Control Plan and Council's "Driveway Access to Property - Part 1" Design Specification June 2004.
  - (b) Bitumen or concrete sealing of each access from the existing road carriageway to the property boundary.
  - (c) Any disabled car parking shall be designed in accordance with Australian Standard AS2890.6 - Off street parking for people with disabilities.

Twenty four (24) hours notice is to be given to Council's Engineering & Operations Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the works and its reconstruction.

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
20. A Plan of Management is to incorporate and convey a clear understanding of the terms and conditions of residential and short term tourist accommodation use consistent with the conditions of this development consent and existing S88B restrictions on the use of the land. A copy of the Plan of Management shall be submitted to Council for approval by the General Manager or delegate prior to first use of the mixed use building for the purposes of residential and/or short term tourist accommodation and subsequent to any future amendments being made to the document.
21. A Plan of Management is to incorporate and convey a clear understanding of the terms and conditions of the use of the Level 3 Communal Area consistent with the conditions of this development consent. This Plan is to include provisions with respect to hours of use, in particular in relation to the outdoor pool. A copy of the Plan of Management shall be submitted to Council for approval by the General Manager or delegate prior to use of the communal area and subsequent to any future amendments being made to the document.
22. This consent does not permit any outdoor dining or trading or any works within the road reserve. Any such works proposed shall require a separate application to be made to Council under Section 138 of the Roads Act 1993 and the appropriate approval obtained.

[GENNS05]

#### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

23. Prior to the issue of a construction certificate a lease agreement is to be entered into with Council in respect to the use of that part of the road reserve, to be occupied by the proposed awning.

[PCC0025]

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

[PCC0285]

25. Submission for approval by the Principal Certifying Authority design detail including surcharge loads for any retaining walls to be erected on the site in

accordance with AS 4678, Tweed Shire Council Development Control Plan Part A1 and Councils Development Design and Construction Specifications.

Design detail is to be supported by certification of adequacy of design from a suitably qualified structural engineer.

Please note timber retaining walls are not permitted.

[PCC0475]

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

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

[PCC0485]

27. A detailed plan of landscaping for site, containing no noxious or environmental weed species and with a minimum 80% of total plant numbers comprised of local native species (non-cultivars) as identified in Council's Native Species Planting Guide - Species List ([www.tweed.nsw.gov.au/NativePlants](http://www.tweed.nsw.gov.au/NativePlants)), is to be submitted to and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate for structural work.

The plan shall be consistent with the following provisions of NSW Planning & Environment, Apartment Design Guide:

- Section 4O - Landscape Design, Table 4
- Section 4P - Planting on Structures, Table 5

This plan should also demonstrate how access is to be provided for maintenance to the Level 1 landscaping area.

[PCC0585]

28. 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 for Subdivision Works. Safe public access shall be provided at all times.

[PCC0865]

29. 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]

30. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management

Plan which shall be submitted to and approved by the Principal Certifying Authority PRIOR to the issue of a construction certificate.

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

[PCC1065]

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

- (a) The Construction Certificate Application shall detail stormwater management for the occupational or use stage of the development in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
- (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 - Stormwater Quality*.
- (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management. Typical water sensitive features include infiltration, maximising permeable/landscaped areas, stormwater retention/detention/reuse, and use of grass swales in preference to hard engineered drainage systems.
- (d) Specific Requirements to be detailed within the Construction Certificate application include:
  - i. Shake down area shall be installed within the property, immediately prior to any vehicle entering or exiting the site prior to any earthworks being undertaken.
  - ii. Runoff from all hardstand areas, (including car parking and hardstand landscaping areas and excluding roof areas) must be treated to remove oil and sediment contaminants prior to discharge to the public realm. All permanent stormwater treatment devices must be sized according to Council's *Development Design Specification D7 - Stormwater Quality*, Section D7.12. Engineering details of the proposed devices, including maintenance schedules, shall be submitted with a s68 Stormwater Application for approval prior to issue of a Construction Certificate.
  - iii. Roof water does not require treatment, and should be discharged downstream of treatment devices, or the treatment devices must be sized accordingly.

