

Council Reference: DA10/0642 LN18752
Your Reference: 09_0016



22 October 2010

Customer Service | 1300 292 872 | (02) 6670 2400

The Director Regional Projects
Department of Planning
GPO Box 39
SYDNEY NSW 2001

tsc@tweed.nsw.gov.au
www.tweed.nsw.gov.au

Fax (02) 6670 2429
PO Box 816
Murwillumbah NSW 2484

Please address all communications
to the General Manager

ABN: 90 178 732 496

Attention: Enguang Lee

Dear Sir

Major Project Application MP09_0016 - Mixed Use Tourist and Residential Development at Lots 1 - 3 Section 1 DP 29748; Lot 4 Section 1 DP 31209, No. 2 - 6 Tweed Coast Road and No. 10 Cypress Crescent Cabarita Beach (DA10/0642)

Reference is made in regards to the abovementioned Major Project MP09_0016 and the associated Environmental Assessment.

A Council Meeting was held on Tuesday 19 October 2010, by which Council resolved to endorse the preparation of a submission in relation to the above.

Please find attached the Council Report and resolution and Council's submission including draft conditions relating to the Major Project.

For further information regarding this matter please contact Michelle Lynton on (02) 6670 2756.

Yours faithfully


Vince Connell
DIRECTOR PLANNING AND REGULATION

Enc

SUBMISSION

The Environmental Assessment was referred to relevant Council officers within the following fields:

- General Planning
- Environmental Health
- Building
- Ecology (restricted to subject site)
- Engineering
 - Flooding
 - Stormwater Management
 - Parking
 - Traffic Generation
 - Water Supply and Effluent Disposal
 - Waste Disposal
- Planning Reform

The relevant Council officers have assessed the Environmental Assessment and provided comment. These comments have been assembled into the following table.

ISSUE	COMMENT
General Planning:	
Residential / Tourist Use	<p>The development provides for a total of 24 units, three of which are two-bedroom and six that can be utilised as either residential or tourist accommodation. The tourist accommodation component is in association with residential development but does not meet the primary objective of the zone unless it is utilised exclusively for tourist accommodation purposes in perpetuity of the proposed land use.</p> <p>Under the draft zoning RE2, residential accommodation is prohibited. This is consistent with strategic policies for future development outlined for the Residential Tourist Precinct of DCP B19 – Bogangar / Cabarita in that the integrated tourist facilities are to consist of “predominantly accommodation units with attendant facilities to cater for the needs of short-stay guests”. This increases Council’s support for a greater percentage of tourist accommodation units.</p> <p>As such, Council does not support proposed Units 6, 7, 8, 14, 15 and 16 for dual residential / tourist use and requests that a Section 88b restriction be placed upon the title to denote exclusive use for tourist accommodation.</p>
Building Height	<p>Part C of DCP A1 – Residential and Tourist Code specifies that 12.2m is the maximum height for Residential Flat Buildings. The current Tweed DCP B19 (Bogangar / Cabarita Beach Locality Plan) also specifies a building height of 12.2m for this site which is located within the Residential Tourist Precinct. The specified building height in DCP B19 takes precedence over the 10m building height specified</p>

