



TWEED
SHIRE COUNCIL

Mayor: Cr B Longland

Councillors: M Armstrong (Deputy Mayor)
G Bagnall
C Byrne
K Milne
W Polglase
P Youngblutt

Minutes

Planning Committee Meeting Thursday 7 August 2014

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 B Longland (Mayor), Cr M Armstrong (Deputy Mayor), Cr G Bagnall, Cr C Byrne, Cr K Milne, Cr W Polglase and Cr P Youngblutt.

Also present were Mr Troy Green (General Manager), Mr Neil Baldwin (Acting Director Corporate Services), Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Mr Stewart Brawley (Acting Director Community and Natural Resources), Mr Shane Davidson (Executive Officer) and Miss Janet Twohill (Minutes Secretary).

ABORIGINAL STATEMENT

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

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

PRAYER

The meeting opened with a Prayer read by the Mayor.

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Cr Milne declared a Non-Pecuniary, Non-Significant conflict of interest in Item 18.

The nature of this interest is that a defamation claim by Mr Ell of LEDA Holdings, the owner of the Kings Forest and Cobaki developments, has been awarded against me for \$15,000. An application for appeal has been filed.

Cr Milne will remain in the Chambers during discussion and voting on the merits of each application.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

1 [SOR-PC] Schedule of Outstanding Resolutions - Planning Committee

That the Schedule of Outstanding Resolutions was received and noted.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

- 2 [PR-PC] Development Application DA14/0059 for a Change of Use to Dual Use - Residential and Tourist Accommodation at Lot 22 DP 1030322 No. 38 Collins Lane, Casuarina

P 111

Cr W Polglase
Cr P Youngblutt

RECOMMENDED that Development Application DA14/0059 for a change of use to dual use - residential and tourist accommodation at Lot 22 DP 1030322 No. 38 Collins Lane, Casuarina be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and the submitted plans as follows:

- Site Plan & Location Plan (WD01), prepared by Colin Loel Architects and dated 27 November 2003;
- Site Plan/Ground & Upper Floors (WD02), prepared by Colin Loel Architects and dated 27 November 2003;
- Proposed Elevations (WD03), prepared by Colin Loel Architects and dated 27 November 2003,

except where varied by the conditions of this consent.

[GEN0005]

2. Advertising structures/signs to be the subject of a separate development application (where statutorily required).

[GEN0065]

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

[GEN0115]

4. Any room utilised for sleeping accommodation shall comply with the NSW Public Health Regulations 2012.

5. Use of the existing dwelling for short term tourist accommodation purposes shall be restricted to one single booking at any time which may consist of a maximum of 10 people.

6. The keeping of dogs, cats or other animals at the premises by tourist accommodation groups is strictly prohibited.

7. A visitor log book shall be maintained as a record of the tourist accommodation use specifying names of visitors with dates and duration of stay. This log book is to be presented to Council no later than 31 July of each year for inspection purposes.

8. All carparking associated with the tourist accommodation use is to be located within the property boundary of the subject site.
9. A Plan of Management is to incorporate and convey a clear understanding of the terms and conditions of 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 dwelling for the purposes of short term tourist accommodation and subsequent to any future amendments being made to the document.
10. The keeping of dogs, cats or other animals on the property for residential purposes is to be in accordance with any relevant Section 88B Instrument requirements.
11. All landscaping is to comply with the S88B instrument pertaining to the site.
12. A 24 hour contact (name and contact details) shall be made available to Council and to residences within a 100m radius of the subject site prior to the first use of the dwelling for the purposes of short term tourist accommodation to address issues that may arise as a result of tourist accommodation tenancies.

[GENNS01]

USE

13. 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.
14. 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.
15. 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.
16. 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.

[USE0125]

[USE0175]

[USE0225]

[USE0245]

17. The premises shall be maintained in a clean and tidy manner. [USE0965]
18. Any swimming pool shall be tested once per week with records being kept and that the records be made available to Council after 14 days upon request. [USE0985]
19. Two off street car parking spaces shall be provided to cater for the tourist accommodation use, including parking for the disabled where applicable. The subject development is to result in no off site vehicular parking associated with the tourist accommodation use of the site.
20. A current hard copy of the Council approved Plan of Management (Tenancy Agreement Management Policy) shall be kept at the premises at all times and be made available to tourist accommodation groups at the time of booking or upon request.
21. Prior to the use of the premises for tourist accommodation purposes the proprietor shall provide appropriate notification to Tweed Shire Council in writing in accordance with the Public Health Regulation 2012 and pay the appropriate notification fee as per Council's current adopted Fees and Charges.
22. This development consent authorises a change of use of the existing structure on site from 100% residential use to a dual use for either short term tourist accommodation or residential use. [USENS01]

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

1. The proposed change of use, from residential to dual use - residential and tourist accommodation, has been assessed against information referred to the NSW RFS by Tweed Shire Council dated 7/2/14.

The referred plans that this BFSA has been assessed against are identified as follows:

- Site Plan as provided with the Council suite of referred information dated 7/2/14, and
- Bushfire Safety Authority Report, dated January 2014 and prepared by "Planit Consulting".

The above referenced material is amended by the following listed conditions.

2. At the commencement of the proposed new use (dual use - residential and tourist accommodation) 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. An emergency and evacuation plan addressing section 4.2.7 of 'Planning for Bush Fire Protection 2006' shall be prepared for the subject site. A copy of the plan shall be provided to the consent authority prior to the issue of an occupation certificate.

4. 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 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.
5. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr K Milne, Cr B Longland
AGAINST VOTE - Cr G Bagnall

3 [PR-PC] Development Application DA14/0120 for Dual Use of Existing Dwelling (Tourist Accommodation) at Lot 489 DP 1070795 No. 12 Cactus Court, Kingscliff

P 112

Cr W Polglase
Cr P Youngblutt

RECOMMENDED that Development Application DA14/0120 for dual use of existing dwelling (tourist accommodation) at Lot 489 DP 1070795 No. 12 Cactus Court, Kingscliff be approved subject to the following conditions:

GENERAL

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

Title	Drawing Number	Dated
Site Plan	02 of 18	26/10/2007
Lower Floor Plan	03 of 18	26/10/2007
Upper Floor Plan	04 of 18	26/10/2007
South and East Elevations	08 of 18	26/10/2007
North and West Elevations	09 of 18	26/10/2007

[GEN0005]

2. Advertising structures/signs to be the subject of a separate development application (where statutorily required).

[GEN0065]

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

[GEN0115]

4. Use of the existing dwelling for short term tourist accommodation purposes shall be restricted to one single booking at any time which may consist of a maximum of 10 people.
5. The keeping of dogs, cats or other animals at the premises by tourist accommodation groups is strictly prohibited.
6. A visitor log book shall be maintained as a record of the tourist accommodation use specifying names of visitors with dates and duration of stay. This log book is to be presented to Council no later than 31 July of each year for inspection purposes.
7. All carparking associated with the tourist accommodation use is to be located within the property boundary of the subject site.
8. A Plan of Management is to incorporate and convey a clear understanding of the terms and conditions of 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 dwelling for the purposes of short term tourist accommodation and subsequent to any future amendments being made to the document.
9. The keeping of dogs, cats or other animals on the property for residential purposes is to be in accordance with any relevant Section 88B Instrument requirements.
10. All landscaping is to comply with the S88B instrument pertaining to the site.
11. A 24 hour contact (name and contact details) shall be made available to Council and to residences within a 100m radius of the subject site prior to the first use of the dwelling for the purposes of short term tourist accommodation to address issues that may arise as a result of tourist accommodation tenancies.
12. Any room utilised for sleeping accommodation shall comply with the NSW Public Health Regulations 2012.

[GENNS01]

USE

13. 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.
14. 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.

[USE0125]
[USE0175]

15. 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]
16. 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]
17. The premises shall be maintained in a clean and tidy manner.
[USE0965]
18. Any swimming pool shall be tested once per week with records being kept and that the records be made available to Council after 14 days upon request.
[USE0985]
19. Two off street car parking spaces shall be provided to cater for the tourist accommodation use, including parking for the disabled where applicable. The subject development is to result in no off site vehicular parking associated with the tourist accommodation use of the site.
20. A current hard copy of the Council approved Plan of Management (Tenancy Agreement Management Policy) shall be kept at the premises at all times and be made available to tourist accommodation groups at the time of booking or upon request.
21. Prior to the use of the premises for tourist accommodation purposes the proprietor shall provide appropriate notification to Tweed Shire Council in writing in accordance with the Public Health Regulation 2012 and pay the appropriate notification fee as per Council's current adopted Fees and Charges.
22. This development consent authorises a change of use of the existing structure on site from 100% residential use to a dual use for either short term tourist accommodation or residential use.
[USENS01]

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr K Milne, Cr B Longland
AGAINST VOTE - Cr G Bagnall

4 [PR-PC] Development Application DA14/0131 for Dual Use of Existing Dwelling - Tourist Accommodation and Residential at Lot 98 DP 1066504 No. 18 Malibu Street, Kingscliff

P 113

**Cr W Polglase
Cr P Youngblutt**

RECOMMENDED that Development Application DA14/0131 for a dual use of existing dwelling - tourist accommodation and residential at Lot 98 DP 1066504 No. 18 Malibu Street, Kingscliff be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos:

- WD-1.01 revision C - Site Plan;
- WD-2.01 revision C - Ground Floor Plan;
- WD-2.02 revision C - Upper Level Floor Plan;
- WD-2.03 revision C - Roof Plan;
- WD-3.01 revision C - North and West Elevations;
- WD-3.02 revision C - South and East Elevations;
- WD-3.03 revision C - Street Elevations;
- WD-4.01 revision B - Sections.

prepared by Bayden Goddard Design Architect and dated 25.4.05, except where varied by the conditions of this consent.

[GEN0005]

2. Advertising structures/signs to be the subject of a separate development application (where statutorily required).

[GEN0065]

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

[GEN0115]

4. Use of the existing dwelling for short term tourist accommodation purposes shall be restricted to one single booking at any time which may consist of a maximum of 10 people.

5. The keeping of dogs, cats or other animals at the premises by tourist accommodation groups is strictly prohibited.

6. A visitor log book shall be maintained as a record of the tourist accommodation use specifying names of visitors with dates and duration of stay. This log book is to be presented to Council no later than 31 July of each year for inspection purposes.

7. All carparking associated with the tourist accommodation use is to be located within the property boundary of the subject site.

8. A Plan of Management is to incorporate and convey a clear understanding of the terms and conditions of 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 dwelling for the purposes of short term tourist accommodation and subsequent to any future amendments being made to the document.
9. The keeping of dogs, cats or other animals on the property for residential purposes is to be in accordance with any relevant Section 88B Instrument requirements.
10. All landscaping is to comply with the S88B instrument pertaining to the site.
11. A 24 hour contact (name and contact details) shall be made available to Council and to residences within a 100m radius of the subject site prior to the first use of the dwelling for the purposes of short term tourist accommodation to address issues that may arise as a result of tourist accommodation tenancies.
12. Any room utilised for sleeping accommodation shall comply with the NSW Public Health Regulations 2012.

