



TWEED
SHIRE COUNCIL

Mayor: Cr G Bagnall

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

Minutes

Planning Committee Meeting Thursday 9 April 2015

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 5.09pm.

IN ATTENDANCE

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

Also present were Mr Troy Green (General Manager), Ms Liz Collyer (Director Corporate Services), Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), Mr Shane Davidson (Executive Officer), Mr Neil Baldwin (Manager Corporate Governance), Mrs Maree Morgan (Item 2 of the Agenda) 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

Attendee Cr M Armstrong has informed the General Manager that his absence is caused by personal circumstances.

P 35

Cr G Bagnall
Cr B Longland

RESOLVED that the apology of Cr M Armstrong be accepted and the necessary leave of absence be granted.

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

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

ABSENT. DID NOT VOTE - Cr M Armstrong

The Motion was **Carried** on the Casting Vote of the Mayor.

DISCLOSURE OF INTEREST

Nil.

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

The Schedule of Outstanding Resolutions was received and noted.

REPORTS THROUGH THE GENERAL MANAGER

Nil.

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

2 [PR-PC] Roadworks at Lot 11 DP 1192473 No. 389 Dulguigan Road, Dulguigan

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**Cr W Polglase
Cr P Youngblutt**

RECOMMENDED that Council, in respect of the road works (road) being undertaken on land described as Lot 11 DP 1192473 and situated at 389 Dulguigan Road, Dulguigan endorses as follows:

1. Council notes the submission lodged by Darryl Anderson Consulting dated 17 November 2014 on behalf of the property owner;
2. Council will engage its solicitors should any complaints be received or Council officers' observe, the road being used as a race track or for any purpose other than extensive agriculture or any other purpose that is not ordinarily ancillary to extensive agriculture.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr M Armstrong

3 [PR-PC] Development Application DA14/0665 for a Roof over Existing Patio at Lot 57 DP 264646 No. 14 Tattler Court, Tweed Heads West

P 37

**Cr C Byrne
Cr P Youngblutt**

PROPOSED that Council defers determination of the application pending submission of comprehensive amended plans accompanied by a Planning Consultants report addressing the criteria of DCP A1 and the completion of notification.

AMENDMENT

P 38

**Cr K Milne
Cr G Bagnall**

RECOMMENDED that Development Application DA14/0665 for a roof over existing patio at Lot 57 DP 264646 No. 14 Tattler Court, Tweed Heads West be refused for the following reasons:

1. The development does not satisfy Section 79C of the Environmental Planning and Assessment Act, particularly Section (a)(i) any environmental planning instrument in that the proposal does not satisfy Clause 1.2(c) of Tweed Local Environmental Plan 2014 as it will affect the visual amenity of the adjoining waterway.
2. The development does not satisfy Section 79C of the Environmental Planning and Assessment Act, particularly Section (a)(iii) - the provisions of any Development Control Plan in that the development is inconsistent with the Tweed Development Control Plan 2008 Section A1 - Residential Development Code in respect of the following:
 - a. The proposal does not satisfy Control 22 (3.1 Setbacks) in that the roof projects into the 5.5m canal frontage which affects the amenity afforded to the canal residents and the views and vistas along the canal;
 - b. The proposal does not satisfy objective 06 of 3.1 Setbacks A which is "To maintain views and vistas along canal foreshores"; and
 - c. Approval of the proposal would set a harmful precedent that erodes canal amenity.

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

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

ABSENT. DID NOT VOTE - Cr M Armstrong

The Amendment was **Carried** on the Casting Vote of the Mayor.

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

The Amendment on becoming the Motion was **Carried** on the Casting Vote of the Mayor - (Minute No P 38 refers)

4 [PR-PC] Development Application DA14/0435 for a 26 Lot Subdivision and Associated Road Infrastructure at Lot 115 DP 755701 & Lot 4 DP 549393 Clothiers Creek Road, Bogangar; Lot 2 DP 873399 Poinciana Avenue, Bogangar; Lot 1 DP 1172935, Lot 192 DP 217678 & Lot 2 DP 1172935 Poplar Avenue, Bogangar

P 39

Cr K Milne
Cr G Bagnall

PROPOSED that Development Application DA14/0435 for a 26 lot subdivision and associated road infrastructure at Lot 115 DP 755701 & Lot 4 DP 549393 Clothiers Creek Road, Bogangar, Lot 2 DP 873399 Poinciana Avenue, Bogangar; Lot 1 DP 1172935, Lot 192 DP 217678 & Lot 2 DP 1172935 Poplar Avenue, Bogangar be refused for the following reasons:

1. The application is insufficient in detail and with information outstanding, Council is unable to determine the likely impacts the proposed development could create on the natural or built environments or the suitability of the development for the site.
2. The NSW Rural Fire Service has not provided conditional approval.
3. The Office of Environment & Heritage has not provided conditional approval.
4. The proposal is not in the public interest.

AMENDMENT

P 40

Cr W Polglase
Cr P Youngblutt

RECOMMENDED that Council allows the applicant to provide further information to address the issues identified and requests for further information. This information is to be submitted to Tweed Shire Council within 3 months.

The Amendment was **Carried**

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

The Amendment on becoming the Motion was **Carried** (Minute No. P 40 refers)

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

AGAINST VOTE - Cr K Milne, Cr G Bagnall

ABSENT. DID NOT VOTE - Cr M Armstrong

- 5 [PR-PC] Development Application DA13/0469 for a Boundary Adjustment and Highway Service Centre - Two Stages (Concurrent Planning Proposal PP13/0003) at Lot 1 DP 1165676, Lot 11 DP 1134229 No. 9392 Tweed Valley Way, Chinderah; Lot 1 DP 210674 No. 9441 Tweed Valley Way, Chinderah**

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Cr P Youngblutt

Cr W Polglase

RECOMMENDED that Development Application DA13/0469 for a boundary adjustment and highway service centre - two stages (concurrent Planning Proposal PP13/0003) at Lot 1 DP 1165676, Lot 11 DP 1134229 No. 9392 Tweed Valley Way, Chinderah; Lot 1 DP 210674 No. 9441 Tweed Valley Way, Chinderah 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	Drawn By	Dated
Proposed Subdivision Plan (DWG 19582 E) Rev C	B&P Surveys	28/07/14
Concept Site Layout (10948 SK02) Issue Q (as amended in red)	Cadway Projects	11/12/14
Floor Plan (10948 SK03) Issue O	Cadway Projects	03/03/14
Building Elevations (10948 SK12) Issue C	Cadway Projects	03/03/14
Building Elevations/Section (10948 SK13) Issue C	Cadway Projects	03/03/14

2. Submission of a further Development Application(s) for the first use of the internal tenancies, such to be approved by Council prior to their use or occupation.