ISSUE	COMMENT
	<p>in the draft LEP and the three storey height limit specified in the current LEP. As such, Council does not support the proposed building height of 13.6m as it exceeds the maximum building height as specified in DCP B19.</p>
Environmental Health:	
Local Government Act	<p>A. The Act provides for the Council to have responsibility for the operation of caravan parks as defined under the Act. This application will result in the closure of the Cabarita Beach Caravan Park. The park holds an approval to operate comprising of 10 long term dwelling sites and 15 short term dwelling sites.</p> <p>The operation of the caravan park during the period of closure will be required to operate as per the provision of the Act and the approval to operate as issued under Section 68 of the Act. As such it will be necessary to compile a plan of management to ensure the ongoing provision of adequate and necessary services to all occupants during this period. Conditions of any consent granted should reflect this requirement.</p> <p>It is noted Section 9.1 of the Environmental Assessment Report does not include the Office of Fair Trading as a State Agency having been consulted. The Office of Fair Trading administers the Residential Parks Act and as such deals with the tenancy matters including the fair and reasonable treatment of tenants. Tenants of caravan parks are considered particularly vulnerable due to they're generally being within the older age bracket and/or of a lower socioeconomic group. Whilst there are a number of caravan parks within the Tweed Shire availability of long term sites for placement of relocatable homes has not been considered.</p> <p>B. Section 608 of the Act provides for the charging of fees to assist councils to undertake its regulatory functions. Council maintains a register of all swimming pools to assist in its responsibilities for public health and safety under the provisions of the Public Health Act and relevant Regulation. Conditions of any consent granted should reflect this requirement.</p>
Building:	
Building Code of Australia BASIX	<p>Demolition of the existing amenity block and storage shed needs to include consideration of the presence of asbestos containing and lead painted materials.</p>
Ecology:	
Site Vegetation (subject site)	<p>The flora and fauna study did not include a detailed appraisal of the subject site, despite the landscaping site analysis indicating the inclusion of a number of local tree species. It is unclear as to whether any of these species are to be retained as an existing vegetation survey has not been undertaken.</p>

ISSUE	COMMENT
Koala Habitat	<p>In addition to Cudgen Nature Reserve, the northern portion of Lot 1 in the north-western corner of the subject site is mapped as Primary Koala Habitat on Council's GIS system. However, no study of possible use of the site by koalas has been undertaken.</p> <p>Although not listed in Schedule 2 of the flora and fauna survey, it is likely that Swamp Mahogany occurs on the adjacent nature reserve and being a significant koala food tree and habitat, the Department's assessment should take into account whether any of these trees would be cleared as part of the proposed off-site Asset Protection Zone.</p> <p><u>Please note that this submission does not include an ecological assessment of Cudgen Nature Reserve. This is to be undertaken by the Department of Environment, Climate Change and Water (DECCW).</u></p>
Engineering: Flooding	<p>The site is well elevated above design flood level of RL 3.0m AHD and minimum habitable floor level of RL 3.5m AHD.</p> <p>Please note that the flood planning levels referred to in the EA have been superseded in a recent version update of DCP-A5, however this is of little consequence.</p> <p>The site is also above the probable maximum flood (PMF), so emergency response considerations are not necessary. The basement level needs no additional protection from flood ingress.</p> <p>The subject site currently contains a caravan park with a high degree of site permeability. The development would significantly increase the impervious area of the site and therefore stormwater management is important.</p> <p>The applicant's consultants proposed to extend the existing piped drainage network in Cypress Avenue to the site frontage and connect stormwater discharge to it. There is no investigation of spare capacity in the public system to cater for the expected increases in peak flow from the site. This is important as the street drainage system services a relatively large residential area, and discharges onto the beach at Pandanus Parade, which is a highly visible and well used area.</p> <p>The applicant proposes to install reuse tanks and a green roof to offset some of these increases in runoff. The tanks would only be used for irrigation purposes, which provides little benefit for stormwater mitigation, as there is little demand for irrigation during wet periods, and therefore low draw down and available storage in the tanks. The green roof is extensive, and should help mitigate runoff, however this is not quantified in the EA. Council has little experience with green roofs of this extent.</p> <p>Stormwater quality control measures for the construction and operational phase generally meet Council specifications. An oil-sediment arrestor will be installed in the basement to treat contaminated carpark and driveway runoff and manage gross pollutants.</p>
Stormwater Management	