[GENNS01]

USE

13. 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.
14. 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.
15. 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.
16. 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.
17. The premises shall be maintained in a clean and tidy manner.

[USE0125]

[USE0175]

[USE0225]

[USE0245]

[USE0965]

18. Any swimming pool shall be tested once per week with records being kept and that the records be made available to Council after 14 days upon request. [USE0985]
19. Two off street car parking spaces shall be provided to cater for the tourist accommodation use, including parking for the disabled where applicable. The subject development is to result in no off site vehicular parking associated with the tourist accommodation use of the site.
20. A current hard copy of the Council approved Plan of Management (Tenancy Agreement Management Policy) shall be kept at the premises at all times and be made available to tourist accommodation groups at the time of booking or upon request.
21. Prior to the use of the premises for tourist accommodation purposes the proprietor shall provide appropriate notification to Tweed Shire Council in writing in accordance with the Public Health Regulation 2012 and pay the appropriate notification fee as per Council's current adopted Fees and Charges.
22. This development consent authorises a change of use of the existing structure on site from 100% residential use to a dual use for either short term tourist accommodation or residential use. [USENS01]

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr K Milne, Cr B Longland
AGAINST VOTE - Cr G Bagnall

5 [PR-PC] Development Application DA14/0132 for Dual Use of Dwelling - Tourist Accommodation and Residential at Lot 72 DP 1030322 No. 30 Eclipse Lane, Casuarina

P 114

Cr W Polglase
Cr P Youngblutt

RECOMMENDED that Development Application DA14/0132 for dual use of dwelling - tourist accommodation and residential at Lot 72 DP 1030322 No. 30 Eclipse Lane, Casuarina 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:
 - DA-01 - Site/Roof Plan;
 - DA-02 - Ground Floor Plan;

- DA-03 - Ground Floor Plan;
- DA-04a - North South Elevations;
- DA-05a - East West Elevations; and
- DA-06 - Sections.

prepared by Scott Carpenter Architect and dated October 2013, except where varied by the conditions of this consent.

[GEN0005]

2. Advertising structures/signs to be the subject of a separate development application (where statutorily required).

[GEN0065]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]
4. Use of the existing dwelling for short term tourist accommodation purposes shall be restricted to one single booking at any time which may consist of a maximum of 10 people.
5. The keeping of dogs, cats or other animals at the premises by tourist accommodation groups is strictly prohibited.
6. A visitor log book shall be maintained as a record of the tourist accommodation use specifying names of visitors with dates and duration of stay. This log book is to be presented to Council no later than 31 July of each year for inspection purposes.
7. All carparking associated with the tourist accommodation use is to be located within the property boundary of the subject site.
8. A Plan of Management is to incorporate and convey a clear understanding of the terms and conditions of 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 dwelling for the purposes of short term tourist accommodation and subsequent to any future amendments being made to the document.
9. The keeping of dogs, cats or other animals on the property for residential purposes is to be in accordance with any relevant Section 88B Instrument requirements.
10. All landscaping is to comply with the S88B instrument pertaining to the site.
11. A 24 hour contact (name and contact details) shall be made available to Council and to residences within a 100m radius of the subject site prior to the first use of the dwelling for the purposes of short term tourist accommodation to address issues that may arise as a result of tourist accommodation tenancies.
12. Any room utilised for sleeping accommodation shall comply with the NSW Public Health Regulations 2012.

[GENNS01]

USE

13. 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]
14. 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]
15. 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]
16. 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]
17. The premises shall be maintained in a clean and tidy manner.
[USE0965]
18. Any swimming pool shall be tested once per week with records being kept and that the records be made available to Council after 14 days upon request.
[USE0985]
19. Two off street car parking spaces shall be provided to cater for the tourist accommodation use, including parking for the disabled where applicable. The subject development is to result in no off site vehicular parking associated with the tourist accommodation use of the site.
20. A current hard copy of the Council approved Plan of Management (Tenancy Agreement Management Policy) shall be kept at the premises at all times and be made available to tourist accommodation groups at the time of booking or upon request.
21. Prior to the use of the premises for tourist accommodation purposes the proprietor shall provide appropriate notification to Tweed Shire Council in writing in accordance with the Public Health Regulation 2012 and pay the appropriate notification fee as per Council's current adopted Fees and Charges.
22. This development consent authorises a change of use of the existing structure on site from 100% residential use to a dual use for either short term tourist accommodation or residential use.
[USENS01]

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

1. 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'.
2. An emergency and evacuation plan addressing section 4.2.7 of 'Planning for Bush Fire Protection 2006' shall be prepared for the subject site. A copy of the plan shall be provided to the consent authority prior to the issuing of an occupation certificate.
3. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr K Milne, Cr B Longland
AGAINST VOTE - Cr G Bagnall

6 [PR-PC] Development Application DA14/0154 for Dual Use of Existing Dwelling - Tourist Accommodation and Residential at Lot 18 DP 1162599 No. 330 Casuarina Way, Kingscliff

P 115

Cr W Polglase
Cr P Youngblutt

RECOMMENDED that Development Application DA14/0154 for dual use of existing dwelling - tourist accommodation and residential at Lot 18 DP 1162599 No. 330 Casuarina Way, Kingscliff be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and the submitted plans as follows:
 - Lower Floor Plan, prepared by Stuart Osman Building Job No. 4359, Sheet 5 and dated 12/08/2011;
 - Upper Floor Plan prepared by Stuart Osman Building Job No. 4359, Sheet 6 and dated 12/08/2011;
 - Contour and Detail Survey, prepared by Alan Sullivan and Associates Pty Ltd, Job No. 11.3199 and dated 9/09/2011;

except where varied by the conditions of this consent.

[GEN0005]

2. Advertising structures/signs to be the subject of a separate development application (where statutorily required).
[GEN0065]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
[GEN0115]
4. Use of the existing dwelling for short term tourist accommodation purposes shall be restricted to one single booking at any time which may consist of a maximum of 10 people.
5. The keeping of dogs, cats or other animals at the premises by tourist accommodation groups is strictly prohibited.
6. A visitor log book shall be maintained as a record of the tourist accommodation use specifying names of visitors with dates and duration of stay. This log book is to be presented to Council no later than 31 July of each year for inspection purposes.
7. All carparking associated with the tourist accommodation use is to be located within the property boundary of the subject site.
8. A Plan of Management is to incorporate and convey a clear understanding of the terms and conditions of short term tourist accommodation use consistent with the conditions of this development consent and existing S88B restrictions on the use of the land. This Plan of Management shall be consistent with the draft plan of management provided to Council by the applicant dated 5th June 2014. 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 dwelling for the purposes of short term tourist accommodation and subsequent to any future amendments being made to the document.
9. The keeping of dogs, cats or other animals on the property for residential purposes is to be in accordance with any relevant Section 88B Instrument requirements.
10. All landscaping is to comply with the S88B instrument pertaining to the site.
11. A 24 hour contact (name and contact details) shall be made available to Council and to residences within a 100m radius of the subject site prior to the first use of the dwelling for the purposes of short term tourist accommodation to address issues that may arise as a result of tourist accommodation tenancies.
12. Any room utilised for sleeping accommodation shall comply with the NSW Public Health Regulations 2012.
[GENNS01]

USE

13. 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]
 14. 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]

15. 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]

16. 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]

17. The premises shall be maintained in a clean and tidy manner.

[USE0965]

18. Any swimming pool shall be tested once per week with records being kept and that the records be made available to Council after 14 days upon request.

[USE0985]

19. Two off street car parking spaces shall be provided to cater for the tourist accommodation use, including parking for the disabled where applicable. The subject development is to result in no off site vehicular parking or driveway parking associated with the tourist accommodation use of the site.

20. A current hard copy of the Council approved Plan of Management (Tenancy Agreement Management Policy) shall be kept at the premises at all times and be made available to tourist accommodation groups at the time of booking or upon request.

21. Prior to the use of the premises for tourist accommodation purposes the proprietor shall provide appropriate notification to Tweed Shire Council in writing in accordance with the Public Health Regulation 2012 and pay the appropriate notification fee as per Council's current adopted Fees and Charges.

22. This development consent authorises a change of use of the existing structure on site from 100% residential use to a dual use for either short term tourist accommodation or residential use.

[USENS01]

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr K Milne, Cr B Longland

AGAINST VOTE - Cr G Bagnall

7 [PR-PC] Development Application DA14/0160 for Dual Use of Existing Dwelling - Tourist Accommodation and Residential at Lot 38 DP 1066506 No. 1 North Point Avenue, Kingscliff

P 116

**Cr W Polglase
Cr P Youngblutt**

RECOMMENDED that Development Application DA14/0160 for a dual use of existing dwelling - tourist accommodation and residential at Lot 38 DP 1066506 No. 1 North Point Avenue, Kingscliff be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and the submitted plans as follows:

- Plan showing Site Plan (sheet 1 of 2), prepared by Clarke Dowdle & Associates and dated 3 March 2014;
- Plan showing Floor Plan (sheet 2 of 2), prepared by Clarke Dowdle & Associates and dated 3 March 2014,

except where varied by the conditions of this consent.

[GEN0005]

2. Advertising structures/signs to be the subject of a separate development application (where statutorily required).

[GEN0065]

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

[GEN0115]

4. Any room utilised for sleeping accommodation shall comply with the NSW Public Health Regulations 2012.

5. Use of the existing dwelling for short term tourist accommodation purposes shall be restricted to one single booking at any time which may consist of a maximum of 10 people.

6. The keeping of dogs, cats or other animals at the premises by tourist accommodation groups is strictly prohibited.

7. A visitor log book shall be maintained as a record of the tourist accommodation use specifying names of visitors with dates and duration of stay. This log book is to be presented to Council no later than 31 July of each year for inspection purposes.

8. All carparking associated with the tourist accommodation use is to be located within the property boundary of the subject site.

9. A Plan of Management is to incorporate and convey a clear understanding of the terms and conditions of 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 dwelling for the purposes of short term tourist accommodation and subsequent to any future amendments being made to the document.

10. The keeping of dogs, cats or other animals on the property for residential purposes is to be in accordance with any relevant Section 88B Instrument requirements.
11. All landscaping is to comply with the S88B instrument pertaining to the site.
12. A 24 hour contact (name and contact details) shall be made available to Council and to residences within a 100m radius of the subject site prior to the first use of the dwelling for the purposes of short term tourist accommodation to address issues that may arise as a result of tourist accommodation tenancies.

[GENNS01]

USE

13. 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.
14. 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.
15. 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.
16. 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.
17. The premises shall be maintained in a clean and tidy manner.
18. Any swimming pool shall be tested once per week with records being kept and that the records be made available to Council after 14 days upon request.