[GEN0055]

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

[GEN0115]

4. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.
[GEN0135]
5. The applicant shall arrange for a site inspection to be carried out with Council's Environmental Health Officer and key representatives involved in the dewatering activity including consultants and personnel responsible under any Dewatering Management Plan approved by Council's General Manager or his delegate. Such site inspection shall be arranged and carried out prior to the commencement of any offsite dewatering activity occurring.
[GEN0180]
6. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.
[GEN0265]
7. 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]
8. No new connections or upgrades to the existing service connections on trunk main for the development are allowable.
9. Provision of adequate cover over existing trunk water main (ie: minimum of 600mm in areas subject to vehicular loading) at all times is the preferred option of protection for the trunk water main. Should this not be feasible during construction, adequate protection of the trunk water main must be provided to ensure breakages do not occur.
10. Should the proposed protection of the trunk water main not be considered by Council to be sufficient during construction, Council may request that the trunk water main be permanently diverted along the proposed bypass road verge at the expense of the developer.
11. A defects liability period of 24 months is required for ALL road infrastructure to be dedicated to Council. A registered geotechnical, experienced in settlement is required to monitor any settlement of the road pavement/infrastructure using accurate survey methods reportable on a 6 monthly basis. A copy of the 6 monthly monitoring reports are to be provided to Council.

An Off Defects inspection by Council Officers is required at the end of the 24 month defect liability period.

[GENNS02]

12. This is a staged consent as follows:

STAGE 1

Subdivision of Lot 11 DP1134229, Lot 1 DP 1165676 and Lot 1 DP 210674 into three new allotments and the dedication of two areas of land as road widening to enable the

construction of a roundabout and bypass lane on Tweed Valley Way. The proposed lots and approximate respective areas are:

- Proposed Lot 110 - 28.66 Ha
- Proposed Lot 111 - 50.11 Ha
- Proposed Lot 112 - 4.49 Ha (proposed highway service centre)

STAGE 2

Filling of the site and construction of the Highway Service Centre and associated access, parking and landscaped areas.

A subdivision certificate for Stage 1 must be issued prior to commencement of any works associated with Stage 2.

13. Where statutorily required, signage shall be subject to future development application(s) and shall have regard to the *National Iconic Landscape Values* of the Shire. Any application(s) shall have regard to the policies of both Council and Roads and Maritime NSW. Any development application for signage structures along the Pacific Highway and Tweed Valley Way frontage must be accompanied by a comprehensive internal signage and delineation plan for the site and the adjacent road network. Detailed visual analysis shall be undertaken to support all proposed signage structures on the Pacific Highway and Tweed Valley Way frontages of the site.
14. The development shall be completed generally in accordance with the road design plans contained in Appendix D of TTM Consulting Traffic Impact Assessment dated 1 December 2014.

[GENNS03]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

15. The developer shall provide parking spaces including parking for the disabled in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code and drawing no.10948 SK02 titled 'Concept Site Layout' prepared by Cadway Projects dated 19 February 2013 (amended 11.12.14), Issue Q.

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]

16. Prior to the issue of a Civil Construction Certificate for each stage of the project, a Construction Management Plan shall be submitted to and approved by the Principle Certifying Authority. A copy of the approved plan shall be submitted to Council. The Plan shall address, but not be limited to, the following matters where relevant:
 - a) Hours of work;
 - b) Contact details of site manager;
 - c) Traffic and pedestrian management;
 - d) Noise and vibration management;
 - e) Construction waste management;
 - f) Erosion and sediment control; and,
 - g) Flora and fauna management.

Where construction work is to be undertaken in stages, the Proponent may, subject to agreement with the Principle Certifying Authority, stage the submission of the Construction Management Plan consistent with the staging of activities relating to that work. The Proponent shall submit a copy of the approved plan to Council.

[PCC0125]

17. Prior to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works as set out in Council's fees and charges at the time of payment.

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

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

[PCC0275]

18. 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]

19. 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]

20. 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. 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. The construction of any retaining wall or cut/fill batter must at no time result in additional ponding occurring within neighbouring properties.

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

[PCC0485]

21. 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. Such a plan shall have regard to the *National Iconic Landscape Values* of the Shire. The plan shall not contain any plant species listed as Myrtle Rust hosts by the New South Wales Department of Primary Industries.

Currently there are 100 plant species on the list. The site adjoins the only commercial tea tree plantation in Tweed Shire and Myrtle Rust infects *Melaleuca Alternifolia* (Tea Tree). Specifically, the Landscaping Plan shall incorporate perimeter screen planting of various heights along the site boundaries.

[PCC0585]

22. 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 3.5m 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]

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

[PCC0865]

24. 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]

25. Prior to the issue of a Construction Certificate for civil works, the proponent shall submit plans and specifications with an application for a Construction Certificate for the following civil works in accordance with Council's Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.

- (a) copies of compliance certificates relied upon.
- (b) four copies of detailed engineering plans and specifications, *prepared in accordance with Development Design Specification D13 - particularly Section D13.09*. The detailed plans shall include but are not limited to the following:

Prior to the issue of a Construction Certificate for civil works the following detail in accordance with Councils Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.

- (c) copies of compliance certificates relied upon.
- (d) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:

Earthworks

- Details of the fill material properties and haulage route.
- Earthworks are to be designed in accordance with the geotechnical report prepared by Geotech Investigations dated March 2014. A statement from a qualified geotechnical engineer is to confirm the proposed earthworks are in accordance with the recommendations from the geotechnical report.