ISSUE	COMMENT
<p>Parking</p>	<p>A more holistic approach to water sensitive design and integrated water management for the site and the development is recommended. This could be a considerable marketing advantage for the building if it were a properly designed "green building".</p> <p>With a total of 54 parking spaces being provided, this should be sufficient. However due to the proposal's provision of tandem spaces, certain allocations are required.</p> <p>With 12 sets of tandem car parking spaces proposed, each tandem pair can only be nominated to 1 Residential unit. It is best if these are allocated to the 3 bedroom Residential Units as they require 2 spaces. Tandem spaces should not be nominated to dual use units.</p> <p>The latest submitted plan nominates only 6 car parking spaces for the proposed dual use (Tourist / Residential) Units (i.e. 1 per Unit) which contradicts the wording of the submission that states that the higher Residential Rate (i.e. 2 spaces per 3 bedroom unit) would be applied. If approved, the development should be conditioned to provide 2 car parks per dual use (Tourist / Residential) Unit. This can be accommodated by the numbers proposed.</p> <p>Should the proposal be restricted to tourist use for Units 6, 7, 8, 14, 15 and 16, car parking spaces at the rate of 1 per Unit may be applied. None of these spaces may be located within tandem car parking spaces.</p> <p>Storage for the required 36 bicycles can be provided via the proposed storage areas.</p> <p>In regards to the nominated visitor spaces, it is noted that they are proposed within the basement. This can lead to problems in regards to whether they will be used by residents instead of visitors and how visitors may gain access.</p> <p>It can be argued that if visitor spaces are provided within the basement and not at an unrestricted ground level, then only visitors visiting a resident who is actually at home can gain access to them. Effectively it will be managed by the Body Corporate of the complex. Either way Council's DCP does not preclude the use of basement visitor spaces.</p> <p>In regards to providing facilities for deliveries, it is Council's opinion that the provision for an HRV space (as per DCP A2 requirements for Tourist facilities) is excessive and unwarranted. The complex will most likely be managed off site with deliveries effectively only being linen and possibly the top-up of the mini-bar for the 6 Units, preferably to be used for only tourist accommodation. This could easily be accommodated by an SRV parking space.</p> <p>In regards to staff parking, Council's DCP A2 requires 1 space per staff member for Tourist facilities. It is Council's opinion that at least 1 nominated staff parking space needs to be provided as staff members may need to be present during deliveries, servicing of the tourist accommodation.</p>

ISSUE	COMMENT
<p>Traffic Generation</p> <p>Water Supply & Effluent Disposal</p> <p>Waste Disposal</p>	<p>The current nomination of 54 car parks should be able to accommodate the parking numbers that Council believe are required:</p> <ul style="list-style-type: none"> ▪ 35 for the residential units ▪ 5 for visitor spaces ▪ 12 for the dual use units / 6 for exclusive tourist use ▪ 1 for SRV delivery ▪ 1 for a staff member <p>The Civil Engineering Report attached as Annexure 18 provides a traffic assessment based on the standards contained within the RTA Guide to Traffic Generating Developments. The assessment indicates that the proposed development will generate at total of 14.5 peak hour trips which is an increase of only 4.5 peak hour trips compared to the existing development on the site.</p> <p>This increase is marginal and the existing road network can handle such an increase. This indicates that an upgrade to the existing road network is not warranted.</p> <p>The proposed removal of the existing driveway crossover from the site to the Tweed Coast Road and two existing crossovers to Cypress Crescent will also reduce potential traffic conflict points and therefore improve the existing road network.</p> <p>Capacity of both water and sewer systems is considered adequate given the lower flows generated by water efficient products now being incorporated into new development.</p> <p>Specific connection details to each system will be required for approval at a future stage in the application process.</p> <p>The development is required to ensure rainwater inflow to the sewer system from all sources is prevented.</p> <p>The development is also required to maximise use of collected rainwater from rooves, with uses being for toilet flushing, cold water taps to washing machines and external uses.</p> <p>The applicant was requested to supply a Waste Management Plan that, amongst other details, indicates bulk as opposed to individual “wheelie bin” storage. This plan has not been supplied and it is noted that the submitted basement plan shows approximately 50 wheelie bins.</p> <p>Council considers this to be unacceptable.</p>
<p>Planning Reform:</p>	
<p>Proposed Zoning (Draft Tweed LEP 2010)</p>	<p>The Draft Tweed LEP 2010 proposes that the site be zoned RE2 Private Recreation in accordance with the existing predominant land use of the site, not Special Purpose as suggested in the email dated 8/9/2010 from the Department.</p> <p>Residential accommodation is a prohibited land use under this draft zoning.</p>