[USE0125]

[USE0175]

[USE0225]

[USE0245]

[USE0965]

[USE0985]

19. Two off street car parking spaces shall be provided to cater for the tourist accommodation use, including parking for the disabled where applicable. The subject development is to result in no off site vehicular parking associated with the tourist accommodation use of the site.
20. A current hard copy of the Council approved Plan of Management (Tenancy Agreement Management Policy) shall be kept at the premises at all times and be made available to tourist accommodation groups at the time of booking or upon request.
21. Prior to the use of the premises for tourist accommodation purposes the proprietor shall provide appropriate notification to Tweed Shire Council in writing in accordance with the Public Health Regulation 2012 and pay the appropriate notification fee as per Council's current adopted Fees and Charges.
22. This development consent authorises a change of use of the existing structure on site from 100% residential use to a dual use for either short term tourist accommodation or residential use.

[USENS01]

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

1. 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'.
2. Arrangements for emergency and evacuation arte to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
3. 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 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr K Milne, Cr B Longland
AGAINST VOTE - Cr G Bagnall

8 [PR-PC] Development Application DA14/0161 for Dual Use of Existing Dwelling - Tourist Accommodation and Residential at Lot 115 DP 1066504 No. 17 Malibu Street, Kingscliff

P 117

**Cr W Polglase
Cr P Youngblutt**

RECOMMENDED that Development Application DA14/0161 for dual use of existing dwelling - tourist accommodation and residential at Lot 115 DP 1066504 No. 17 Malibu Street, Kingscliff be approved subject to the following conditions:

GENERAL

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

Drawing	Prepared by	Dated
Site Plan	Clarke Dowdle and Associates	03/03/14
Lower Floor Plan/Upper Floor Plan	Clarke Dowdle and Associates	03/03/14
Elevations	QSP	30/08

[GEN0005]

2. Advertising structures/signs to be the subject of a separate development application (where statutorily required). [GEN0065]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0115]
4. Any room utilised for sleeping accommodation shall comply with the NSW Public Health Regulations 2012.
5. Use of the existing dwelling for short term tourist accommodation purposes shall be restricted to one single booking at any time which may consist of a maximum of 10 people.
6. The keeping of dogs, cats or other animals at the premises by tourist accommodation groups is strictly prohibited.
7. A visitor log book shall be maintained as a record of the tourist accommodation use specifying names of visitors with dates and duration of stay. This log book is to be presented to Council no later than 31 July of each year for inspection purposes.
8. All carparking associated with the tourist accommodation use is to be located within the property boundary of the subject site.

9. A Plan of Management is to incorporate and convey a clear understanding of the terms and conditions of 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 dwelling for the purposes of short term tourist accommodation and subsequent to any future amendments being made to the document.
10. The keeping of dogs, cats or other animals on the property for residential purposes is to be in accordance with any relevant Section 88B Instrument requirements.
11. All landscaping is to comply with the S88B instrument pertaining to the site.
12. A 24 hour contact (name and contact details) shall be made available to Council and to residences within a 100m radius of the subject site prior to the first use of the dwelling for the purposes of short term tourist accommodation to address issues that may arise as a result of tourist accommodation tenancies.

[GENNS01]

USE

13. 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.
14. 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.
15. 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.
16. 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.
17. The premises shall be maintained in a clean and tidy manner.
18. Any swimming pool shall be tested once per week with records being kept and that the records be made available to Council after 14 days upon request.

[USE0125]

[USE0175]

[USE0225]

[USE0245]

[USE0965]

[USE0985]

19. Two off street car parking spaces shall be provided to cater for the tourist accommodation use, including parking for the disabled where applicable. The subject development is to result in no off site vehicular parking associated with the tourist accommodation use of the site.
20. A current hard copy of the Council approved Plan of Management (Tenancy Agreement Management Policy) shall be kept at the premises at all times and be made available to tourist accommodation groups at the time of booking or upon request.
21. Prior to the use of the premises for tourist accommodation purposes the proprietor shall provide appropriate notification to Tweed Shire Council in writing in accordance with the Public Health Regulation 2012 and pay the appropriate notification fee as per Council's current adopted Fees and Charges.
22. This development consent authorises a change of use of the existing structure on site from 100% residential use to a dual use for either short term tourist accommodation or residential use.

[USENS01]

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr K Milne, Cr B Longland
AGAINST VOTE - Cr G Bagnall

9 [PR-PC] Development Application DA14/0199 for Dual Use of Existing Dwelling - Tourist Accommodation and Residential at Lot 77 DP 1066472 No. 3 Cathedral Court, Kingscliff

P 118

Cr W Polglase
Cr P Youngblutt

RECOMMENDED that Development Application DA14/0199 for dual use of existing dwelling - tourist accommodation and residential at Lot 77 DP 1066472 No. 3 Cathedral Court, Kingscliff be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos:

- WS274 Sheet 10 Issue B - Floor Plans dated Dec 2004; and
- WS274 Sheet 06 - Elevations dated 22/11/04.

prepared by Witzig Schulz Architects, except where varied by the conditions of this consent.

[GEN0005]

2. Advertising structures/signs to be the subject of a separate development application (where statutorily required).
[GEN0065]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
[GEN0115]
4. Use of the existing dwelling for short term tourist accommodation purposes shall be restricted to one single booking at any time which may consist of a maximum of 10 people.
5. The keeping of dogs, cats or other animals at the premises by tourist accommodation groups is strictly prohibited.
6. A visitor log book shall be maintained as a record of the tourist accommodation use specifying names of visitors with dates and duration of stay. This log book is to be presented to Council no later than 31 July of each year for inspection purposes.
7. All carparking associated with the tourist accommodation use is to be located within the property boundary of the subject site.
8. A Plan of Management is to incorporate and convey a clear understanding of the terms and conditions of 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 dwelling for the purposes of short term tourist accommodation and subsequent to any future amendments being made to the document.
9. The keeping of dogs, cats or other animals on the property for residential purposes is to be in accordance with any relevant Section 88B Instrument requirements.
10. All landscaping is to comply with the S88B instrument pertaining to the site.
11. A 24 hour contact (name and contact details) shall be made available to Council and to residences within a 100m radius of the subject site prior to the first use of the dwelling for the purposes of short term tourist accommodation to address issues that may arise as a result of tourist accommodation tenancies.
12. Any room utilised for sleeping accommodation shall comply with the NSW Public Health Regulations 2012.
[GENNS01]

USE

13. 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]
14. 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]

15. 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]

16. 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]

17. The premises shall be maintained in a clean and tidy manner.

[USE0965]

18. Any swimming pool shall be tested once per week with records being kept and that the records be made available to Council after 14 days upon request.

[USE0985]

19. Two off street car parking spaces shall be provided to cater for the tourist accommodation use, including parking for the disabled where applicable. The subject development is to result in no off site vehicular parking associated with the tourist accommodation use of the site.

20. A current hard copy of the Council approved Plan of Management (Tenancy Agreement Management Policy) shall be kept at the premises at all times and be made available to tourist accommodation groups at the time of booking or upon request.

21. Prior to the use of the premises for tourist accommodation purposes the proprietor shall provide appropriate notification to Tweed Shire Council in writing in accordance with the Public Health Regulation 2012 and pay the appropriate notification fee as per Council's current adopted Fees and Charges.

22. This development consent authorises a change of use of the existing structure on site from 100% residential use to a dual use for either short term tourist accommodation or residential use.

[USENS01]

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

1. 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'.

2. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
3. The existing building on proposed Lot 77 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 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr K Milne, Cr B Longland
AGAINST VOTE - Cr G Bagnall

10 [PR-PC] Development Application DA14/0206 for Dual Use of Existing Dwelling - Tourist Accommodation and Residential at Lot 305 DP 1070793 No. 3 Cactus Court, Kingscliff

P 119

Cr W Polglase
Cr P Youngblutt

RECOMMENDED that Development Application DA14/0206 for dual use of existing dwelling -tourist accommodation and residential at Lot 305 DP 1070793 No. 3 Cactus Court, Kingscliff be approved subject to the following conditions:

GENERAL

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

Title	Prepared by	Dated
Pool Plan/Site Plan	Harcourt Consulting Engineers	February 2007
Site Plan	Neo Concepts	March 2005
Ground Floor Plan	Neo Concepts	February 2005
First Floor Plan	Neo Concepts	February 2005
Elevation Plan (north and east)	Neo Concepts	February 2005
Elevation Plan (south and west)	Neo Concepts	February 2005

[GEN0005]

2. Advertising structures/signs to be the subject of a separate development application (where statutorily required).
-

[GEN0065]

3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
[GEN0115]
4. Use of the existing dwelling for short term tourist accommodation purposes shall be restricted to one single booking at any time which may consist of a maximum of 10 people.
5. The keeping of dogs, cats or other animals at the premises by tourist accommodation groups is strictly prohibited.
6. A visitor log book shall be maintained as a record of the tourist accommodation use specifying names of visitors with dates and duration of stay. This log book is to be presented to Council no later than 31 July of each year for inspection purposes.
7. All carparking associated with the tourist accommodation use is to be located within the property boundary of the subject site.
8. A Plan of Management is to incorporate and convey a clear understanding of the terms and conditions of 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 dwelling for the purposes of short term tourist accommodation and subsequent to any future amendments being made to the document.
9. The keeping of dogs, cats or other animals on the property for residential purposes is to be in accordance with any relevant Section 88B Instrument requirements.
10. All landscaping is to comply with the S88B instrument pertaining to the site.
11. A 24 hour contact (name and contact details) shall be made available to Council and to residences within a 100m radius of the subject site prior to the first use of the dwelling for the purposes of short term tourist accommodation to address issues that may arise as a result of tourist accommodation tenancies.
12. Any room utilised for sleeping accommodation shall comply with the NSW Public Health Regulations 2012.

[GENNS01]

USE

13. 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]
14. 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]

15. 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]

16. 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]

17. The premises shall be maintained in a clean and tidy manner.

[USE0965]

18. Any swimming pool shall be tested once per week with records being kept and that the records be made available to Council after 14 days upon request.

[USE0985]

19. Two off street car parking spaces shall be provided to cater for the tourist accommodation use, including parking for the disabled where applicable. The subject development is to result in no off site vehicular parking associated with the tourist accommodation use of the site.

20. A current hard copy of the Council approved Plan of Management (Tenancy Agreement Management Policy) shall be kept at the premises at all times and be made available to tourist accommodation groups at the time of booking or upon request.

21. Prior to the use of the premises for tourist accommodation purposes the proprietor shall provide appropriate notification to Tweed Shire Council in writing in accordance with the Public Health Regulation 2012 and pay the appropriate notification fee as per Council's current adopted Fees and Charges.

22. This development consent authorises a change of use of the existing structure on site from 100% residential use to a dual use for either short term tourist accommodation or residential use.