Roadworks/furnishings

The application shall include engineering plans and specifications undertaken in accordance with Austroads, Australian Standards, Roads and Maritime Services Supplements, and Councils Development Design and Construction Specifications (with the greater requirement taking precedence in cases of inconsistency). The engineering plan submission must include copies of compliance certificates relied upon and details relevant to but not limited to the following:

- Road works (concrete pavement design, sight distance, grades, super-elevation)
- Street lighting
- Signage and linemarking
- Speed zoning
- Medians and required offsets (including adequacy of the median gap shown on Drawing 706471 Sheet 2 Issue A, to cater for all farm vehicles for length, width and turning paths)
- Stormwater drainage
- Location of all services/conduits
- Water main protection/realignment works
- Sediment and erosion control plans
- Construction management plan, including staging and traffic control plans, to the satisfaction of the applicable Roads Authority
- Landscaping

Stormwater drainage

Water supply works

- Pipeline shall be located in the embankment road verge of bypass and above the level of acid sulphate soils.
- Damage to coating must be reported and repaired in an approved manner.
- As per works in proximity policy, the minimum permissible depth of cover for the water main subject to vehicular loading is 600mm. Minimum permissible depth of cover the areas not subject to vehicular loading is 450mm. Consideration of vehicular loading during construction must be included in assessment.
- Pipeline must be designed according to Tweed Shire Council Development Specifications for Design and Construction of Water Supply (D11 and C401) with particular reference to sections D11.11

Sewerage works

Landscaping works

Sedimentation and erosion management plans

Location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure)

Where Council is requested to issue a construction certificate for civil works, the above mentioned works can be incorporated as part of the construction certificate application, to enable one single approval to be issued. If Council is issuing the Construction Certificate, separate approval under Section 138 of the Roads Act will then not be required.

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

[PCC0985]

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

- (a) The 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.
 - (ii) All hardstand runoff shall be treated in accordance with Development Design Specification D7 - Stormwater Quality prior to discharge to the public realm.

[PCC1105]

27. 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]

28. 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]

29. The peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the ARI 100 year design storm, shall be no greater than pre-development. This can be achieved by On site stormwater detention (OSD) utilising above and/or below ground storage. OSD devices including discharge control pits (DCP) are to comply with standards in the current version of The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook" except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire.

All stormwater must initially be directed to the DCP. Details are to be submitted with the S68 stormwater application.

[PCC1165]

30. 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]

31. Prior to the issue of a construction certificate the applicant is required to lodge an application to install/operate an onsite sewerage management system under Section 68 of the Local Government Act 1993, pay the appropriate fee and be issued with an approval.

Any approval to install an on site sewage treatment and disposal system shall comply with the recommended on site sewage treatment and disposal method as detailed in the Revised On-site Sewage Management Assessment for Memorandum of Understanding between Tweed Shire Council and P. Guinane Pty Ltd Report No.2013.034.01, March 2014, prepared by HMC Environmental Consulting Pty Ltd dated (and amended Site Plan titled On-site Sewage Management Design - Proposed Land Application Areas (LAA) to be filled above 2.9mAHD (>1:50yr ARI), Job No. 2013.034, Revised 28 August 2014) including all recommendations of that report and any addendum to the report or to the satisfaction of Councils General Manager or his delegate.

[PCC1285]

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

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

[PCC1325]

33. Certification shall be provided by a suitably qualified person, that the design of any underground petroleum storage system shall be in accordance with the NSW Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008, AS4897-2008 and demonstrated adoption of industry best practice. Certification shall include the provision for minimum mandatory pollution protection equipment has been installed, consistent with the Regulation, comprising non-corrodible secondary containment tanks and associated pipework and overflow protection devices.
34. 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* to the satisfaction of the General Manager or delegate.
35. Prior to the issue of Section 68 Approval to install an on-site sewage management system the applicant shall provide a statement from a suitably qualified and experienced person certifying the selected sewage treatment plant generally complies with the recommendations of the amended On-site Sewage Management Report (2013.034.01) prepared by HMC Environmental Consulting Pty Ltd dated March 2014 (and amended Site Plan - STP Location and Proposed Effluent Land Application Areas (Report No. HMC2013.034.01, August 2014) with particular reference to:
- (i) Has the capacity to treat at least 24kL/ day of wastewater to secondary standard with capability to meet recommended nutrient reduction and final disinfection criteria as recommended within the amended On-site Sewage Management Report (2013.034.01) prepared by HMC Environmental Consulting Pty Ltd dated March 2014 (refer to Table 6) and is suitable for sub-surface drip irrigation.
 - (ii) Incorporates a front end wastewater inflow balance tank to manage peak flows.
 - (iii) Incorporates influent monitoring for loading, surge control and character analysis.
 - (iv) Minimum 160KL wet weather storage capacity.
 - (v) Automated irrigation inclusive of moisture sensors and override provisions in wet weather conditions.
 - (vi) Provides detail for any separate in line pre-treatment devices from the commercial retail tenancies.
36. Prior to the issue of Section 68 Approval to install an on-site sewage management system the applicant shall provide to the satisfaction of the General Manager:
- (i) A Recycled Water Management Plan, and

- (ii) An Operation and Maintenance Plan, and
- (iii) Incorporates operation and maintenance schedules for any pre-treatment devices for the commercial retail tenancies.

Such plans shall be in accordance with the amended On-site Sewage Management Report (2013.034.01) prepared by HMC Environmental Consulting Pty Ltd dated March 2014 (and amended Site Plan - STP Location and Proposed Effluent Land Application Areas (Report No. HMC2013.034.01, August 2014).

[PCCNS01]

37. Prior to issue of a Civil Construction Certificate, the developer is required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime for all road works on the Pacific Highway, including access to the site from the northbound off-ramp and the construction of the Tweed Valley Way roundabout by-pass lane. Evidence of the WAD deed and a copy of the plans approved by Roads and Maritime are to be submitted to Council with the application for a Civil Construction Certificate.

[PCCNS02]

38. Advice from an appropriately qualified geotechnical engineer is to be provided with the application for a Construction Certificate/138 application to address the long term settlement issues raised in the geotechnical report prepared by Geotech Investigations titled 'Proposed highway service centre No. 9392 Tweed Valley Way Chinderah NSW' final revision dated 4/4/2014. The geotechnical advice is to include the proposed highway service centre development, plus ALL associated roadworks and pipelines required to service the development (including areas where the relocation of services is required). This advice is to be provided prior to the issue of a Construction Certificate.

If preloading is required the Construction Certificate will not be issued until a geotechnical engineer has certified that settlement has terminated in the area of the proposed roadworks locations (including roundabout, bypass lane and all on/off ramps), development area and in all locations where service pipelines are required for the development or be relocated.