ISSUE	COMMENT
<p>Tweed Urban and Employment Land Release Strategy</p>	<p>Under section 4.4 Letting of Dwellings in the Tweed Urban and Employment Land Release Strategy 2009 reference is made to potential occupancy rates in various zones, stating that “It is suggested that maximum population densities be discounted by 50% in 2(e) and 2(f) zones (where tourism is required by Council to balance the residential component) by 20% in coastal located residential zones, and 10% in residential zones west of the Pacific Highway”.</p> <p>At this time, Council has not undertaken a detailed tourism study of the locality and therefore, this advice remains a suggestion only. This advice is directed more at estimations of the future need for infrastructure and services, and is not meant as a definitive tool for development assessment or a means of prescribing the proportion of permanent and short-term tenancies in any particular zone; as such the matter of the ratio of tenancy types that should apply to a particular type would require a much more global assessment.</p> <p>More strategically, this section of the Strategy needs to be read in conjunction with the Tweed DCP section A1 and B19 as explained below.</p>
<p>Tweed DCP B19 – Bogangar / Cabarita Beach Locality Plan</p>	<p>Attention is drawn to page 38 of the DCP which outlines the background to the precinct within which this site is located, precinct objectives and strategic policies, as seen in the extract provided below.</p> <p>The Plan notes that “the sites identified within the Tourist Residential Precinct are intended to be developed as integrated tourist facilities consisting of predominantly accommodation units with attendant facilities to cater for the needs of short-stay guests.”</p> <p>Reference is also made to sections B19.14, 15 and 16 which relate to commercial facade design guidelines, residential design guidelines, and building height respectively.</p>
<p>Building Height</p>	<p>The applicant has requested that Council amend its building height map to permit a building height of 13.6 metres. The current 2(e) Residential Tourist zone has a maximum building height of 3 storeys under the Tweed LEP 2000, and 12.2 metres as prescribed in Tweed DCP A1 for residential flat buildings. This is also consistent with section B19 Bogangar/Cabarita Beach Locality Plan in the Tweed DCP.</p> <p>An extract from section B19.16 Building Height is provided below.</p> <p>Extract from the Tweed DCP Section B19 Bogangar/Cabarita Beach Locality Plan:</p> <p>B19.16 Building Height</p> <p>B19.16.1 Building Height</p> <p>All buildings are governed by the maximum building height limits set under Tweed LEP 2000. All proposed developments must comply with:-</p> <ul style="list-style-type: none"> • The building envelope controls contained in this section of the DCP.

ISSUE	COMMENT
	<ul style="list-style-type: none"> • The maximum height limits imposed under Tweed LEP 2000. <p>B19.16.2 Application Requirements Applicants should provide block models, visual impact statements, shadow diagrams and perspective drawings to demonstrate compliance with the objectives of the building envelope control.</p> <p>B19.16.3 Building Envelope Objectives The objectives of the building envelope control are to:</p> <ul style="list-style-type: none"> • Ensure the maximum building height provisions for the area are observed. • Ensure that building setbacks to property boundaries increase relative to any increase in building height. • Minimise the visual and physical impact and apparent bulk of buildings on adjoining developments and public streets and spaces. • Facilitate adequate sunlight access to and minimise shadow impact on adjoining properties and public streets and spaces. <p>B19.16.4 Maximum Building Height The height and scale of development within the study area is generally limited to three storeys. To maintain the character and amenity of the region it is encouraged that these height limits continue.</p> <p>New development should minimise the visual and physical impact and apparent bulk that it has on adjoining development and public streets and spaces. New development should also not detrimentally impact on identified important view corridors.</p> <p>Development, to comply with the goals set by the building height performance criteria, will measure the height in relation to a building to the uppermost ceiling or top plate of the highest external wall in accordance with provisions of the Tweed Local Environmental Plan.</p> <p>The following Building Height Limit Map is an extract from the Tweed LEP 2000 and prescribes the maximum building height for all parts of Bogangar/Cabarita Beach.</p> <p>Council Comment</p> <p>A prevalent and resounding issue raised through the public exhibition of the Draft Tweed LEP 2010 related to the building height map and in particular the 13.6m height limit relating to mixed-use development.</p> <p>Detailed analysis and testing of building heights for differing building typologies, including mixed-use, carried on for Pottsville, Hastings Point and more recently in a review of the Cabarita DCP, has affirmed Council's views that the current building heights under DCP A1 and as carried over into the Draft LEPs are excessive.</p> <p>It should also be noted that the building heights proposed in the Cabarita DCP were taken from the then draft DCP A1.</p> <p>It would therefore follow that if the heights under DCP A1 have come into question and have been reviewed as excessive for the building</p>