[USENS01]

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr K Milne, Cr B Longland
AGAINST VOTE - Cr G Bagnall

11 [PR-PC] Development Application DA14/0288 for a Detached Dual Occupancy at Lot 50 DP 1186189 No. 305 Casuarina Way, Kingscliff

P 120

Cr W Polglase

Cr P Youngblutt

RECOMMENDED that Development Application DA14/0288 for a detached dual occupancy at Lot 50 DP 1186189 No. 305 Casuarina Way, Kingscliff be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos sheet 1, 3, 4, 5, 6, 7, 8 and 9, prepared by Parameter Design and dated 28 April 2014, Plan No. 13-045 sheet 1 of 1 issue C titled Landscaping Concept dated November 2013, 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. 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]

4. A Sewer manhole is present on this site. This manhole is not to be covered with soil or other material.

Should adjustments be required to the sewer manhole, then application shall be made to Council's Engineering Division for approval of such works.

[GEN0155]

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

[GEN0300]

6. No object (fence or landscaping etc) is permitted within the 2 metre by 2 metre 'sight line triangle' adjacent to the hereby approved driveways, in accordance with Council's Driveway Access to Property Specification. [GENNS01]
7. Fences and walls are to comply with the provisions of Council's Development Control Plan B11 - Seaside City. [GENNS02]
8. Cut and fill are to comply with the provisions of Council's Development Control Plan A1 - Residential and Tourist Development Code. [GENNS03]
9. Landscaping species are to comprise no less than 80% native species. [GENNS04]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

10. 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]
11. 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]
12. 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]

13. 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]

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

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

[PCC1155]

15. 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]
16. 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]

PRIOR TO COMMENCEMENT OF WORK

17. 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]
18. Prior to commencement of work all actions or prerequisite works required at that stage, as required by other conditions or approved management plans or the like, shall be installed/operated in accordance with those conditions or plans.
- [PCW0015]
19. 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]
20. 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]
21. 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]
22. 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]

23. 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]

24. Prior to commencement of building works a stormwater drainage plan is to be submitted to and approved by the Principal Certifying Authority.

[PCW0955]

25. 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]

26. 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]

27. 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

28. 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]

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

[DUR0015]

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

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

31. All 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]

32. 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]

33. 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]

34. 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]

35. 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]

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

[DUR0445]

37. 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]

38. 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]

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

[DUR1075]

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

[DUR1945]

41. 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]

42. 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]

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

[DUR2245]

44. 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]

45. 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]

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

[DUR2505]

47. 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]

48. 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]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

49. 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]

50. 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]

51. 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]

52. 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]

53. 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, except in the case of any S94 Plan No 28 contributions, which must be paid within 30 days of commencement of the erection of a dwelling house, units or commercial development.

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

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

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

- | | |
|--|---------|
| (a) Tweed Road Contribution Plan:
1.3 Trips @ \$1199 per Trips
(\$1,145 base rate + \$54 indexation)
S94 Plan No. 4
Sector7_4 | \$1,559 |
| (b) Shirewide Library Facilities:
0.875 ET @ \$847 per ET
(\$792 base rate + \$55 indexation)
S94 Plan No. 11 | \$741 |
| (c) Bus Shelters:
0.875 ET @ \$64 per ET
(\$60 base rate + \$4 indexation)
S94 Plan No. 12 | \$56 |
| (d) Eviron Cemetery:
0.875 ET @ \$124 per ET
(\$101 base rate + \$23 indexation)
S94 Plan No. 13 | \$109 |
| (e) Community Facilities (Tweed Coast - North)
0.875 ET @ \$1404 per ET
(\$1,305.60 base rate + \$98.40 indexation)
S94 Plan No. 15 | \$1,229 |

- (f) Extensions to Council Administration Offices
& Technical Support Facilities
0.875 ET @ \$1880.38 per ET \$1,645.33
(\$1,759.90 base rate + \$120.48 indexation)
S94 Plan No. 18

- (g) Regional Open Space (Casual)
0.875 ET @ \$1103 per ET \$965
(\$1,031 base rate + \$72 indexation)
S94 Plan No. 26

- (h) Regional Open Space (Structured):
0.875 ET @ \$3872 per ET \$3,388
(\$3,619 base rate + \$253 indexation)
S94 Plan No. 26

- (i) Seaside City Structured Open Space:
0.875 ET @ \$4268 per ET \$3,734.50
(\$3,585 base rate + \$683 indexation)
S94 Plan No. 28

[POC0395/PSC0175]

54. 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]

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

As this lot has not previously been connected to Council's Water Supply and Sewerage Schemes, the following capital contributions in addition to and physical works required to connect the development are required under Section 306 of the Water Management Act and must be paid within 30 days of commencement of the erection of a dwelling house, units or commercial development.

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

Water DSP6:	1 ET @ \$12907 per ET	\$12,907
South Kingscliff Water Levy:	1 ET @ 307 per ET	\$307
Sewer Kingscliff:	1 ET @ \$6201 per ET	\$6,201

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/PSC0165]

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

[POC1045]

USE

57. 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]

58. 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]

59. The premises shall be suitably identified by Unit No. (where appropriate) and Street Number displayed in a prominent position on the facade of the building facing the primary street frontage, and is to be of sufficient size to be clearly identifiable from the street.

[USE0435]

60. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.

[USE0735]

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr B Longland

AGAINST VOTE - Cr K Milne, Cr G Bagnall

- 12 [PR-PC] Development Application DA13/0383 for Redevelopment of 'Jenners Corner' Site Incorporating a Boat Showroom, Boating Facility, Two Cafes and Caretakers Residence at Lot 1 DP 119054, Lot 1 DP 341470, Lot A DP 373769 No. 120 Chinderah Bay Drive, Chinderah; Lot 1 DP 382677, Lot C DP 373769 No. 122 Chinderah Bay Drive, Chinderah; Lot 1 DP 415533 No. 126 Chinderah Bay Drive, Chinderah; Lot 2 DP 415533 No. 128 Chinderah Bay Drive, Chinderah; Lot 3 DP 415533 No. 130 Chinderah Bay Drive, Chinderah

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Cr W Polglase
Cr P Youngblutt

PROPOSED that Development Application DA13/0383 for redevelopment of 'Jenners Corner' site incorporating a boat showroom, boating facility, two cafes and caretakers residence at Lot 1 DP 119054, Lot 1 DP 341470, Lot A DP 373769 No. 120 Chinderah Bay Drive, Chinderah; Lot 1 DP 382677, Lot C DP 373769 No. 122 Chinderah Bay Drive, Chinderah; Lot 1 DP 415533 No. 126 Chinderah Bay Drive, Chinderah; Lot 2 DP 415533 No. 128 Chinderah Bay Drive, Chinderah; Lot 3 DP 415533 No. 130 Chinderah Bay Drive, Chinderah be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan No. Kingscliff Creek Habitat Restoration Area drawn by Tweed Shire Council dated 17/07/2014 Plan No. JENNERSCNR_CONCEPT REV.01 Regeneration/landscape planning area 17m wide prepared by Planit consulting and dated 06/14, Plan No. 334-DA06 prepared by Greg Everding Architect and dated 04.11.13, Plan No. 334-DA01 prepared by Greg Everding Architect and dated 25.07.13, Plan No. 334-DA03 prepared by Greg Everding Architect and dated 15.08.13, Plan No. WD 2/413 prepared by PFK Building Design and dated 24/04/13 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. A Sewer manhole is present on this site. This manhole is not to be covered with soil or other material.

Should adjustments be required to the sewer manhole, then application shall be made to Council's Engineering Division for approval of such works.
[GEN0155]
5. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.
[GEN0265]

6. The 'Regeneration/Landscape Planting Area (17m Wide)' as shown on *Dwg. Jennerscnr_Concept Rev.01 dated June 2014 prepared by Planit Consulting* shall be the subject of an ecological restoration program undertaken in accordance with an approved Habitat Protection and Restoration Plan. The area shall be managed as a natural area for conservation purposes.
[GENNS01]
7. The approved development shall not result in any clearing of native vegetation within the 'Regeneration/Landscape Planting Area (17m Wide)' as shown on the approved layout plans without prior approval from Council's General Manager or delegate.
[GENNS01]
8. Any fencing of the 'Regeneration/Landscape Planting Area (17m Wide)' as shown on the approved layout plans shall be fauna friendly and security lighting designed and maintained to minimise lighting spill to the Kingscliff Creek riparian buffer.
[GENNS01]
9. The approved works within the Habitat Protection and Restoration Plan is to be implemented and completed in accordance with the approved Habitat Protection and Restoration Plan.
[GENNS01]
10. Waste management on the site shall be carried out in accordance with the approved Waste Management Plan.
[GENNS03]
11. The occupants of the caretakers dwelling must only be employees of any of the approved uses under this consent.
[GENNS04]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

12. The developer shall provide 36 parking spaces including parking for the disabled in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.

Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to Tweed Shire Council and approved by the General Manager or his delegate prior to the issue of a construction certificate.
[PCC0065]
13. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.
[PCC0285]
14. All imported fill material shall be from an approved source. Prior to the issue of a construction certificate details of the source of fill, description of material, proposed use of material, documentary evidence that the fill material is free of any contaminants and

haul route shall be submitted to Tweed Shire Council for the approval of the General Manager or his delegate.

[PCC0465]

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

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]

16. 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]

17. Site filling and associated drainage is to be designed to address drainage on the site as well as existing stormwater flows onto or through the site, and minimising the impact of filling on local drainage. Detailed engineering plans of fill levels and perimeter drainage shall be submitted for Council approval.

[PCC0675]

18. Design detail shall be provided to address the flood compatibility of the proposed structure including the following specific matters:

- (a) Design flood level of RL 3.2m AHD.
- (b) All building materials used below Council's design flood level must not be susceptible to water damage.
- (c) Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should to suitably treated to withstand continuous submergence in water and provide appropriate earth leakage devices.
- (d) Define adequate provision for the flood free storage for goods and equipment susceptible to water damage.

[PCC0705]

19. Fencing detail is to be provided detailing a form that will either allow the free passage of flood water or be of a light construction such as timber paling that will collapse as a result of any build up of floodwater or debris.

[PCC0725]

20. 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 undertaken in accordance with Councils Development Design and Construction Specifications for the following required works:

- (a) Vehicular access (dwelling house and boating facility)
- (b) Minor road pavement widening of Walsh Street to facilitate vehicular access to the site, to accord with the depicted access arrangement as shown on 'Proposed Site Plan' no. 334-DA07 by Greg Everding Architect dated 04.11.13.

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
- Sediment and erosion control plans
- Location of all services/conduits
- Traffic control plan

[PCC0895]

21. 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.
- (d) Specific Requirements to be detailed within the Construction Certificate application include:
 - (i) Shake down area along the haul route immediately before the intersection with the road reserve.