[PCC1105]

32. Stormwater

- a. Details of the proposed roof water disposal, including surcharge overland flow paths are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. These details shall include likely landscaping within the overland flow paths.

- b. All roof water shall be discharged to infiltration pits located wholly within the subject allotment.
- c. The infiltration rate for sizing infiltration devices shall be 3m per day:
  - \* As a minimum requirement, infiltration devices are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) over a range of storm durations from 5 minutes to 24 hours and infiltrate this storm within a 24 hour period, before surcharging occurs.
- d. Surcharge overflow from the infiltration area to the street gutter, inter-allotment or public drainage system must occur by visible surface flow, not piped.
- e. Runoff other than roof water must be treated to remove contaminants prior to entry into the infiltration areas (to maximise life of infiltration areas between major cleaning/maintenance overhauls).
- f. If the site is under strata or community title, the community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
- g. All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.
- h. All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.
- i. All infiltration devices are to be designed to withstand loading from vehicles during construction and operation of the development.
- j. All infiltration devices are to be located clear of stormwater or sewer easements.

[PCC1135]

33. A construction certificate application for works that involve any of the following:

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

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

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

- b) Where Council is requested to issue a construction certificate for subdivision works, 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]

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

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

[PCC1185]

35. 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]

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

[PCC1235]

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

[PCC1255]

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

[PCC1265]

39. Three copies of detailed hydraulic plans shall be submitted with all Liquid Trade Waste Applications indicating the size, type and location of pre-treatment

devices. All plumbing and drainage installations to these devices must comply with AS3500.

[PCC1275]

40. If the development is likely to disturb or impact upon water or sewer infrastructure (eg: extending, relocating or lowering of pipeline), written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first. Applications for these works must be submitted on Council's standard Section 68 Application to Alter Councils Water or Sewer Infrastructure application form accompanied by the required attachments and the prescribed fee. The arrangements and costs associated with any adjustment to water and wastewater infrastructure shall be borne in full by the applicant/developer.

[PCC1310]

41. A radiation remediation action plan (RAP), for the continuous monitoring, remediation and removal of potentially contaminated material, is to be submitted to and approved by the General Manager or delegate prior to commencement of works. All works are to be carried out in accordance with the approved plan, and no excavated material is to be removed from the site except in accordance with the approved plan.

42. Certification by an appropriately qualified person shall be submitted certifying the ventilation and airconditioning of the building design complies with AS 1668.2 2012 inclusive of the mechanical exhaust for the basement carpark.

[PCCNS01]

43. Should the existing 150mm diameter water stub not be suitable for connection, a section 68 application to alter Councils existing infrastructure shall be submitted to Councils for the removal of the existing 150 diameter water connection to be removed by Council at the expense of the developer.

44. Prior to the issue of a construction certificate, a modified awning design is to be submitted to Council for the approval of the General Manager or his delegate. This modified design should cantilever from the building over the footpath and all references to the placement of supporting posts/louvre mesh screens within Council's road reserve are to be removed.

[PCCNS02]

45. Prior to issue of a Construction Certificate, updated plans shall be submitted to Tweed Shire Council and approved by the General Manager or his delegate, demonstrating the following design amendments to the proposed development:

- Deletion of the Bedroom 1 Balcony to Units 5 & 19 orientated to the north site boundary. A high level window is to replace the existing floor to ceiling windows and door at these locations.
- Deletion of internal wall within Units 4, 18 and 32 which currently creates a non-habitable MPR room. The internal layout of these Units should be modified to show this area as an open area adjacent to the existing living area rather than a separate room.
- Fencing to the north and east site boundaries compliant with the provisions of Tweed Shire Council Development Control Plan Section A1 - Residential and Tourist Development Code.