[PCCNS03]

39. Prior to issue of a Construction Certificate, a plan shall be submitted to Council for approval which shows the provision of an obligation free rest area. The area shall include an obligation free picnic area with picnic tables and adequate provision for shade to the satisfaction of NSW Roads and Maritime Services (RMS).

[PCCNS04]

40. The location of the existing 500mm trunk water main shall be clearly marked on all Civil Works Plans.

41. Prior to construction certificate, where construction is planned on or nearby the 500mm trunk water main, plans shall be to be submitted to Council as the owner of the Water Supply works under the Local Government Act 1993. The plans 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 1993 for any water and sewer works including relocation and or protection works. The plans will be considered to be draft and are subject to change to meet Council requirements.

[PCCNS05]

PRIOR TO COMMENCEMENT OF WORK

42. 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]

43. Where any pumps used for dewatering operations are proposed to be operated on a 24-hour basis, the owners of adjoining premises shall be notified accordingly prior to commencement of such operations.

[PCW0125]

44. 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]

45. 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]

46. 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]

47. 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]

48. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of the fill, nature of material, proposed use of material and confirmation that further blending, crushing or processing is not to be undertaken shall be submitted to the satisfaction of the General Manager or his delegate.

[PCW0375]

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. A Dilapidation Report detailing the current general condition (including the structural condition) of the adjoining buildings/sites, infrastructure and roads is to be prepared and certified by a suitably qualified and experienced structural engineer. The report is to be submitted to Council prior to the commencement of ANY works on the site.

[PCW0775]

51. Road Works and Civil work in accordance with a development consent must not be commenced until:

- (a) a Construction Certificate for the civil work has been issued in accordance with Councils Development Construction Specification C101 by:
 - (i) the consent authority, or

- (ii) an accredited certifier, and
 - (b) the person having the benefit of the development consent:
 - (i) has appointed a principal certifying authority,
 - (ii) has appointed an Institute of Engineers Australia Chartered Professional Engineer (Civil College) with National Professional Engineers Register (NPER) registration.
 - (iii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment,
 - (iv) a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and the Certifying Engineer is erected and maintained in a prominent position at the entry to the site in accordance with Councils Development Design and Construction Specifications. The sign is to remain in place until the Occupation Certificate is issued, and
 - (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the civil work.
 - (d) On completion of the civil works and road works an engineering certification for the works is to be provided to Council by a registered engineer with NPER registration.
- [PCW0815]
52. The proponent shall provide to the PCA copies of Public Risk Liability Insurance to a minimum value of \$10 Million for the period of commencement of works until the completion of the defects liability period.
- [PCW0835]
53. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where required. These measures are to be in accordance with the approved erosion and sedimentation control plan and adequately maintained throughout the duration of the development.
- [PCW0985]
54. A piling/ground improvement management plan is to be provided to the satisfaction of Council's General Manager or delegate prior to commencement of works and is required to adequately address the proposed construction/piling requirements for the proposed development. The plan is to include the following:
- a) Detail on the proposed piling/ground improvement method for the development.
 - b) Impacts on adjoining and surrounding properties.
 - c) Dilapidation reports for the surrounding properties prior to piling works.
 - d) Mitigation measures to address noise and vibration issues.
 - e) Length of time for piling / ground improvement construction activities.
 - f) Appointment of a community liaison officer to manage complaints/queries. Contact details of the community liaison officer are to be clearly provided on signage in a prominent position on the site safety fence.

A copy of the piling/ground improvement management plan is to be provided to Council.

[PCWNS01]

55. Prior to commencement of works a certification of adequacy for the proposed imported fill material is to be provided by a suitably qualified Geotechnical Engineer stating that the fill material is suitable for the site and the proposed development. [PCWNS02]
56. 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. [PCWNS03]
57. Any alterations to approved construction certificate plans shall be resubmitted to Council for approval by General Manager or his delegate prior to construction works.
58. As key TSC trunk main infrastructure, at least one months notice is to be provided to Council's General Manager or his delegate for planned water main works.
59. Council's General Manager or his delegate reserve the right to delay water main works if other trunk or reservoir works are occurring during the planned water main works.
60. Any trunk main works must be planned and constructed to provide minimum water interruption.
61. Excavation, shoring and dewatering of the approved works must be considered when undertaking works. Any permits required to undertake dewatering shall be obtained prior to commencing. The applicant shall conduct a thorough site assessment to determine trench safety for the approved works.
62. Prior to commencement of works, the applicant shall submit a detailed Waste Management Plan for the approval of Council's General Manager or delegate. The plan shall be developed in accordance with the provisions of Council's Development Control Plan Section A15 - Waste Minimisation and Management and cover both the construction and operation phases of the development. [PCWNS04]

DURING CONSTRUCTION

63. 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]
64. 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]

65. 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]
66. All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded to the satisfaction of Council's General Manager or his delegate so as to prevent the emission of offensive noise as a result of their operation. [DUR0225]
67. 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]
68. 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]
69. 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]
70. 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]
71. 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]
72. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited. [DUR0815]

73. 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]
74. 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]
75. Landscaping of the site shall be carried out in accordance with the submitted/approved landscaping plans. [DUR1045]
76. All works shall be carried out in accordance with the Acid Sulfate Soil Management Plan prepared by HMC Environmental Consulting Pty Ltd (HMC 2011.066AA) dated July 2013. [DUR1065]
77. 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]
78. Before the commencement of the relevant stages of road construction, pavement design detail including reports from a Registered NATA Consultant shall be submitted to Council for approval and demonstrating.
- (a) That the pavement has been designed in accordance with Tweed Shire Councils Development Design Specification, D2.
 - (b) That the pavement materials to be used comply with the specifications tabled in Tweed Shire Councils Construction Specifications, C242-C245, C247, C248 and C255.
 - (c) That site fill areas have been compacted to the specified standard.
 - (d) That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996. [DUR1805]
79. During the relevant stages of road construction, tests shall be undertaken by a Registered NATA Geotechnical firm. A report including copies of test results shall be submitted to the PCA prior to the placement of the wearing surface demonstrating:
- (a) That the pavement layers have been compacted in accordance with Councils Development Design and Construction Specifications.
 - (b) That pavement testing has been completed in accordance with Table 8.1 of AS 3798 including the provision of a core profile for the full depth of the pavement. [DUR1825]

80. 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]

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

Roadworks

- (a) Pre-construction commencement erosion and sedimentation control measures
- (b) Completion of earthworks
- (c) Excavation of subgrade
- (d) Pavement - sub-base
- (e) Pavement - pre kerb
- (f) Pavement - pre seal
- (g) Pathways, footways, cycleways - formwork/reinforcement
- (h) Final Practical Inspection - on maintenance
- (i) Off Maintenance inspection

Water Reticulation, Sewer Reticulation, Drainage

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

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

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

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

[DUR1895]

82. 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 Certificate.