[PCC1105]

22. 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]

23. Erosion and Sediment Control shall be provided in accordance with the following:
- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
 - (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".
24. 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.
25. In accordance with Section 68 of the Local Government Act, application shall be made to Council for any proposed sewerage drainage system. Detail shall include hydraulic drawings, pipe sizes, details of materials and discharge temperatures.
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.
27. In accordance with Section 68 of the Local Government Act, 1993, any premises proposing to discharge into Councils sewerage system waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by the General Manager or his delegate PRIOR to the issuing of a Construction Certificate to discharge to Councils sewerage system.
28. Pursuant to Section 68 of the Local Government Act, 1993 an approved pre-treatment device (eg. Oil/grease traps, separators, etc) shall be installed in accordance with Tweed Shire Councils Trade Waste Policy. Submission of detailed hydraulic plans and specifications indicating size, type, location and drainage installations in accordance with AS 3500 shall be submitted to Council for approval.
29. Three copies of detailed hydraulic plans shall be submitted with all trade waste applications which indicate size, type and location of pre-treatment devices. All plumbing and drainage installations to these devices shall comply with AS3500.

[PCC1275]

30. Prior to the construction certificate being issued, three copies of plans drawn to a scale of 1:50 detailing the following with regards to all food related areas shall be provided to Council's Environmental Health Officers for assessment and approval:
- a. Floor plan
 - b. Layout of premises showing all equipment
 - c. All internal finish details including floors, wall, ceiling and lighting
 - d. Hydraulic design in particular method of disposal of trade waste
 - e. Mechanical exhaust ventilation as per the requirements of AS1668 Pts 1 & 2 where required
 - f. Served areas including counters etc.
31. Prior to the issuing of a construction certificate, a Dewatering Management Plan is to be prepared and submitted to Council. The Dewatering Management Plan is to be prepared by a suitably qualified consultant, and is to be to the satisfaction of the General Manager or his delegate.
- [PCCNS01]
32. A Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council.
33. Prior to the issuing of a Construction Certificate a construction waste management plan is to be provided to Council. The Waste management plan is to include:
- i. The type of waste generated during construction
 - ii. The method and location of waste storage on site
 - iii. How any recyclable materials will be managed
 - iv. The location of the disposal facility for residual waste
- [PCCNS02]
34. The proposed site works are required to avoid the existing Drainage Easement that encumbers Lot A DP 373769 and Lot 3 DP 415533.
35. The proposed "gravel" surface for the boat storage facility will only be acceptable if it is an all-weather, high bearing capacity porous surface - as per TSC DCP A2. Verification of a surface that complies with this requirement will need to be provided by a qualified engineer, otherwise all internal access and parking areas will need to be bitumen sealed.
- [PCCNS03]
36. Sewer Easements - A three meter easement over the existing and/ or new sewerage infrastructure is required. References to permit the proposed carport structure should be included in the easement document.
37. Building in proximity sewer - Sewer depth and actual location must be confirmed on site and recorded on construction plans prior to construction.
38. Building in proximity water and/ or sewer - A suitably qualified engineer shall design the walls and/or footing depths based on the geotechnical conditions on site and the plans must be submitted to Council to demonstrate the Council Sewers - Works in Proximity Policy has been adhered to.

39. Works are to be undertaken to terminate the sewer prior to storage bays 7 to 13 and a new manhole will be required at the new endpoint. [PCCNS04]
40. The applicant must submit a detailed landscape plan to be approved by Council's General Manager or delegate prior to the issue of a Construction Certificate or prior to commencement of any works onsite whichever occurs first. The detailed landscape plan shall demonstrate that the proportion of total plant numbers meets a minimum 80% local native plant composition and that noxious or environmental weed species have not been proposed. [PCCNS05]
41. A Habitat Protection and Restoration Plan ('HP&RP') is required to be prepared generally in accordance with Council's *Draft Guideline for the Preparation and Implementation of Habitat Restoration Plans* (2010) by a person suitably qualified in Bushland Regeneration or Ecological Restoration and with knowledge and experience in local vegetation communities (e.g. wetlands, rainforest, riparian areas) to address the following areas:
- a. The entire 'Regeneration/Landscape Planting Area (17m Wide)' as shown on the approved layout plans; and
 - b. A '2923m² section of the Kingscliff Creek riverine corridor' as shown on the marked up plan attached to the consent immediately opposite and to the west of the site generally consistent with recommendations made in the submitted *Flora and Fauna Assessment for Proposed Boat Showroom, Boat Storage, Cafe and Caretakers Residence Jenner's Corner Chinderah dated 15 May 2014 prepared by Peter Parker Environmental Consultants P/L.*

The HP&RP shall be submitted and approved by Council's General Manager or delegate prior to issuing the construction certificate or prior to any works commencing onsite whichever occurs first and shall include the following:

- a. An appraisal of the present condition of remnant vegetation;
- b. Plan overlaying an aerial photograph of the site which divides the area into zones for regeneration and zones for planting, including connections between existing vegetation where appropriate;
- c. Management strategy for each of the zones, including the approach, methods and techniques to be used for ecological restoration;
- d. Schedule of local native plant species to be used for planting;
- e. Details of fauna friendly 'Regeneration/Landscape Planting Area (17m Wide)' fencing at the interface with the development;
- f. Specific requirements for revegetation within the alignment of the existing drainage easement to avoid conflict with any infrastructure services;
- g. Program of works to be undertaken to remove invasive weed species;
- h. Schedule of timing of proposed works;
- i. Establishment, monitoring and reporting schedule with developer commitment for a period of not less than three (3) years in order to achieve site capture;
- j. Acknowledgement that the 'Regeneration/Landscape Planting Area (17m Wide)' shall be protected under a Section 88B instrument (*Conveyancing Act 1919*) to be managed as a conservation area. Details shall be provided of general long term maintenance responsibilities necessary to achieve conservation outcomes within this area;

- k. An adaptive management statement detailing how potential problems arising may be overcome and requiring approval of the General Manager or delegate for such changes; and
 - l. Incorporate detail of habitat protection measures (i.e. tree protection fencing) to be installed during the construction phase of the development.
- [PCCNS05]
42. The applicant shall amend the stormwater layout as shown on Dwg. No. SK2, Issue A, Stormwater Management Plan prepared by Cozens Regan Williams Prove Engineers (in Stormwater Management Plan dated June 2013 prepared by Cozens Regan Williams Prove Engineers) to achieve a design that relies on one discharge outlet only to Kingscliff Creek (post treatment). The outlet shall be positioned in a location that minimises disturbance to existing vegetation and the bed and bank of Kingscliff Creek.
- [PCCNS05]
43. The applicant shall provide evidence of commencement of habitat restoration works in accordance with the approved Habitat Protection and Restoration Plan to Council prior to the issue of the first of any occupation certificate.
- [PCCNS05]

PRIOR TO COMMENCEMENT OF WORK

44. 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]
45. 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]
46. 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]
47. 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]
48. 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]
49. Prior to start of works the PCA is to be provided with a certificate of adequacy of design, signed by a practising Structural Engineer on all proposed retaining walls in excess of 1.2m in height. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall and be supported by Geotechnical assessment of the founding material.
- [PCW0745]
50. 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]

51. 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]

52. 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]

DURING CONSTRUCTION

53. 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]

54. 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]

55. 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]
56. 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]
57. 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]
58. 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]
59. 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]
60. 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]
61. During filling operations,
- No filling is to be placed hydraulically within twenty metres (20m) of any boundary that adjoins private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.
 - All fill and cut batters shall be contained wholly within the subject land.
 - All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications and to the satisfaction of the Principal Certifying Authority.
- and upon completion,
- all topsoil to be respread and the site to be grassed and landscaped including battered areas. [DUR0755]
62. Proposed earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments".
-

The earthworks shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with AS 3798. A certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798 shall be submitted to the Principal Certifying Authority upon completion.

[DUR0795]

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

[DUR0815]

64. Any cut or fill on the property is to be battered at a ratio not greater than 1:2 (v:h) within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications, Development Control Plan Part A1 to the satisfaction of the Principal Certifying Authority.

Please note timber retaining walls are not permitted.

[DUR0835]

65. 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]

66. 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]

67. 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]

68. All works shall be carried out in accordance with the Acid Sulfate Soils Investigation and Management Plan prepared by HMC Environmental Consulting, dated October 2013 and numbered HMC2013.048 ASS.

[DUR1065]

69. The Proposed development where necessary shall be constructed with flood compatible materials, details of the materials area to be submitted for approval with the Construction Certificate application.

[DUR1375]

70. Subject to the requirements of the local electricity authority, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level shall be provided with earth leakage devices.

[DUR1415]

71. All walls in the food preparation and storage areas shall be of solid construction. For this purpose walls in such areas may be of masonry or stud wall construction. If stud

wall construction is used then the wall shall be lined as a minimum with 9mm thick high impact resistant material eg. Villaboard or Versilux lining or other suitable material(s) approved by Council's Environmental Health Officer and tiled to a height of at least 2 meters.

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

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

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

[DUR1495]

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

[DUR1505]

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

[DUR1515]

74. 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]

75. 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]

76. 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]

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

[DUR1905]

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

[DUR1925]

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

[DUR1945]

81. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction. Certification from a suitably qualified engineer experienced in structures is to be provided to the PCA prior to the issue of an Occupation/Subdivision Certificate.

[DUR1955]

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. 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]

85. 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]

86. 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]

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

[DUR2535]

88. 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]

89. 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]

90. The Storage shelter structures are to be sited at least one metre horizontally clear of sewer main on site. All footings and slabs within the area of influence of the sewer main are to be designed by a practising Structural Engineer. The engineer is to submit a certification to the Principal Certifying Authority that the design of such footings and slabs will ensure that all building loads will be transferred to the foundation material and will not affect or be affected by the sewer main.

[DUR2645]

91. Any structures that are to be constructed over or within the zone of influence of Council's sewer main are to comply with Tweed Shire Council's "Sewers - Building in Proximity" policy.

[DUR2705]

92. Any local exhaust system is to be constructed and installed in accordance with the certified plans.

93. Premises to be fitted out in accordance with the Council approved fit-out plans.

94. During construction, all dewatering activities are to be carried out in accordance with the Council approved Dewatering Management Plan, including recommendations of the Dewatering Management Plan.