[PCCNS03]



## PRIOR TO COMMENCEMENT OF WORK

46. 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]
47. 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]
48. 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]
49. 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:
  1. in the name and licence number of the principal contractor, and
  2. 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:
  1. the name of the owner-builder, and
  2. 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]

50. 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]

51. 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]

52. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land or is likely to effect the integrity of the adjoining land, the person causing the excavation to be made must comply with the following:
- a. The person must, at the person's own expense:
    - i. preserve and protect the building / property from damage; and
    - ii. if necessary, underpin and support the building in an approved manner.
  - b. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.
- [PCW0765]
53. The proponent shall provide to the PCA copies of Public Risk Liability Insurance to a minimum value of \$10 Million for the period of commencement of works until the completion of the defects liability period.
- [PCW0835]
54. 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]
55. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.
- [PCW1065]
56. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.
- [PCW1085]
57. Where any existing sewer junctions are to be disused on the site, the connection point shall be capped off by Council staff. Applications shall be made to Tweed Shire Council and include the payment of fees in accordance with Councils adopted fees and charges prior to commencing any building works.
- [PCW1135]

## DURING CONSTRUCTION

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

[DUR0005]

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

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

60. 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]

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

[DUR0245]

62. 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]

63. 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]

64. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the

Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

[DUR0405]

65. 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]

66. 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]

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

[DUR0815]

68. 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]

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

[DUR0995]

70. 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]

71. Landscaping of the site shall be carried out in accordance with the submitted/approved landscaping plans.

[DUR1045]

72. 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]

73. 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]

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

24 hours notice is to be given to Council's Engineering Division before placement of concrete to enable formwork and subgrade to be inspected.

[DUR1735]

75. 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]

76. The proponent must not undertake any work within the public road reserve without giving Council's Engineering Division (48 hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.

[DUR1845]

77. 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]

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

[DUR1945]

79. 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]

80. Swimming Pools (Building)

- a. The swimming pool is to be installed and access thereto restricted in accordance with Australian Standard AS 1926.1 - 2012 & AS 1926.3 -2010 & AS 1926.2-2007, the Swimming Pool Act 1992 and the Swimming Pool Regulation 2008.
- b. Swimming pools shall have suitable means for the drainage and disposal of overflow water.
- c. The pool pump and filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
- d. Warning notices are to be provided in accordance with Part 3 of the Swimming Pool Regulations 2008.
- e. Once your pool or spa is complete please register it at [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au).

[DUR2075]

81. Backwash from the swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.

[DUR2085]

82. 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]

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

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

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

[DUR2375]

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

[DUR2425]

85. 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]

86. 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]

87. 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]

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

[DUR2505]

89. 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]

90. 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]

91. Pre-treatment devices must be serviced by a Council approved waste contractor. The applicant will be required to enter into a service agreement with this waste contractor. The pre-treatment device service frequency will be approved as part of the Liquid Trade Waste Services Agreement and General Conditions of Approval.

[DUR2595]

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

[DUR2685]

93. Council is to be notified, in writing, of any proposed changes to the wastewater pre-treatment devices.

[DUR2765]

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

95. Dust and Erosion Management:

- a. Provide silt fencing across site at minimum 30m spacing's where area has been exposed.
- b. Hydro-mulch exposed areas immediately after works have been completed.
- c. When wind speeds reach approximately 35km/h have a restriction to stop all wind generating activities on site.
- d. Increased watering on site to prevent dust generation, including the possibility of having temporary sprinklers.
- e. Include 1.8m high hessian fence around the proposed property boundaries.

[DURNS01]



96. Cut-ins to live water and/or sewer shall be conducted in the presence of a Council Officer.
97. Continual sewerage services must be maintained for all properties upstream of or connected to the affected sewer, for the duration of the connection to sewer works.
98. Works in the vicinity of public infrastructure must comply with the following requirements:
  - a) No portion of any structure including the exterior vertical sunshade panels may be erected within any easement for public infrastructure over the subject site. All structures shall be designed and sited such that all structure loads will be transferred to the foundation material outside of the zone of influence of any public infrastructure
  - b) Surface treatment over the sewer pipe shall be limited to soft landscaping, non-interlocking paving, asphalt 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.
  - c) 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.
  - d) Trees and other landscaping that will grow to over one metre in height at maturity are not permitted within the sewer easement to prevent the tree roots intruding into sewer mains and internal sewer pipes. Landscaping within sewer easements shall be of a minor nature designed to ensure they do not damage or interfere with any part of the pipeline.