[DUR1955]

83. A garbage storage area shall be provided in accordance with Council's "Development Control Plan Section A15 - Waste Minimisation and Management". The storage area shall be appropriately landscaped to screen it from public view.

[DUR2195]

84. Council's Environmental Health Officer shall be advised within 24 Hours in the event of detection of any failure associated with the dewatering activity being carried out on the site.

[DUR2315]

85. 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]

86. 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]

87. 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]

88. 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]

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

[DUR2505]

90. 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]

91. 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]

92. 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]

93. The piers/footings are to be sited at least 1.0 metres horizontally clear of water main on site. All footings and slabs within the area of influence of the water 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 water main and that the design meets the Council - Works in Proximity Policy.

94. Dust and Erosion Management

- (a) Completed areas are to be topsoiled and seeded within 2 weeks to protect them from water and wind erosion.
- (b) All topsoil stockpiles are to be sprayed with dust suppression material such as "hydromulch", "dustex" or equivalent. All haul roads shall be regularly watered or treated with dust suppression material or as directed on site.

[DUR2825]

95. All works shall be carried out in accordance with the Dewatering Management Plan prepared by HMC Environmental Consulting Pty Ltd dated July 2013.

96. Prior to the commencement of installation of the on-site sewage management system the applicant shall provide a statement from a suitably qualified and experienced person certifying that the imported base fill for the effluent land application areas has been suitably compacted to the recommended indicative permeability (K_{sat}) of <0.12-0.5m/day with DIR 3 mm/day as per the amended On-site Sewage Management Report (2013.034.01) prepared by HMC Environmental Consulting Pty Ltd dated March 2014 (and amended Site Plan - STP Location and Proposed Effluent Land Application Areas (Report No. HMC2013.034.01, August 2014). Certification shall demonstrate that the imported base fill has achieved the design height of at least 2.9m AHD. Certification shall provide detail that the system is suited to ground conditions as reported in the geotechnical report prepared by Geotech Investigation Pty Ltd (G11189-A) dated March 2014.

97. Prior to the commencement of installation of the on-site sewage management system the applicant shall provide a statement from a suitably qualified and experienced

person certifying that the imported topsoil for the effluent land application areas is consistent in soil texture, structure and chemistry as per the recommended characteristics within the amended On-site Sewage Management Report (2013.034.01) prepared by HMC Environmental Consulting Pty Ltd dated March 2014 (and amended Site Plan - STP Location and Proposed Effluent Land Application Areas (Report No. HMC2013.034.01, August 2014), and has indicative permeability (K_{sat}) of <0.5-1.5m/day with DIR 3.5mm/day. Certification shall include that the irrigation area has achieved a minimum depth of topsoil of 300mm.

[DURNS01]

98. Should any part of the trunk water infrastructure be damaged by the registered proprietor or by any person who is a servant, workman, tenant, invitee, employee, or agent of the registered proprietor Tweed Shire Council will repair the damage at the cost of the registered proprietor.
99. Any petrol pump facility installed in the development shall be of such a manufacture as to require 'pay before you pump' operation to the satisfaction of NSW Police.
100. The developer must liaise with the Tweed Byron Local Aboriginal Land Council to ensure that a representative makes intermittent visits to the development site to ensure compliance with the duty of care towards cultural heritage protection.
101. The developer shall liaise with the Tweed Byron Local Aboriginal Land Council to ensure a monitor is present on site during any ground disturbance works that go below the level of agriculture (approximately 0.5m).

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

102. 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.
103. Prior to the issue of an Occupation Certificate a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.

[POC0005]

The bond shall be based on 5% of the value of the (public infrastructure) works (minimum as tabled in Council's fees and charges current at the time of payment) which will be held by Council for a period of 24 months. The 24 month defect liability period is to commence from the issue of an Occupation Certificate for the service centre.

It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 24 month period.

[POC0165]

104. 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]

105. 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]

106. 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]

107. 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:
36.76 Trips @ \$1189 per Trips \$43,708
(\$1,137 base rate + \$52 indexation)
S94 Plan No. 4
Sector6_4

[POC0395]

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

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

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

Water DSP2: 19.97 ET @ \$12907 per ET \$257,752.80

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]

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. 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]

111. Upon completion of all civil and roadworks for the development and prior to the issue of an Occupation Certificate (including interim) Work as Executed plans are to be provided to Council in accordance with Councils Development Design Specification D13.

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

- a) The plans accurately reflect the work as executed.
- b) All stormwater lines, sewer lines, services and structures are wholly contained within the relevant easements or boundaries.

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

[POC0765]

112. Submission to the Principal Certifying Authority, Certification for the stability of any retaining structures in excess of 1.2m erected on the site by a suitably qualified structural engineer prior to the issue of an Occupation Certificate (including interim).

[POC0815]

113. Upon completion of all works on the site and prior to the issue of an Occupation Certificate (including interim), a further Dilapidation Report is to be prepared and certified by a suitably qualified and experienced structural engineer detailing the current general condition (including the structural condition) of the adjoining buildings/sites, infrastructure and roads.

The dilapidation report shall take into consideration the findings of the original report and advise if any damages have occurred. If damages have occurred the report is to detail how the damages have been rectified and that the repairs carried out are acceptable.

A copy of the report is to be provided to Council.

[POC0825]

114. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council. Written approval from Councils General Manager or his delegate must be issued prior to the issue of an Occupation Certificate (including interim).

[POC0865]

115. Prior to occupation or commencement of use a drinking water quality management plan or drinking water quality assurance program prepared in accordance with the

Private Water Supply Guidelines, NSW Health 2008 and the Public Health Regulation 2012 shall be prepared and maintained on site. All activities shall comply with the adopted assurance program and the program shall be made available to Council's Authorised Officer upon request.