ISSUE	COMMENT
	<p>typologies and Tweed's characteristics then the heights in the Cabarita DCP are also in contention.</p> <p>On that basis, a revised building height scheme is being prepared as part of the Draft LEP post exhibition review and will be reported to Council for adoption in due course.</p> <p>It would follow that should the Draft LEP be gazetted that the building heights in the Tweed DCP would also be amended accordingly.</p> <p>This is likely to have a more noticeable affect on the larger building types including residential flat type and mixed-use shop top type buildings.</p> <p><u>In light of the above Council is opposed to any proposal to raise the building heights above that currently applying to the site.</u></p>

**Recommended Conditions Of Approval
Major Project No. 09_0016**

Notes

Condition 1

Plan No DA.1.03 Rev A (Basement Plan) prepared by Pat Twohill Designs Pty Ltd and dated 9 June 2010 is not included in this condition as amendments are required to the layout in relation to parking. This is subject to Condition 9.

Condition 6

A restriction to user has been imposed to take into account exclusive Tourist Accommodation use of Units 6, 7, 8, 14, 15 and 16.

Conditions 10 and 11

Contribution charges for the proposed development are an estimate only based upon the current proposal and are subject to change should the proposal be amended.

Contribution calculations assume that Units 6, 7, 8, 14, 15 and 16 will be retained exclusively for Tourist Accommodation use.

Section 64 and Section 94 contributions take into account existing credit for 10 long-term and 15 short-term sites at the Caravan Park.

Section 64 (water and sewer) contribution rates are applicable and clearly define long-term and short-term use on caravan park sites.

Section 94 contribution rates rely upon all caravan sites being considered '1 – bedroom'. A trip rate has been adopted from the Gold Coast City plan at 2 trips per day per site as the TSC Plan No. 4 has no equivalent use. This has been recommended by Council's Traffic Engineer.

The following Section 94 plans apply:

Plan No. 4	(TRCP)
Plan No. 5	(Local Open Space) - structured does not apply to Tourist Accommodation
Plan No. 11	(Libraries)
Plan No. 12	(Bus Shelters) – does not apply to Tourist Accommodation
Plan No. 13	(Cemeteries) – does not apply to Tourist Accommodation
Plan No. 15	(Community Facilities)
Plan No. 18	(Council Admin)
Plan No. 22	(Cycleways)
Plan No. 26	(Regional Open Space) – structured does not apply to Tourist Accommodation

Proposed charges have taken into account a total number of 24 proposed multi-dwelling units. As Council would prefer at least 6 to be nominated as Tourist Accommodation, 15 units have been considered to be for exclusive residential use. Calculations are based on the 'multi-dwelling' rate which takes into account the number of bedrooms within each unit. In this case, 21 units are 3 – bedroom and 3 units are 2 – bedroom.