[DURNS01]

#### PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

99. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).
- [POC0205]
100. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.
- [POC0225]
101. Prior to occupation of the building the property street number is to be clearly identified on the site by way of painted numbering on the street gutter within 1 metre of the access point to the property.

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

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

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

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

[POC0265]

102. 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]

103. Section 94 Contributions

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

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 94 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

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

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

- |   |           |
|---|-----------|
| (a) Tweed Road Contribution Plan:<br>221.696 Trips @ \$1205 per Trips<br>(\$1,145 base rate + \$60 indexation)<br>S94 Plan No. 4<br>Sector7_4 | \$267,144 |
| (b) Shirewide Library Facilities:<br>27.16 ET @ \$851 per ET<br>(\$792 base rate + \$59 indexation)<br>S94 Plan No. 11                        | \$23,113  |

(c) Bus Shelters: 27.16 ET @ \$66 per ET (\$60 base rate + \$6 indexation) S94 Plan No. 12	\$1,793
(d) Eviron Cemetery: 27.16 ET @ \$124 per ET (\$101 base rate + \$23 indexation) S94 Plan No. 13	\$3,368
(e) Community Facilities (Tweed Coast - North) 27.16 ET @ \$1411 per ET (\$1,305.60 base rate + \$105.40 indexation) S94 Plan No. 15	\$38,323
(f) Extensions to Council Administration Offices & Technical Support Facilities 27.494 ET @ \$1888.66 per ET (\$1,759.90 base rate + \$128.76 indexation) S94 Plan No. 18	\$51,926.82
(g) Cycleways: 18.314 ET @ \$480 per ET (\$447 base rate + \$33 indexation) S94 Plan No. 22	\$8,791
(h) Regional Open Space (Casual) 27.16 ET @ \$1108 per ET (\$1,031 base rate + \$77 indexation) S94 Plan No. 26	\$30,093
(i) Regional Open Space (Structured): 27.16 ET @ \$3890 per ET (\$3,619 base rate + \$271 indexation) S94 Plan No. 26	\$105,652
(j) Seaside City Structured Open Space: 27.16 ET @ \$4325 per ET (\$3,585 base rate + \$740 indexation) S94 Plan No. 28	\$117,467

[POC0395]

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

[POC0435]

105. 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]

106. 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.

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 64 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

South Kingscliff Water Levy:	26.978 ET @ 322 per ET	\$8,687
Water Capital Contribution:	26.978 ET @ \$13128 per ET	\$354,167
Sewer Capital Contribution:	34.217 ET @ \$6307 per ET:	\$215,806.62

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

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

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

[POC0675]

107. Upon completion of the pool the builder is to submit to the Principal Certifying Authority a certificate stating that the "Water Recirculation System" has been installed in accordance with AS 1926.3-2010.

[POC0905]

108. 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]

109. The swimming pool or spa is required to be registered at [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au) prior to the issue of any occupation certificate for the swimming pool or spa.

[POC1100]

110. A post earth works surface radiation survey shall be completed, and a validation statement provided to Council to the satisfaction of the General Manger or delegate, which demonstrates that surface radiation levels are below relevant NHMRC Action Levels and that the site is suitable for the proposed use.

111. Certification by an appropriately qualified person shall be submitted certifying the installation of ventilation and airconditioning of the building complies with AS 1668.2 2012 inclusive of the mechanical exhaust for the basement carpark.