[POC0950]

116. Prior to occupation the applicant or business operator is to be registered in Council's Private Water Supply Register and pay the appropriate fee under Council's schedule of fees and charges.

[POC0955]

117. 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]

118. Prior to the occupation of any building and prior to the issue of any occupation certificate a final inspection report is to be obtained from Council to verify the satisfactory installation of all plumbing and drainage and the on-site sewage management facility.

[POC1035]

119. Prior to the occupation of any building and prior to the issue of any occupation certificate approval to operate the on-site sewage management facility under Section 68 of the Local Government Act 1993 shall be obtained from Council.

[POC1040]

120. Certification shall be provided by a suitably qualified person, that the installation and commissioning of any underground petroleum storage system shall be in accordance with the NSW Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008, AS4897-2008 and demonstration adoption of industry best practice. Certification shall provide detail that the tanks have structural integrity in relation to the ground conditions as reported in the geotechnical report prepared by Geotech Investigation Pty Ltd (GI1189-A) dated March 2014. Certification shall provide detail that groundwater monitoring wells have been installed and tested in accordance with the Regulation and an equipment integrity test has been carried out in line with the written directions of the duly qualified persons.

Groundwater monitoring wells must be sealed to exclude surface water, constructed to prevent cross-contamination with other groundwater monitoring wells, clearly marked to indicate their presence and properly secured.

121. An operational litter management plan shall be provided to the satisfaction of Council's General Manager or delegate prior to commencement of operations. The operations of the Centre shall comply with the approved litter management plan.

[POCNS01]

122. Certification is to be provided by a suitably qualified geotechnical engineer for all batter walls prior to the issue of an Occupation Certificate (including interim).

[POCNS02]

123. Geotechnical certification is to be provided from a qualified geotechnical engineer certifying that the long term settlement issues identified for the development and ALL roadworks (including pipe relocation areas) have been satisfactorily addressed by an engineering solution such as piling / ground improvement techniques.

The certification is to state that the settlement has terminated and the engineering solution has satisfactory addressed long term settlement for the site (including roadworks and pipe relocation areas). The geotechnical certification is to be provided prior to the issue of an Occupation Certificate (including an interim Occupation Certificate) or Council's acceptance of any roadwork infrastructure.

[POCNS03]

124. Prior to the application for a Occupation Certificate (including interim) a Compliance Certificate or Certificates shall be obtained from Council OR an accredited certifier for the following:-

- (a) Compliance Certificate - Roads
- (b) Compliance Certificate - Water Reticulation
- (c) Compliance Certificate - Drainage

Note:

1. All compliance certificate applications must be accompanied by documentary evidence from the developers Subdivision Works Accredited Certifier (SWAC) certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual and Councils Development Design and Construction Specifications.
2. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".

[POCNS04]

125. Prior to issue of an Occupation Certificate (interim or final), a Pre-Qualified Contractor will be required to complete all road works under the Works Authorisation Deed (WAD) to practical completion, as determined by Roads and Maritime. The developer is responsible for all costs associated with the works and administration of the WAD.

126. Prior to issue of an occupation certificate (including interim), documentary evidence is to be provided demonstrating the creation of easements for services, rights of carriageway and restrictions as to user (including restrictions associated with planning for bushfire) as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:

- (a) Easements for sewer, water supply and drainage over ALL public services/infrastructure on private property.
- (b) An easement for drainage shall be established to cater for over flows from the dam to the lawful point of discharge.

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

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

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

[POCNS05]

USE

127. 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]

128. 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]

129. 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]

130. 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]

131. The development shall be carried out in accordance with the provisions of the acoustic assessment report prepared by TTM Consulting Pty Ltd dated 7 June 2013 (Ref:13GCA0058 R01 3).

[USE0305]

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

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

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

[USE0315]

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

[USE0735]

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

[USE0965]

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

[USE1035]

136. The disposal of all wash water, oil, grease or other pollutants from the business shall be disposed of to the satisfaction of Council's General Manager or his delegate as outlined in the Liquid Trade Waste Services Agreement and General Conditions of Approval.

[USE1055]

137. The applicant and occupier of the premises is alerted to the requirements of the Smoke-Free Environment Act 2000 and the Smoke Free Environment Regulation 2007 and the guidelines in the Regulation for determining what is an enclosed public place. Enquires may be directed to the NSW Department of Health. The legislation may be viewed on the following website:

<http://www.legislation.nsw.gov.au/maintop/scanact/inforce/NONE/O>

[USE1075]

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

[USE1455]

139. Any underground petroleum storage system shall be operated, maintained and monitored in accordance with the NSW Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008, AS4897-2008 and demonstration adoption of industry best practice.

Groundwater monitoring wells must be maintained to ensure they are sealed to exclude surface water at all times, clearly marked to indicate their presence and properly secured and tested for hydrocarbon contamination at minimum intervals of six months.

The Environment Protection Plan shall include details of loss monitoring and incident management procedures and development and use of loss detection procedures. The Plan must be kept up-to date and amended as necessary.

140. The operations of the Centre shall incorporate compliance with the approved litter management plan.

[USENS01]

141. Use and operation of the development shall comply with the approved Waste Management Plan.

[USENS02]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

142. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of this Development Consent relating to Stage 1 have been complied with.

[PSC0825]

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

The following information must accompany an application:

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

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

[PSC0885]

144. The production of written evidence from the local telecommunications supply authority certifying that the provision and commissioning of underground telephone supply at the front boundary of proposed Lots 110 and 111 has been completed.

The production of written evidence from the local telecommunications supply authority advising that financial arrangements have been made with the local telecommunications supply authority for the provision and commissioning of underground telephone supply at the front boundary of proposed Lot 112. In addition, a restriction to user contained in a Section 88B instrument is also required to advise future purchases of proposed Lot 112 that the provision and commissioning of underground telephone supply to the allotment is the responsibility of the future owner.

[PSC1165]

145. The production of written evidence from the local electricity supply authority certifying that reticulation and energising of overhead electricity (rural residential) has been provided adjacent to the front boundary of proposed Lots 110 and 111 prior to the issue of the Subdivision Certificate.

The production of written evidence from the local electricity supply authority advising that financial arrangements have been made with the electricity supplier for the reticulation and energising of overhead electricity adjacent to the front boundary of proposed Lot 112 prior to the issue of the Subdivision Certificate. In addition, a restriction to user contained in a Section 88B instrument is also required to advise future purchases of proposed Lot 112 that electrical reticulation and provisioning is not available and the reticulation and energising of overhead electricity to the allotment is the responsibility of the future owner.