[DURNS01]

95. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development. [DURNS02]
96. Landscaping shall be carried out in accordance with the approved landscaping plans. [DURNS02]
97. All habitat restoration works and habitat protection measures shall be carried out in accordance with the approved Habitat Protection and Restoration Plan. [DURNS02]
98. Appropriate tree protection fencing shall be installed generally in accordance with *Australian Standard AS4970-2009 Protection of trees on development sites* prior to commencement of any works on site and remain for the duration of the construction period. Tree protection fencing shall be installed at the following locations on site:
- a. Along the length of the landward edge of the 'Regeneration/Landscape Planting Area (17m Wide)' as shown on the approved layout plans at the interface with the development footprint;
 - b. Along the eastern boundary of the subject site at the interface with the Walsh Street road reserve. [DURNS02]
99. The following activities are not permitted within the 'Regeneration/Landscape Planting Area (17m Wide)' as shown on the approved layout plans as described in this consent:
- a. Storage and mixing of materials;
 - b. Vehicle parking;
 - c. Liquid disposal;
 - d. Machinery repairs and /or refuelling;
 - e. Construction of site office or shed;
 - f. Combustion of any material;
 - g. Stockpiling of soil, rubble or debris;
 - h. Any filling or excavation including trenching, topsoil skimming and/or surface excavation, unless otherwise approved by Council's General Manager or delegate; and
 - i. Unauthorised application of pesticides, herbicides or chemicals. [DURNS02]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

100. 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]
101. 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]

102. 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]

103. 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]

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

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

(a) Tweed Road Contribution Plan:
19.08 Trips @ \$1189 per Trips \$22,686
(\$1,137 base rate + \$52 indexation)
S94 Plan No. 4
Sector6_4

[POC0395/PSC0175]

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. Prior to commencement of operations and on completion of fit out an inspection is to be arranged with Council's Environmental Health Officer for final approval.

[POC0615]

107. The proprietor of the food premises shall provide appropriate notification to the NSW Food Authority prior to commencement of operations by completing the "Notify a Food Business" form under the NAFSIS Heading on the following website www.foodnotify.nsw.gov.au or alternatively by contacting the NSW Food Authority on 1300650124.

[POC0625]

108. The premises is to be treated on completion of fit-out and prior to commencement of trading and thereafter on a regular basis by a Licensed Pest Control Operator. A certificate of treatment is to be made available for Council inspection on request.

[POC0635]

109. 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.

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

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

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 5 prior to the issue of a construction certificate. The contribution shall be based on the following formula:

$$\text{\$Con TRCP - Heavy} = \text{Prod.} \times \text{Dist} \times \text{\$Unit} \times (1 + \text{Admin.})$$

where:

$\text{\$Con TRCP - Heavy}$ heavy haulage contribution

and:

Prod. projected demand for extractive material to be hauled to the site over life of project in tonnes

Dist. average haulage distance of product on Shire roads (trip one way)

$\text{\$Unit}$ the unit cost attributed to maintaining a road as set out in Section 7.2 (currently 5.4c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.6

[POC0715]

110. Prior to the issue of an occupation certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all works required under Section 138 of the Roads Act 1993.

[POC0745]

111. Redundant road pavement, kerb and gutter or foot paving including any existing disused vehicular laybacks/driveways or other special provisions shall be removed and the area reinstated to match adjoining works in accordance with Councils Development Design and Construction Specifications.

[POC0755]

112. The lots are to be consolidated into one (1) lot under one (1) title. The plan of consolidation shall be registered with the Lands Titles Office prior to issue of an occupation certificate.

Option: Lot C DP 373769 is not actively included in this proposal and can be excluded or separately consolidated with Lot 1 DP 382677.

[POC0855]

113. Prior to the issue of an occupation certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all s68h2 permanent stormwater quality control devices.

[POC0985]

114. 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]

115. Certification to be provided that any local exhaust system was constructed and installed in accordance with the certified plans and in accordance with AS1668.2.

[POCNS01]

116. The stormwater management plan includes a pipe system to drain Lot A DP 374685 (No.124 Chinderah Bay Drive), which will need to be covered by an appropriate easement, to benefit that lot. This easement can be created in conjunction with the required consolidation of the site.

[POCNS02]

117. All approved landscaping requirements (other than the approved works within the Habitat Protection and Restoration Plan) must be completed to the satisfaction of the General Manager or his delegate prior to the issue of an occupation certificate. Landscaping must be maintained at all times to the satisfaction of Council's General Manager or delegate.

[POCNS03]

118. The following restrictions as to user under Section 88B of the *Conveyancing Act 1919* are to be placed on the title of the subject site to Council's satisfaction:

- a. Restriction as to user regarding 'Regeneration/Landscape Planting Area (17m Wide)' as shown on the approved layout plans - this area must be subject to an approved ecological restoration program (undertaken in accordance with an approved habitat protection and restoration plan) and managed as a natural area for conservation purposes in perpetuity.
- b. Restriction as to user regarding 'Regeneration/Landscape Planting Area (17m Wide)' as shown on the approved layout plans. The following activities are not permitted within this area:

- i. Clearing, lopping or removal of any native plants, whether existing at the date of this approval or planted pursuant to conditions of this consent;
- ii. Erection of any fixtures or improvements, including buildings or structures;
- iii. Construction of any trails or paths;
- iv. Depositing of any fill, soil, rock, rubbish, ashes, garbage, waste or other material foreign to the protected area;
- v. Keeping or permitting the entry of domestic animals or any other animals that are not indigenous to the riparian buffer zone;
- vi. Any filling or excavation including trenching, topsoil skimming and/or surface excavation, unless otherwise approved by Council's General Manager or delegate within the existing drainage easement; and
- vii. Performance of any other acts which may have detrimental impact on the values of the riparian buffer zone. The area must be managed in accordance with the approved habitat protection and restoration plan for the life of the development and the use of the premises.

[POCNS03]

119. A cash bond or bank guarantee shall be lodged as security to ensure that the approved Habitat Protection and Restoration Plan ('HP&RP') is implemented and completed within the area described as '2923m² section of the Kingscliff Creek riverine corridor'. The cash bond or bank guarantee must be lodged with Council prior to the release of the occupation certificate unless all ecological restoration works have been completed in accordance with the approved HP&RP to the satisfaction of Council's General Manager or delegate. The amount of such bond will be based on the cost of environmental repair, enhancement and maintenance works to be undertaken over a period of minimum three (3) years in accordance with the approved HP&RP. In this regard, two (2) written quotes from suitably experienced and qualified bush regenerators (to the satisfaction of Council's General Manager or delegate) must be submitted to Council which detail the cost of all works associated with the HP&RP. The amount of the bond will be equivalent to 130% of the estimated cost of works.

[POCNS03]

120. The bond or bank guarantee will be released three (3) years, after the initiation of works on submission of certification by a suitably experienced and qualified bush regenerator stating that the HRP has been satisfactorily completed unless otherwise approved by Council's General Manager or delegate.

[POCNS03]

121. Monitoring of the effectiveness of environmental repair, enhancement and maintenance works must be undertaken by an independent and suitably qualified and experienced bush regenerator at yearly intervals following initiation of the Habitat Protection and Restoration Plan (HP&RP) works. Reports of this monitoring must provide the basis for the person issuing certification for the bond or bank guarantee and must be annually submitted to Council as evidence. Any supplementary or approved adaptive management works deemed necessary by the independent bush regenerator during the life of the HP&RP must be undertaken once the need is identified.

[POCNS03]

122. 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]

123. 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]

124. Hours of operation are limited to the following:

- Boat Showroom 7am to 6pm Monday to Sunday,
- Boating Facility 7am to 6pm Monday to Sunday,
- Café/Restaurant and café 7am to 10pm Monday to Sunday and 7am to 8pm Sunday,
- All waste collection, deliveries and pickups relating to the businesses are to occur between 7am and 6pm.

[USE0185]

125. 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]

126. 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]

127. Any vehicles that remain on site for periods in excess of two (2) minutes are required to switch off their engines.

[USE0255]

128. The development shall be carried out in accordance with the provisions of the acoustic assessment report prepared by CRG Acoustical Consultants and dated 23 October 2013 and addendum dated 28 November 2013, except where as varied by this consent.

[USE0305]

129. The use being restricted to the areas designated on the approved plan.

[USE0415]

130. No items or goods are to be stored or displayed outside the confines of the premises.

[USE0445]

131. All loading/unloading to take place within the boundary of the subject property.

[USE0525]

132. Any premises used for the storage, preparation or sale of food are to comply with the *Food Act* 2003, FSANZ Food Safety Standards and AS 4674-2004 Design,

construction and Fit-out of Food Premises and other requirements of Councils Environmental health Officer included in this approval.

[USE0835]

133. Deliveries and waste collection activities shall be limited to 8:00 am to 5:00 pm, Monday to Friday.

[USENS01]

GENERAL TERMS OF APPROVAL UNDER SECTION 91 OF THE WATER MANAGEMENT ACT 2000

Number	Condition
Plans, standards and guidelines	
1	These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA13/0383 and provided by Council. Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
2	Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
3	The consent holder must prepare or commission the preparation of: (i) Vegetation Management Plan (ii) Erosion and Sediment Control Plan
4	All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The plans must be prepared in accordance with the NSW Office of Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx (i) Vegetation Management Plans (ii) Riparian Corridors (iii) Outlet structures
5	The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
Rehabilitation and maintenance	
6	The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
Reporting requirements	
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
Security deposits	
9	N/A

Access-ways	
10	N/A
11	N/A
Bridge, causeway, culverts, and crossing	
12	N/A
13	N/A
Disposal	
14	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
Drainage and Stormwater	
15	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
16	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
Erosion control	
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
Excavation	
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
19	N/A
Maintaining river	
20	The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.
21	N/A
River bed and bank protection	
22	N/A
23	The consent holder must establish a riparian corridor along the drainage channel at the rear of the site in accordance with a plan approved by the NSW Office of Water.
Plans, standards and guidelines	
24	N/A
25	N/A
26	N/A
27	N/A
END OF CONDITIONS	

AMENDMENT

P 122

Cr K Milne
Cr M Armstrong

RECOMMENDED that Development Application DA13/0383 for redevelopment of 'Jenners Corner' site incorporating a boat showroom, boating facility, two cafes and caretakers residence at Lot 1 DP 119054, Lot 1 DP 341470, Lot A DP 373769 No. 120 Chinderah Bay Drive, Chinderah; Lot 1 DP 382677, Lot C DP 373769 No. 122 Chinderah Bay Drive, Chinderah; Lot 1 DP 415533 No. 126 Chinderah Bay Drive, Chinderah; Lot 2 DP 415533 No. 128 Chinderah Bay Drive, Chinderah; Lot 3 DP 415533 No. 130 Chinderah Bay Drive, Chinderah be deferred and Council requests the applicant to:

1. Withdraw the Development Application due to the unsuitability of the boating facility component,
2. Consult with the Resident's Association in regard to appropriate uses for this key site,
3. Lodge a new Development Application for the cafe/restaurant and other more suitable uses.

The Amendment was **Carried**

FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland
AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne

The Amendment on becoming the Motion was **Carried** - (Minute No 122 refers)

FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland
AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne

- 13 [PR-PC] Development Application DA13/0654 for a Two Lot Subdivision, Remove Existing Dwelling and Construct Two Single Dwellings - Staged Development at Lot 7011 DP 1065741 Marine Parade, Fingal Head and Lot 367 DP 755740 No. 40 Queen Street, Fingal Head**

P 123

Cr M Armstrong
Cr K Milne

RECOMMENDED that:

- A. Development Application DA13/0654 for a two lot subdivision, remove existing dwelling and construct two single dwellings - staged development at Lot 7011 DP 1065741 Marine Parade, Fingal Head and Lot 367 DP 755740 No. 40 Queen Street, Fingal Head be refused for the following reasons:

1. Pursuant to Section 5 Objects of the Environmental Planning & Assessment Act 1979 (as amended), the proposed development cannot be determined to satisfy sub section (a)(ii), the orderly and economic use and development of the land.