[POCNS01]

112. Prior to the issue of an occupation certificate, suitable privacy screening/frosted glazing shall be installed on the following balconies and to the Level 3 communal area to mitigate any visual privacy impacts from the proposal on the adjoining lot to the north:

- North elevation of balcony off Unit 5 living area (Level 1)
- North elevation of balcony off Unit 19 living area (Level 2)
- North elevation glazing to Level 3 outdoor communal area

[POCNS02]

## USE

113. 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]

114. 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]

115. All deliveries to the premises are to occur only within the hours of 7am to 6pm Monday to Friday and 8am to 4pm on Sundays, unless otherwise approved by Council's General Manager or his delegate. Urgent or medical related deliveries exempted.

[USE0195]

116. 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]

117. 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]

118. The servicing of waste facilities shall be limited to between the hours of 7am to 6pm Monday to Saturday and 8am to 4pm Sunday and Public Holidays.

[USE0285]

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

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

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

[USE0315]

120. 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]

121. 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]

122. The Ground Floor Office to proposed Unit 07 is not to be used for any residential or habitable purposes. This office area is to be used for commercial purposes only.

123. Access to ground level retail/office parking spaces is not to be restricted during hours of operation of the retail/office businesses on site.

[USENS01]

124. All wastes shall be collected, stored and disposed of in accordance with the provisions of Tweed Shire Council Development Control Plan Section A15 - Waste Minimisation and Management and to the satisfaction of the General Manager or his delegate.

125. The Level 3 communal area is for the use of residents and tourists staying in the subject development only and is not to be open to the public or operated commercially without further consent from Council.

[USENS02]

#### PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

126. Prior to issue of a subdivision certificate, all works/actions/inspections etc required by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

[PSC0005]

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

- a. Easements for sewer, water supply and drainage over ALL public services/infrastructure on private property.

- b. Easements for rights of access through fire stairs.
- c. Easements for rights of vehicular access from residential/tourist car space lots up through basement levels to street level.

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

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

Privately owned infrastructure on community land may be subject to the creation of statutory restrictions, easements etc in accordance with the Community Land Development Act, Strata Titles Act, Conveyancing Act, or other applicable legislation.

[PSC0835]

128. Prior to registration of the plan of subdivision, a Subdivision Certificate shall be obtained.

The following information must accompany an application:

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

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

[PSC0885]

129. Prior to the issue of a subdivision certificate for each relevant stage, updated subdivision plans are to be submitted to Council for the written approval of the General Manager or his delegate which demonstrate the design changes undertaken by the applicant and those required by conditions of this consent.
130. All electricity meters onsite shall be readily accessible for reading by electricity suppliers.
131. Where applicable, fire separation must achieve compliance with the Performance Requirement of Part 2.3.1 of the BCA and be deemed to satisfy Part 3.7.1.8 of the BCA. Prior to the issue of a Strata Subdivision Certificate, documentation is to be provided to Council demonstrating that the existing dividing wall has been 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), in particular.

132. Where applicable, prior to the issue of a Strata Subdivision Certificate the building is to be fitted with smoke alarms in accordance with the provisions of Part 3.7.2 of Volume 2 of the Building Code of Australia for a Class 1a building and the smoke alarms are to activate lighting to assist evacuation of occupants in the event of fire.

[PSCNS01]

The Motion was **Carried**

**FOR VOTE - Unanimous**

**ABSENT. DID NOT VOTE - Cr K Milne, Cr C Byrne**

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

**P 24**

**Cr W Polglase**

**Cr P Youngblutt**

**RECOMMENDED** that Council give in-principle support for the application and recommend conditions of consent to the following Planning Committee Meeting.