GENERAL

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

Plan No DA.1.02 Rev A (Site Plan) prepared by Pat Twohill Designs Pty Ltd and dated 9 June 2010

Plan No DA.1.04 Rev A (Level One Plan) prepared by Pat Twohill Designs Pty Ltd and dated 9 June 2010

Plan No DA.1.05 Rev A (Level Two Plan) prepared by Pat Twohill Designs Pty Ltd and dated 9 June 2010

Plan No DA.1.06 Rev A (Level Three Plan) prepared by Pat Twohill Designs Pty Ltd and dated 9 June 2010

Plan No DA.1.07 Rev A (Roof Plan) prepared by Pat Twohill Designs Pty Ltd and dated 9 June 2010

Plan No DA.1.08 Rev A (West / East Elevation) prepared by Pat Twohill Designs Pty Ltd and dated 9 June 2010

Plan No DA.1.09 Rev A (North / South Elevation) prepared by Pat Twohill Designs Pty Ltd and dated 9 June 2010

Plan No LH-DD-01 (C) Rev C (Landscape Hardworks Plan Level 1 / Ground) prepared by Master Planning Landscape Design and dated 2 June 2010

Plan No LH-DD-02 (C) Rev C (Landscape Hardworks Plan Levels 2 & 3) (as amended in red) prepared by Master Planning Landscape Design and dated 2 June 2010

Plan No LH-DD-03 (C) Rev C (Landscape Hardworks Plan Roof Top) prepared by Master Planning Landscape Design and dated 2 June 2010

Plan No LP-DD-01 (C) Rev C (Landscape Planting Plan Level 1 / Ground) prepared by Master Planning Landscape Design and dated 2 June 2010

Plan No LP-DD-02 (C) Rev C (Landscape Planting Plan Levels 2 & 3) prepared by Master Planning Landscape Design and dated 2 June 2010

Plan No LP-DD-03 (C) Rev C (Planting Plan Roof Top) prepared by Master Planning Landscape Design and dated 2 June 2010

Plan No LTP-DD-01 (C) Rev C (Landscape Tree Planting Plan Level 1 / Ground) prepared by Master Planning Landscape Design and dated 2 June 2010,

except where varied by the conditions of this consent.

[GEN0005]

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

[GEN0115]

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

[GEN0135]

4. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by the General Manager or his delegate prior to any discharge to sewer being commenced. A trade waste application fee will be applicable in accordance with Councils adopted Fees and Charges.

[GEN0190]

5. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.

[GEN0265]

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

- (a) Identification of exclusive tourist accommodation use of Units 6, 7, 8, 14, 15 and 16 in perpetuity of the proposed development.

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.

Prior to the issue of an Occupation Certificate, documentary evidence shall be provided to the PCA confirming registration of the restriction as to user.

[GENNS01]

7. Prior to commencement of the closure of the park an approved plan of management shall be implemented addressing the diminishment of the caravan park over the period of closure to ensure all occupants have access to reasonable and adequate community facilities and services as required under the Local Government Act and its relevant Regulation. A copy of the plan shall be provided to Tweed Shire Council prior to its implementation.

[GENNS02]

8. The development is required to ensure that rainwater inflow to the sewer system from all sources is prevented.

[GENNS03]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

9. The developer shall provide the following parking facilities including parking for the disabled (as required) in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.

- A minimum of 35 car parking spaces for residents,
- A minimum of 5 visitor car spaces with unrestricted access,
- A minimum of 12 car parking spaces designated to the 6 dual use (Tourist and Residential) units or a minimum of 6 car parking spaces designated to exclusive Tourist use
- 1 designated delivery space, suitable for deliveries from a SRV (Small Rigid Vehicle) in accordance with Council's DCP - Section A2 – Site Access And Parking Code.
- 1 designated parking space for staff managing the dual use (Tourist and Residential) units.
- Storage for a minimum of 36 bicycles.

Note – Council will only accept tandem car parks if each pair of tandem spaces is allocated to an individual 3 bedroom Residential unit. This does not include dual use (Tourist and Residential) units.

Full design detail of the proposed parking and maneuvering areas shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

Note, access to the basement car park must be designed accordingly to provide sufficient height clearance to allow appropriate vehicles to access the basement stormwater treatment device for servicing or the building proper must provide acceptable alternative access facilities.

[PCC0065]

10. **Section 94 Contributions**

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

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

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

These charges 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.