It is Council's view that the proposal has the ability to impact negatively upon the subject site and adjacent land; accordingly the proposal is not identified as satisfying the Objects of the Environmental Planning & Assessment Act 1979.

2. Pursuant to Section 5 Objects of the Environmental Planning & Assessment Act 1979 (as amended), the proposed development cannot be determined to satisfy sub section (a)(vi), the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats.

It is Council's view that the proposal has the ability to impact upon the protection and conservation of native animals and plants; accordingly the proposal is not identified as satisfying the Objects of the Environmental Planning & Assessment Act 1979.

3. In accordance with Section 79C(1)(a)(i) of the Environmental Planning & Assessment Act 1979 (as amended) the proposed development is not considered to be compliant with Environmental Planning Instruments.

It is Council's view that the proposed development is inconsistent with the aims of:

State Environmental Planning Policies:

- SEPP 71: Coastal Protection
- NCREP: Clauses 32B and 43

It is Council's view that the proposed development does not satisfy the provisions contained within:

The Tweed LEP 2000:

- Clause 4: Aims of this plan
- Clause 5: Ecologically sustainable development
- Clause 8(1): Consent Considerations
- Clause 11: The Zones
- Clause 39A: Bushfire Protection

The Draft Tweed LEP 2012:

- Clause 1.2: Aims of Plan
- Clause 2.3: Zone Objective and Land Use Table
- Clause 5.5: Development within the Coastal Zone

Development Control Plan 2008:

- Section A1 Part A: Dwelling Houses, Dual Occupancy, Secondary Dwellings, Alterations and Additions and Ancillary Development
- Section A5: Subdivision Manual

Tweed Shire Coastline Management Plan 2005:

NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast.

4. Pursuant to Section 79C (1) (c) of the Environmental Planning & Assessment Act 1979 (as amended) the proposed site is not considered suitable for the proposed development.

It is Council's view that in order to facilitate development and comply with bushfire and planning regulations, the development is likely to result in a significant and unacceptable impact on a candidate Endangered Ecological Community, threatened species and their habitat.

5. In accordance with Section 79C (1) (e) of the Environmental Planning & Assessment Act 1979 (as amended) the proposed development is not considered to be in the public interest.

It is Council's view that it is in the broader general public interest to enforce the standards contained within the Tweed LEP 2000 specifically as it relates to the aims of the plan, unacceptable cumulative impact and ecologically sustainable development.

B. The following action be taken:

1. Report an additional *Archidendron hendersonii* record to the Office of Environment and Heritage to be recorded on the Bionet - Atlas of NSW Wildlife database.
2. Continue liaison with the Office of Environment and Heritage to investigate modification to the candidate Endangered Ecological Community on the site and alleged non-compliance with conditions of Section 91 Certificates issued by the Office of Environment and Heritage.
3. Investigate use of the existing dwelling on the site for the purpose of tourist accommodation given the prohibition of such land use in the R2 Low Density Residential zone and absence of relevant development consent for such use in the 2(a) Low Density Residential zone prior to 4 April 2014.

The Motion was **Carried**

FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland
AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne

- 14 [PR-PC] Development Application DA14/0164 for Dual Use of Existing Tourist Accommodation - Residential and Tourist Accommodation at Lots 1-41 SP 76023 Nos. 1-41/27-37 Bells Boulevard, Kingscliff

P 124

Cr W Polglase
Cr P Youngblutt

PROPOSED that Development Application DA14/0164 for dual use of existing tourist accommodation - residential and tourist accommodation at Lots 1-41 SP 76023 Nos. 1-41/27-37 Bells Boulevard, Kingscliff be approved subject to the following conditions: -

"DEFERRED COMMENCEMENT"

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "A". Such evidence is to be provided within 6 months of the date of notification.

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "A". The consent shall become operative and take effect from the date of notification under Section 95 of the Environmental Planning and Assessment Regulations subject to the conditions set out in Schedule "B".

SCHEDULE "A"

Conditions imposed pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 and Section 95 of the Regulations as amended.

- A. The applicant shall submit a design verification from a qualified designer in accordance with the provisions of State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development.

SCHEDULE B

NOTE: THIS PART OF THE CONSENT WILL NOT BECOME OPERABLE UNTIL COUNCIL ADVISES THAT THE MATTERS CONTAINED IN SCHEDULE A ARE SATISFIED.

GENERAL

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

Drawing	Prepared by	Dated
Site Location Plan/Site Plan Overall (as highlighted)	ML Design	December 2003
Building 1 Basement 1 - Sheet 1 General Arrangement	ML Design	December 2003
Building 1 Basement 1 - Sheet 2 General Arrangement	ML Design	December 2003

Building 1 Ground 1 - Sheet 1 General Arrangement	ML Design	December 2003
Building 1 Ground 1 - Sheet 2 General Arrangement	ML Design	December 2003
Building 1 Level 1 - Sheet 1 General Arrangement	ML Design	December 2003
Building 1 Level 1 - Sheet 2 General Arrangement	ML Design	December 2003
Building 1 Level 2 - Sheet 1 General Arrangement	ML Design	December 2003
Building 1 Level 2 - Sheet 2 General Arrangement	ML Design	December 2003
Building 1 Roof 1 - Sheet 1 General Arrangement	ML Design	December 2003
Building 1 Roof 1 - Sheet 2 General Arrangement	ML Design	December 2003
Building 1 North and East Elevations (Sheet 1)	ML Design	December 2003
Building 1 South and West Elevations (Sheet 2)	ML Design	December 2003

[GEN0005]

USE

2. 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]
3. 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]
4. 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]
5. The public swimming pool shall be operated in accordance with the Public Health Act 2010, Part 3 of the Public Health Regulation 2012 and the current NSW Health Public Swimming Pool and Spa Pool Advisory Document, NSW Ministry of Health 2012. [USE0985]

6. Prior to commencement of the residential use, a plan shall be provided for review by Council's General Manager or delegate of the basement car parking allocation, including visitor parking.
7. Visitor parking spaces for the residential use shall be clearly marked on site.
8. Council shall be notified in writing of the commencement date for the residential use, prior to commencement of residential use.
9. This development consent authorises a change of use of the existing structure on site (Building 1 as per the submitted plans) from 100% tourist use to a dual use for either short term tourist accommodation or residential use.
10. The development must be utilised for tourist accommodation for a minimum of six months of the year.

[USENS01]

11. 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. All contributions must be paid in full at least one month prior to commencement of the residential use.
Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

Water DSP6:	13.067 ET @ \$12907 per ET	\$168,655.80
South Kingscliff Water Levy:	13.067 ET @ 307 per ET	\$4,012
Sewer Kingscliff:	19.867 ET @ \$6201 per ET	\$123,195.30

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.

[USENS02]

12. Section 94 Contributions

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

All contributions must be paid in full at least one month prior to commencement of the residential use.

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

These charges include indexation provided for in the S94 Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with

the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

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

- (a) Tweed Road Contribution Plan:
58.22 Trips @ \$1199 per Trips \$69,806
((\$1,145 base rate + \$54 indexation)
S94 Plan No. 4
Sector7_4
- (b) Shirewide Library Facilities:
31.20833 ET @ \$847 per ET \$26,433
((\$792 base rate + \$55 indexation)
S94 Plan No. 11
- (c) Bus Shelters:
31.20833 ET @ \$64 per ET \$1,997
((\$60 base rate + \$4 indexation)
S94 Plan No. 12
- (d) Eviron Cemetery:
31.20833 ET @ \$124 per ET \$3,870
((\$101 base rate + \$23 indexation)
S94 Plan No. 13
- (e) Community Facilities (Tweed Coast - North)
31.20833 ET @ \$1404 per ET \$43,816
((\$1,305.60 base rate + \$98.40 indexation)
S94 Plan No. 15
- (f) SALT Open Space and Associated Car Parking
31.2083 ET @ \$2330 per ET \$72,715.34
((\$1,350 base rate + \$980 indexation)
S94 Plan No. 25
- (g) Regional Open Space (Structured):
31.2083 ET @ \$3872 per ET \$120,839
((\$3,619 base rate + \$253 indexation)
S94 Plan No. 26

[USENS03]

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

1. The public reserve located to the immediate east of the development site shall continue to be maintained to Inner Protection Area standards as outlined in Section 4.2.2 of Planning for Bushfire Protection: A Guide for Councils, Planners, Fire Authorities, Developers and Home Owners (2001).

2. At the commencement of the dual use (residential and tourist accommodation) 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 Bushfire Protection 2006 and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.
3. An emergency and evacuation plan, addressing Section 4.2.4 of 'Planning for Bush Fire Protection 2006' shall be prepared for the proposed dual use of the existing tourist accommodation to become residential and tourist accommodation, or the existing plan is to be amended to include considerations pertaining to the proposed new dual use of the existing development. A copy of the plan shall be provided to the consent authority prior to commencement of the residential use of the development.

AMENDMENT

P 125

Cr M Armstrong
Cr K Milne

RECOMMENDED that Development Application DA14/0164 for dual use of existing tourist accommodation - residential and tourist accommodation at Lots 1-41 SP 76023 Nos. 1-41/27-37 Bells Boulevard, Kingscliff be deferred for a workshop.

The Amendment was **Carried**

FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland
AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne

The Amendment on becoming the Motion was **Carried** - (Minute No 125 refers)

FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland
AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne

- 15 [PR-PC] Class 1 Appeal - Development Application DA12/0527 for Internal Alterations and Additions Comprising of a New General Store, Extension of Entrance and Car Park Reconfiguration at Lot 2 DP 881169 No. 54-68 Gollan Drive, Tweed Heads West

P 126

Cr K Milne
Cr M Armstrong

RECOMMENDED that the report on Class 1 Appeal - Development Application DA12/0527 for Internal Alterations and Additions Comprising of a New General Store, Extension of Entrance and Car Park Reconfiguration at Lot 2 DP 881169 No. 54-68 Gollan Drive, Tweed Heads West be received and noted.

The Motion was **Carried**

FOR VOTE - Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland
AGAINST VOTE - Cr P Youngblutt

- 16 [PR-PC] Development Application DA13/0591 for the Erection of Four Townhouses at Lots 25 and 26 Section 5 DP 4043 Nos. 36 and 38 Enid Street, Tweed Heads

P 127

Cr C Byrne
Cr P Youngblutt

PROPOSED that Council's solicitors be engaged to negotiate consent orders or a Section 34 agreement for DA13/0591.