The Motion was **Carried**

**FOR VOTE - Cr B Longland, Cr W Polglase, Cr P Youngblutt**

**AGAINST VOTE - Cr G Bagnall**

**ABSENT. DID NOT VOTE - Cr K Milne, Cr C Byrne**

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- 4 [PR-PC] Development Application DA15/0711 for Additions and Alterations to an Existing Dwelling to Create an Attached Dual Occupancy at Lot 337 DP 755740 No. 19 Queen Street, Fingal Head**

**P 25**

**Cr W Polglase**

**Cr P Youngblutt**

**RECOMMENDED** that

- A. The Clause 4.6 Variation to the Tweed Local Environmental Plan 2014 in regards to the Height of Buildings Map regarding the 1m height variation be supported and the concurrence of the Director-General of the Department of Planning be assumed
-



- B. Development Application DA15/0711 for additions and alterations to an existing dwelling to create an attached dual occupancy at Lot 337 DP 755740 No. 19 Queen Street, Fingal Head be approved subject to the following conditions:

**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan:
  - Site Analysis - Design Response Sheet 2 of 17 prepared by Gavin Duffie and dated 8/6/15 revision 18/12/15;
  - Site Plan Sheet 3 of 17 prepared by Gavin Duffie and dated 8/6/15 revision 18/12/15,
  - Lower Floor Plan Sheet 5 of 17 prepared by Gavin Duffie and dated 8/6/15 revision 21/12/15,
  - Upper Floor Plan Sheet 6 of 17 prepared by Gavin Duffie and dated 8/6/15 revision 21/12/15,
  - Roof Deck Floor Plan and Roof Deck Floor Truss Layout Plan Sheet 7 of 17 prepared by Gavin Duffie and dated 8/6/15 revision 21/12/15,
  - Western and Southern Elevation Sheet 9 of 17 prepared by Gavin Duffie and dated 8/6/15 revision 21/12/15,
  - Eastern and Northern Elevation Sheet 10 of 17 prepared by Gavin Duffie and dated 8/6/15 revision 18/12/15,
  - Section A - A - Sheet 11 of 17 prepared by Gavin Duffie and dated 8/6/15 revision 18/12/15, and
  - Section B - B - Sheet 11 of 17 prepared by Gavin Duffie and dated 8/6/15 revision 21/12/15.except where varied by the conditions of this consent.

[GEN0005]
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]
3. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.

[GEN0135]
4. 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]
5. The existing crossover situated along Queen Street shall be removed and the area reinstated to match adjoining works in accordance with Councils Development Design and Construction Specifications. The crossover is required to be removed prior to the approval of a s138 application for the required crossover along Queen Street, which will provide access to the proposed double car garage.

[GENNS01]
6. The following works are to be undertaken to ensure that the building is provided with a satisfactory level of fire safety and amenity:

- i) Smoke alarms are to be installed in the units 1 and 2 in accordance with Part 3.7.2 of the Building Code of Australia. It is to be noted that a smoke alarm is to be located in the garage. A certificate from a licensed electrician certifying that the smoke alarms have been connected to the consumer mains power is to be submitted to the PCA,
- ii) The separating wall (including eaves) separating unit 1 and 2 is to achieve a fire resistance rating of 60/60/60 and comply with 3.7.1.8 of the NCC (BCA),
- iii) The door sets in the above common wall are to be self-closing -/60/30 fire doors, and
- iv) Sound Insulation is to be provided between both units in accordance with Part 3.8.6 of the NCC (BCA).

[GENNS01]

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

### **7. Section 94 Contributions**

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

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

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

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

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

- (a) Tweed Road Contribution Plan:  
1.3 Trips @ \$1195 per Trips \$1,554  
(\$1,137 base rate + \$58 indexation)  
S94 Plan No. 4  
Sector6\_4
- (b) Open Space (Casual):  
0.75 ET @ \$552 per ET \$414  
(\$502 base rate + \$50 indexation)  
S94 Plan No. 5