Should any electrical supply authority infrastructure (sub-stations, switching stations, cabling etc) be required to be located on Council land (existing or future), then Council is to be included in all negotiations. Appropriate easements are to be created over all such infrastructure, whether on Council lands or private lands. Compensatory measures may be pursued by the General Manager or his delegate for any significant effect on Public Reserves or Drainage Reserves.

[PSC1185]

146. The existing water meter cannot be moved from Lot 11 DP 1134229. In order to service proposed Lot 112, an easement shall be created over the meter on Lot 11 DP 1134229 and dedicated to proposed Lot 112. Lot 11 DP 1134229 shall not connect to this meter as Council allows only one meter per property.

[PSCNS01]

General Terms of Approval for work requiring a controlled activity approval under s91 of the Water Management Act 2000

1. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA 13/0469 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 lake identified.
3. The consent holder must prepare or commission the preparation of:
 - (i) 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
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.

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.

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.

General Terms of Approval for work requiring a licence (dewatering) under Part 5 of the Water Act 1912

1. Before commencing any works or using any existing works for the purpose of dewatering an approval under Part V of the Water Act 1912 must be obtained from the Department if the take of water exceeds 3ML/yr. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.

2. An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the Water Act 1912.
3. When the Department grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or let lapse.
4. All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.
5. All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.
6. The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.
7. All vegetation clearing must be authorised under the Native Vegetation Conservation Act 1997, if applicable.
8. The approval to be granted may specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.
9. A license fee calculated in accordance with the Water Act 1912 must be paid before a license can be granted.
10. The water extracted under the approval to be granted shall be used for the purpose of dewatering and for no other purpose. A proposed change in purpose will require a replacement license to be issued.
11. Works for construction of a bore must be completed within such period as specified by the Department.
12. Within two months after the works are completed the Department must be provided with an accurate plan of the location of the works and notified of the results of any pumping tests, water analysis and other details as are specified in the approval.
13. The Department has the right to vary the volumetric allocation or the rate at which the allocation is taken in order to prevent the overuse of an aquifer.
14. The licensee must allow authorised officers of the Department, and its authorised agents reasonable access to the licensed works with vehicles and equipment at any time for the purposes of:
 - 1 inspecting the said work
 - 2 taking samples of any water or material in the work and testing the samples.
15. The licensee shall within 2 weeks of being notified install to the satisfaction of the Department in respect of location, type and construction an appliance(s) to measure the quantity of water extracted from the works. The appliance(s) to consist of either a measuring weir or weirs with automatic recorder, or meter or meter(s) of measurement

as may be approved by the Department. The appliance(s) shall be maintained in good working order and condition. A record of all water extracted from the works shall be kept and supplied to the Department upon request. The licensee when requested must supply a test certificate as to the accuracy of the appliance(s) furnished either by the manufacturer or by some person duly qualified.

16. The authorised work shall not be used for the discharge of polluted water into a river or lake otherwise than in accordance with the conditions of a licence granted under the protection of the Environment Operations Act 1997. A copy of the licence to discharge is to be provided to the Department.
17. The maximum term of this licence shall be twelve (12) months.
18. The volume of groundwater extracted from the work authorised by this licence shall not exceed 5 mega litres for the term of the licence.
19. The authorised work shall not be used for the discharge of water unless the ph of the water is between 6.5 and 8.5, or the water has been treated to bring the ph to a level between 6.5 and 8.5 prior to discharge, or the water is discharged through the council's sewerage treatment system.
20. The licensee shall test the ph of any water extracted from the work prior to the commencement of discharge and at least twice daily thereafter and record the date, time and result of each test in the site log. A copy of the records of the ph testing is to be returned with the form 'AG'.
21. The work shall be managed in accordance with the constraints set out in a Dewatering Management Plan approved by the Department.
22. The retention or holding pond must be lined with an impermeable material (such as clay or geotextile) to prevent seepage, leakage or infiltration of treated water.

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

1. The proposed boundary adjustment and highway service centre - two stages, has been assessed against information referred to the NSW RFS by Tweed Shire Council dated 15/4/14.

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

- Plan prepared by Cadway Projects, titled 'Concept Site Layout', numbered 10948 SK02, issue Q and dated 11/12/14.
- Plan prepared by B and P Surveys Consultant Surveyors, titled 'Proposed Subdivision' numbered 19582 A, Issue C and dated 28/3/2014.
- 'Bushfire Risk Management Plan', dated March 2014 and prepared by Bushfiresafe (Aust) Pty Ltd

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

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

3. Landscaping of the proposed highway service centre, located on proposed Lot 112, shall comply with the requirements of Appendix 5 of 'Planning for Bushfire Protection 2006'.

AMENDMENT

P 42

**Cr K Milne
Cr G Bagnall**

PROPOSED that the application be deferred for 3 months and referred back to the developer to achieve better outcomes for architectural design, landscaping and water and energy efficiency.

The Amendment was **Lost**

FOR VOTE - Cr K Milne

AGAINST VOTE - Cr B Longland, Cr G Bagnall, Cr C Byrne, Cr W Polglase, Cr P Youngblutt

ABSENT. DID NOT VOTE - Cr M Armstrong

The Motion was **Carried** (Minute No. P 41 refers)

FOR VOTE - Cr B Longland, Cr G Bagnall, Cr W Polglase, Cr P Youngblutt

AGAINST VOTE - Cr K Milne, Cr C Byrne

ABSENT. DID NOT VOTE - Cr M Armstrong

- 6 [PR-PC] Development Application DA14/0908 for a Carport and Verandah Additions and Various Alterations to Unit 1 at Lot 1 Section 3 DP 413085 No. 84 Tweed Coast Road, Pottsville**

P 43

**Cr C Byrne
Cr P Youngblutt**

PROPOSED that:

- A. Council give in principle support and conditions of consent be brought back to the next Planning Committee meeting.
- B. A Penalty Infringement Notice be issued to the builder in relation to unlawful works undertaken to date.