AMENDMENT

P 128

Cr K Milne
Cr G Bagnall

RECOMMENDED that Council's Solicitors be engaged to defend the appeal.

The Amendment was **Carried**

FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland
AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne

The Amendment on becoming the Motion was **Carried** - (Minute No 128 refers)

FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland

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

17 [PR-PC] Development Application DA13/0594 for a Detached Dual Occupancy at Lot 24 Section 5 DP 4043 No. 40 Enid Street, Tweed Heads

P 129

Cr C Byrne

Cr P Youngblutt

PROPOSED that Council's solicitors be engaged to negotiate consent orders or a Section 34 agreement for DA13/0594.

AMENDMENT

P 130

Cr K Milne

Cr G Bagnall

RECOMMENDED that Council's Solicitors be engaged to defend the appeal.

The Amendment was **Carried**

FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland

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

The Amendment on becoming the Motion was **Carried** - (Minute No 130 refers)

FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland

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

18 [PR-PC] Cobaki Estate, Compliance Update

DECLARATION OF INTEREST

Cr Milne declared a Non-Pecuniary, Non-Significant conflict of interest in this item.

The nature of this interest is that a defamation claim by Mr Ell of LEDA Holdings, the owner of the Kings Forest and Cobaki developments, has been awarded against me for \$15,000. An application for appeal has been filed.

Cr Milne will remain in the Chambers during discussion and voting on the merits of each application.

P 131

Cr K Milne
Cr M Armstrong

RECOMMENDED that:

1. The report on Cobaki Estate, Compliance Update be received and noted.
2. Council notes extreme concern in regard to:
 - a) The extensive inundation of the Saltmarsh and other vegetation communities,
 - b) The length of time of inundation, being first reported in February and still unresolved,
 - c) Potential ecological impacts, including potential acid sulfate discharge,
 - d) The potential for increased risk of flooding to the local communities,
 - e) The elevated mosquito numbers apparent and subsequent risk for the Tweed and Gold Coast communities to mosquito borne viruses,
 - f) The potential impacts for Commercial and Recreational fishing on this Class 1 Fisheries habitat of the Cobaki Broadwater, and
3. Council requests the General Manager to keep Councillors informed of further investigations by the Environment Protection Authority and the Federal Government.

AMENDMENT

P 132

Cr C Byrne
Cr W Polglase

PROPOSED that the report on Cobaki Estate, Compliance Update be received and noted.

The Amendment was **Lost**

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

AGAINST VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland

The Motion was **Carried** (Minute No. P131 refers)

FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland

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

19 [PR-PC] Unauthorised Earthworks and Pollution Events at Lots 113, 124, 127-129, 136 and 138 DP 755724 Tyalgum Road, Tyalgum

P 133

**Cr K Milne
Cr M Armstrong**

RECOMMENDED that:

- A. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- B. Council, in respect of the unauthorised earthworks and pollution events affecting parts of the property described as Lots 113, 124, 127-129, 136 and 138 DP 755724 Tyalgum Road, Tyalgum, and adjoining properties, including Hopping Dicks Creek, endorses the following:
- 1. Issues a Notice of Direction to take clean-up action under Section 91 of the Environment Operations Act 1997, to the owner of the site, to undertake remediation works on the adjoining property Lot 2 DP 815182 and adjoining parts of Hopping Dicks Creek; and
 - 2. Instructs Council's solicitors to commence Class 5 proceedings in the NSW Land and Environment Court action in respect of the failure by the site owner to gain development consent for certain works on the Crown Road Reserve that runs through Lots 127 and 128 DP 755724 under the Environmental Planning and Assessment Act 1979.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

20 [PR-PC] Endorsement of Council Submission to the E-Zones Review Interim Report

P 134

**Cr K Milne
Cr M Armstrong**

RECOMMENDED that Council endorses the submission to the E-Zones Review Interim Report sent to the NSW Planning & Infrastructure on 5 June 2014, as provided as an attachment to this report.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

21 [PR-PC] "Draft Regional Growth Planning Boundaries - NSW" - Department of Planning and Environment

P 135

**Cr K Milne
Cr M Armstrong**

RECOMMENDED that Council:

1. Receives and notes the report titled "Draft Regional Growth Planning Boundaries - NSW" - Department of Planning and Environment;
2. Endorses that the General Manager forwards a submission to the Department of Planning and Environment detailing the issues of concern with the proposed draft Regions for Growth Planning, as detailed within this Report; and
3. Formally requests the Department of Planning and Environment to provide more specifics about the suitability of the North Coast Regions, as proposed, with particular reference detailing the Department's proposed administrative framework for establishing and maintaining collaborative, efficient and meaningful consultation and participation between the grouping of councils and their communities.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

22 [PR-PC] LEP Amendment No. 8 - Correction of Mapping Anomaly in Tanglewood

P 136

**Cr K Milne
Cr M Armstrong**

RECOMMENDED that Council endorses:

1. A Planning Proposal to rezone part of Lot 2 DP 1084992 be prepared and submitted to the 'Gateway', as administered by the NSW Planning & Environment, for a determination;
2. The Minister for Planning and Infrastructure or his Delegate be advised that Tweed Council is not seeking plan making delegations for this planning proposal;
3. The Minister for Planning and Infrastructure or his Delegate be advised that public exhibition is not required in this instance; and

4. Where no public exhibition is conditioned by the Minister or their delegate, Council endorses the reclassification of Lot 2 DP 1084992, to the extent only shown in this report, without the need for any further report to Council.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

23 [PR-PC] PP11/0002 Pottsville Employment Land - Wastewater Allocation

P 137

Cr K Milne

Cr M Armstrong

RECOMMENDED that the allocation of 4.0 litres per second of wastewater within Council's sewer conveyance infrastructure to the Hastings Point Waste Water Treatment Plant from Lot 12 DP 1015369 No. 39 Kudgerie Avenue, Cudgera Creek be increased to a maximum 5.0 litres per second.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

24 [PR-PC] Draft Tweed Development Control Plan - Section A17 - Business, Enterprise and Industrial Zones

P 138

Cr K Milne

Cr M Armstrong

RECOMMENDED that Council:

1. Adopts the Tweed Development Control Plan, Section A17 – Business, Enterprise and Industrial Zones, as provided as Attachment 1 to this report;
2. Endorses the public notice of the adoption of the Tweed Development Control Plan in accordance with Clause 21(2) of the Environmental Planning and Assessment Regulation 2000;
3. Forwards a copy of the Development Control Plan Section A17 to the Director-General of the NSW Planning and Infrastructure in accordance with Clause 25AB of the Environmental Planning and Assessment Regulation 2000.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

25 [PR-PC] Combined Planning Proposal PP13/0003 and Development Application DA13/0469 for a Highway Service Centre, Chinderah

P 139

Cr K Milne

Cr M Armstrong

RECOMMENDED that:

1. Council endorses the making of the Local Environmental Plan amendment to facilitate the Highway Service Station on Lot 11 DP 1134229, Lot 1 DP 1165676 and Lot 1 DP 210674, Tweed Valley Way, Chinderah, and the referral of Planning Proposal (PP13/0003) to the NSW Department of Planning and Environment to be made, and
2. Prior to any referral being made to the NSW Department of Planning and Environment that the planning proposal be first updated to reflect the final traffic design layout submitted to Council's satisfaction and in support of the Development Application DA13/0469, as discussed in this report, and
3. Council is of the view that a very high standard of landscaping needs to be provided due to the location of this key site and the need to reflect the values of the National Iconic Landscape Values of the Shire.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland

AGAINST VOTE - Cr C Byrne

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

P 140

Cr P Youngblutt

Cr K Milne

RECOMMENDED that Council notes the July 2014 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

ORDERS OF THE DAY

27 [NOR-PC] Development Application DA13/0673 for the Erection of Eight Boat Storage Sheds (69 Bays) at Lots 9-10 DP 24164 Nos. 10-12 Chinderah Bay Drive, Chinderah; Lots 9-12 DP 830655 Nos. 2-8 Chinderah Bay Drive, Chinderah

NOTICE OF RESCISSION:

P 141

**Cr C Byrne
Cr W Polglase**

PROPOSED that the Council resolution from the Planning Committee Meeting held on 3 July 2014 at Minute No 385 Item No 15 being:

"... that Development Application DA13/0673 for the Erection of Eight Boat Storage Sheds (69 Bays) at Lots 9-10 DP 24164 Nos. 10-12 Chinderah Bay Drive, Chinderah; Lots 9-12 DP 830655 Nos. 2-8 Chinderah Bay Drive, Chinderah be refused for the following reasons:

- 1. Pursuant to Section 79C (1)(a)(i) of the Environmental Planning & Assessment Act 1979, the proposed development is not considered to be compliant with Environmental Planning Instruments.*

The proposed development does not satisfy the provisions contained within:

Environmental Planning & Assessment Act 1979 section 5(a) Objects of the Act:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,*
- (iii) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- (iv) ecologically sustainable development,*

Tweed Shire Local Environment Plan 2000:

- Clause 4: Aims of this plan*
-

- *Clause 5: Ecologically sustainable development*
 - *Clause 8(1): Consent Considerations*
2. *The development does not satisfy Section 79C of the Environmental Planning and Assessment Act, particularly Section (1)(a)(ii) - the provisions of any Draft Environmental Planning Instruments in that boat storage is prohibited within the B4 Mixed Use Business zone.*
 3. *The development does not satisfy Section 79C of the Environmental Planning and Assessment Act, particularly Section (1)(a)(ii) - the provisions of any Draft Environmental Planning Instruments in that boat storage does not satisfy the objectives of the B4 Mixed Use Business zone, and the development precludes public transport by the nature of this use requiring private vehicles.*
 4. *Pursuant to Section 79C (1)(b) of the Environmental Planning & Assessment Act 1979, the proposed development is not considered to be compliant due to impacts on the natural and built environments, and social and economic impacts in the locality, including the additional burden placed on associated public infrastructure required to service the development, and the potential for cumulative development of this nature to indirectly exacerbate riverbank erosion and impacts on marine ecology.*
 5. *Pursuant to the section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, the site is unsuitable for the development due to the impact of storage uses in the Chinderah village, in light of the industrial nature of boat storage, considering that storage units are prohibited in the 3(d) Waterfront Enterprise zone, and given that land with industrial zoning is located in close proximity.*
 6. *Pursuant to the section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, the development is not considered to be in the public interest.*

be rescinded.

The Motion was **Lost**

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

AGAINST VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland

28 [NOM-PC] Development Application DA13/0673 for the Erection of Eight Boat Storage Sheds (69 Bays) at Lots 9-10 DP 24164 Nos. 10-12 Chinderah Bay Drive, Chinderah; Lots 9-12 DP 830655 Nos. 2-8 Chinderah Bay Drive, Chinderah

NOTICE OF MOTION:

This item lapsed due to the Notice of Rescission at Item No. 27 being lost.

There being no further business the Planning Committee Meeting terminated at 6.10pm.