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(c)	Open Space (Structured): 0.75 ET @ \$632 per ET (\$575 base rate + \$57 indexation) S94 Plan No. 5	\$474
(d)	Shirewide Library Facilities: 0.75 ET @ \$851 per ET (\$792 base rate + \$59 indexation) S94 Plan No. 11	\$638
(e)	Bus Shelters: 0.75 ET @ \$66 per ET (\$60 base rate + \$6 indexation) S94 Plan No. 12	\$50
(f)	Eviron Cemetery: 0.75 ET @ \$124 per ET (\$101 base rate + \$23 indexation) S94 Plan No. 13	\$93
(g)	Community Facilities (Tweed Coast - North) 0.75 ET @ \$1411 per ET (\$1,305.60 base rate + \$105.40 indexation) S94 Plan No. 15	\$1,058
(h)	Extensions to Council Administration Offices & Technical Support Facilities 0.75 ET @ \$1888.66 per ET (\$1,759.90 base rate + \$128.76 indexation) S94 Plan No. 18	\$1,416.50
(i)	Cycleways: 0.75 ET @ \$480 per ET (\$447 base rate + \$33 indexation) S94 Plan No. 22	\$360
(j)	Regional Open Space (Casual) 0.75 ET @ \$1108 per ET (\$1,031 base rate + \$77 indexation) S94 Plan No. 26	\$831
(k)	Regional Open Space (Structured): 0.75 ET @ \$3890 per ET (\$3,619 base rate + \$271 indexation) S94 Plan No. 26	\$2,918

[PCC0215]

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

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

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

Water DSP4:	1 ET @ \$13128 per ET	\$13,128
Sewer Kingscliff:	1 ET @ \$6307 per ET	\$6,307

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

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

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

[PCC0265]

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

[PCC0585]

10. A construction certificate application for works that involve any of the following:
- connection of a private stormwater drain to a public stormwater drain
  - installation of stormwater quality control devices
  - erosion and sediment control works

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

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

b) Where Council is requested to issue a construction certificate for subdivision works, 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]

11. For developments containing less than four attached or detached 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]

12. 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]
13. Where any existing sewer junctions are to be disused on the site, the connection point shall be capped off by Council staff. Applications shall be made to Tweed Shire Council and include the payment of fees in accordance with Councils adopted fees and charges.  
[PCC1235]
14. Prior to the issue of the construction certificate to ensure that the building is provided with a satisfactory level of fire safety and amenity details are to be submitted for approval to the nominated PCA of the following;
  - i) Smoke alarms are to be installed in the units 1 and 2 in accordance with Part 3.7.2 of the Building Code of Australia. It is to be noted that a smoke alarm is to be located in the garage. A certificate from a licensed electrician certifying that the smoke alarms have been connected to the consumer mains power is to be submitted to the PCA,
  - ii) The separating wall (including eaves) separating unit 1 and 2 is to achieve a fire resistance rating of 60/60/60 and comply with 3.7.1.8 of the NCC (BCA),
  - iii) The door sets in the above common wall are to be self-closing -/60/30 fire doors, and
  - iv) Sound Insulation is to be provided between both units in accordance with Part 3.8.6 of the NCC (BCA).

[PCCNS01]

## **PRIOR TO COMMENCEMENT OF WORK**

15. 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]
16. 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]

17. 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]

18. 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]

19. 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]

20. **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]

21. 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]

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

[PCW1135]

23. 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 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**

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

[DUR0005]

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

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

26. 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]

27. 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]

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

[DUR0405]

29. 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]

30. The finished floor level of the building should finish not less than 225mm above finished ground level.

[DUR0445]

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



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

[DUR0645]

32. 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]

33. 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]

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

[DUR1075]

35. 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]

36. 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]

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

[DUR2245]

38. 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]

39. 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]

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

[DUR2505]

41. 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]

42. 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]

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

[DUR2565]

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

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

[POC0205]

45. Prior to the issue of an occupation certificate,
- (a) Certification of termite protection methods performed by the person carrying out the works is to be submitted to the PCA; and
  - (b) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
    - (i) the method of protection; and
    - (ii) the date of installation of the system; and
    - (iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
    - (iv) the need to maintain and inspect the system on a regular basis.