AMENDMENT

P 44

**Cr K Milne
Cr G Bagnall**

RECOMMENDED that

- A. Development Application DA14/0908 for a carport and verandah additions and various alterations to Unit 1 at Lot 1 Section 3 DP 413085 No. 84 Tweed Coast Road, Pottsville be refused for the following reasons:
1. The development application is contrary to Clause 1.2 of the Tweed Local Environmental Plan 2014 in that the proposed development does not meet the aims of the plan.
 2. The development is inconsistent with Development Control Plan Section A1 - Residential Development Code (Part B), particularly:
 - Design Control 1 - Public Domain Amenity (Streetscape)
 - Design Control 2 - Site Configuration (Deep Soil Zones)
 - Design Control 2 - Site Configuration (Impermeable Site Area)
 - Design Control 2 - Site Configuration (Landscaping)
 - Design Control 3 - Setbacks (Front setbacks)
 - Design Control 4 - Carparking and Access (Carparking Generally)
 - Design Control 4 - Carparking and Access (Carports)
 3. The development application is not considered to be in the public interest.
 4. Approval of the proposed development would create an undesirable precedent.
- B. A Penalty Infringement Notice be issued to the builder in relation to unlawful works undertaken to date.

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

The Amendment was **Carried** on the Casting Vote of the Mayor.

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

The Amendment on becoming the Motion was **Carried** on the Casting Vote of the Mayor-
(Minute No P 44 refers)

7 [PR-PC] Local Environmental Plan Amendment No. 14 - Correction of Zoning Error in Tweed Heads West

P 45

**Cr C Byrne
Cr P Youngblutt**

RECOMMENDED that:

1. Council endorses a Planning Proposal to rezone Lot 1 DP 1126205 be prepared and submitted to the NSW Department of Planning and Environment for a Gateway Determination, in accordance with s56 of the *Environmental Planning and Assessment Act*;
2. The Minister for Planning and Infrastructure or his Delegate be advised that Tweed Shire 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 correction of the zoning error of Lot 1 DP 1126205, to the extent only shown in this report, without the need for any further report to Council.

The Motion was **Carried**

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

8 [PR-PC] PP10/0005 Hundred Hills, Murwillumbah Planning Proposal - Lot 1 DP 1046935 Old Lismore Road, Murwillumbah (Subject Site) and Housekeeping Review of the Hundred Hills Release Area

P 46

**Cr P Youngblutt
Cr W Polglase**

RECOMMENDED that:

1. The Housekeeping review amendments as discussed within this report be included within the Planning Proposal PP10/0005;
2. The Planning Proposal PP10/0005 be referred to the NSW Planning and Environment for a Gateway Determination, in accordance with s56 of the *Environmental Planning and Assessment Act, 1979*;

3. The Minister for Planning and Environment be advised that delegation of the Plan making functions will not be sought in this instance; and
4. The planning proposal be publicly exhibited, where required in accordance with the Gateway Determination or for a period of not less than 28 days where the Gateway Determination is less than this time.

The Motion was **Carried**

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

9 [PR-PC] Rural Fire Service - Bilambil Unit

P 47

Cr P Youngblutt
Cr C Byrne

RECOMMENDED that Council provides in-principle support to the relocation of the Bilambil rural fire station to Lot 1 DP 772273 and Lot 4 DP46052 Bilambil Road, Bilambil.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr M Armstrong

10 [PR-PC] Non-Motorised Water Recreation Businesses and Tweed Local Environmental Plan 2014/Tweed City Centres Local Environmental Plan 2012

P 48

Cr P Youngblutt
Cr W Polglase

PROPOSED that Council:

1. Adopts the Draft Policy for Non Motorised Water Recreation Businesses and the interpretation of the Tweed Local Environmental Plan 2014 and the Tweed City Local Environmental 2012, as provided in the attachment to this report; and
2. Publishes a notice in the Tweed Link notifying of the adoption of the Policy.

AMENDMENT 1

P 49

**Cr K Milne
Cr G Bagnall**

PROPOSED that this item be deferred for a workshop on non motorised water recreation businesses at Jack Evans Boat Harbour.

The Amendment was **Lost**

FOR VOTE - Cr K Milne

AGAINST VOTE - Cr B Longland, Cr G Bagnall, Cr C Byrne, Cr W Polglase, Cr P Youngblutt

ABSENT. DID NOT VOTE - Cr M Armstrong

AMENDMENT 2

P 50

**Cr B Longland
Cr W Polglase**

RECOMMENDED that Council:

1. Adopts the Draft Policy for Non Motorised Water Recreation Businesses and the interpretation of the Tweed Local Environmental Plan 2014 and the Tweed City Local Environmental 2012, as provided in the attachment to this report; and
2. Excludes the Jack Evans Boat Harbour precinct from this Policy.
3. Publishes a notice in the Tweed Link notifying of the adoption of the Policy.

Amendment 2 was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr M Armstrong

Amendment 2 on becoming the Motion was **Carried** - (Minute No P 50 refers)

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr M Armstrong

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

P 51

**Cr C Byrne
Cr K Milne**

RECOMMENDED that Council notes there are no variations for the month of March 2015 to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr M Armstrong

ORDERS OF THE DAY

12 [NOR] Class 1 Appeal - 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

NOTICE OF RESCISSION:

P 52

Cr C Byrne

Cr W Polglase

RECOMMENDED that the resolution from the meeting held on Thursday 19 March 2015 at Minute No 129 Item No a11 titled [PR-CM] Class 1 Appeal - 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 being:

"that Council defends the Class 1 Appeal in relation to 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 and engages Council's solicitors and suitable consultants."

be rescinded.

The Motion was **Carried**

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

AGAINST VOTE - Cr K Milne, Cr G Bagnall

ABSENT. DID NOT VOTE - Cr M Armstrong

13 [NOM] Class 1 Appeal - 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

NOTICE OF MOTION:

P 53

Cr C Byrne
Cr P Youngblutt

RECOMMENDED that Council engages its solicitors to negotiate consent orders or a s34 Agreement for Development Application DA14/0164 for Dual Use of Existing Tourist Accommodation - Residential and Tourist Accommodation at Lots 1-41 SP76023 Nos 1-41/27-37 Bells Boulevard, Kingscliff.

The Motion was **Carried**

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

AGAINST VOTE - Cr K Milne, Cr G Bagnall

ABSENT. DID NOT VOTE - Cr M Armstrong

There being no further business the Planning Committee Meeting terminated at 6.12pm.