[POC0235]

46. 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]

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

[POC0435]

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

[POC1045]

## **USE**

49. 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]

50. 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]

## **GENERAL TERMS OF APPROVAL UNDER SECTION 79BA OF THE RURAL FIRES ACT 1997**

1. The development proposal is to comply with the drawing titled 'Site Plan' prepared by Gavin Duffie, numbered G2879/1 and dated 8<sup>th</sup> June 2015.
2. 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'.
3. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
4. Roller doors, tilt-a-doors and other such doors shall be sealed to prevent the entry of embers into the building.
5. Roofing shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall be non-combustible.
6. The existing building is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2 mm. Where applicable, this includes any sub floor areas, openable

windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

7. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.
- C. The applicant be advised that the subject site may be affected by a listing registered under the Australian Heritage Information Management System and that advice should be sought from the NSW Office of Environment and Heritage prior to commencing any ground disturbing works.

The Motion was **Carried**

**FOR VOTE - Cr B Longland, Cr W Polglase, Cr P Youngblutt**

**AGAINST VOTE - Cr G Bagnall**

**ABSENT. DID NOT VOTE - Cr K Milne, Cr C Byrne**

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**5 [PR-PC] Planning Proposal PP15/0005 Seeking to Regulate Short-Term Rental Accommodation**

**P 26**

**Cr B Longland**

**Cr P Youngblutt**

**RECOMMENDED** that:

1. Planning Proposal PP15/0005 and the publicly exhibited draft Short-term Rental Policy be deferred until the NSW Government Parliamentary Inquiry is completed; and
2. Following release of the Inquiry's findings and recommendations a further report to Council is to be submitted that addresses the Inquiry's report and the options for proceeding with a new regulation.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**ABSENT. DID NOT VOTE - Cr K Milne, Cr C Byrne**

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**6 [PR-PC] Unauthorised Activities at Lot 20 DP 755714 & Lot 2 DP 1148316  
No. 3222 Kyogle Road, Mount Burrell**

**Cr G Bagnall** wishes to declare a (*perceived*) *non pecuniary non significant* Interest in Item 6. The nature of the interest is that he employs a person who lives on this site.

**P 27**

**Cr W Polglase  
Cr P Youngblutt**

**RECOMMENDED** that Council:

1. Engages solicitors to commence proceedings at Lot 2 DP 1148316 & Lot 20 DP 755714 No. 3222 Kyogle Road, Mount Burrell to:
  - a. Stop any further unauthorised activities including, but not limited to, vegetation removal;
  - b. Remove unauthorised structures and vehicles including, but not limited to, sheds, caravans, tents and shipping containers; and
  - c. Install sediment and erosion control measures.
2. Seeks legal advice from its solicitors regarding options for punitive action against the owners of Lot 2 DP 1148316 & Lot 20 DP 755714 for unauthorised works including vegetation removal.

The Motion was **Carried**

**FOR VOTE - Unanimous  
ABSENT. DID NOT VOTE - Cr K Milne, Cr C Byrne**

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**7 [PR-PC] Unauthorised Works at Lot 2 DP 1060215 Soorley Street, Tweed  
Heads South**

**P 28**

**Cr W Polglase  
Cr P Youngblutt**

**RECOMMENDED** that Council instruct its solicitors to commence legal proceedings to stop unauthorised activities at Lot 2 DP 1060215 and secondly, seek any punitive measures which may be applicable for any environmental damage which may have occurred in the interim from these unauthorised works and activities.

The Motion was **Carried**

***FOR VOTE - Unanimous***

***ABSENT. DID NOT VOTE - Cr K Milne, Cr C Byrne***

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

**P 29**

**Cr B Longland**

**Cr P Youngblutt**

**RECOMMENDED** that Council notes there are no variations for the month of March 2016 to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

***FOR VOTE - Unanimous***

***ABSENT. DID NOT VOTE - Cr K Milne, Cr C Byrne***

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**P 30**

**Cr P Youngblutt**

**Cr W Polglase**

**RESOLVED** that the Committee resumes in Open Council.

The Motion was **Carried**

***FOR VOTE - Unanimous***

There being no further business the Planning Committee Meeting terminated at 5.20pm.