« Tweed Road Contribution Plan:

43.6 Trips @ \$955 per Trips \$38723.34*

(\$868 base rate + \$87 indexation)

S94 Plan No. 4

Sector7_4

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 5.1.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

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

where:

$\text{\$Con}_{\text{TRCP - Heavy}}$ 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)

\$Unit	the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)	
Admin.	Administration component - 5% - see Section 6.5	
«	Open Space (Casual): 6.9575 ET @ \$526 per ET (\$502 base rate + \$24 indexation) S94 Plan No. 5	\$3403.8*
«	Open Space (Structured): 15.2499 ET @ \$602 per ET (\$575 base rate + \$27 indexation) S94 Plan No. 5	\$8537.4*
«	Shirewide Library Facilities: 6.9575 ET @ \$792 per ET (\$792 base rate + \$0 indexation) S94 Plan No. 11	\$5124.3*
«	Bus Shelters: 15.2499 ET @ \$60 per ET (\$60 base rate + \$0 indexation) S94 Plan No. 12	\$850.95*
«	Eviron Cemetery: 15.2499 ET @ \$120 per ET (\$101 base rate + \$19 indexation) S94 Plan No. 13	\$1701.9*
«	Community Facilities (Tweed Coast - North) 6.9575 ET @ \$1305.6 per ET (\$1305.6 base rate + \$0 indexation) S94 Plan No. 15	\$8448.12*
«	Extensions to Council Administration Offices & Technical Support Facilities 6.9575 ET @ \$1759.9 per ET (\$1759.9 base rate + \$0 indexation) S94 Plan No. 18	\$11387.39*
«	Cycleways: 6.9575 ET @ \$447 per ET (\$447 base rate + \$0 indexation) S94 Plan No. 22	\$2892.3*
«	Regional Open Space (Casual) 6.9575 ET @ \$1031 per ET (\$1031 base rate + \$0 indexation)	\$6670.89*

S94 Plan No. 26

« Regional Open Space (Structured):

15.2499 ET @ \$3619 per ET

\$51409.61*

(\$3619 base rate + \$0 indexation)

S94 Plan No. 26

* Includes adjustments which effect compliance with the Directions from the Minister for Planning in relation to the maximum contribution payable per dwelling dated 13 January 2009 and 19 July 2009.

[PCC0215]

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

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

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

Water DSP6: 7.1 ET @ \$11020 per ET \$78242

Sewer Hastings Point: 9.25 ET @ \$5295 per ET \$48978.8

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.

[PCC0265]

12. 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]

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

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

[PCC0485]

14. The basement car parking is to be protected against localised stormwater runoff down Cypress Crescent.

Any installed pumps must be designed and installed in accordance with Section 9 of AS/NZS3500.3.2 1998 *"National Plumbing and Drainage – Part 3.2: Stormwater Drainage – Acceptable Solutions"*.

[PCC0685]

15. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications undertaken in accordance with Councils Development Design and Construction Specifications for the following required works: -

- (a) Provision of an access for unit development, in accordance with Section A2 – *"Site Access and Parking Code"* of Council's consolidated Tweed Development Control Plan and Council's *"Driveway Access to Property – Part 1"* Design Specification June 2004.

The access shall provide the required 2m x 2m "sight triangle" envelope.

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

- Road works/furnishings
- Stormwater drainage
- Water and sewerage works
- Sediment and erosion control plans
- Location of all services/conduits
- Traffic control plan

[PCC0895]

16. Any sheet piling that utilises ground anchors that extend under public roads or public land must not be used unless the applicant or owner enter into a contract regarding liability for the ground anchors and lodges an application under Section 138 of the Roads Act together with an application fee of \$10,000 and a bond of \$25,000 for each road frontage. This bond will be refunded upon the removal of the ground anchors. If the ground anchors are not removed prior to the occupation/use of the development, the bond shall be forfeited to Council.

Council will not permit ground anchors within private property, without prior consent from the property owner being obtained.

[PCC0955]

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

- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared 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 may incorporate water sensitive design principles and where practical, integrated water cycle management.
- (d) Specific Requirements to be detailed within the Construction certificate application include:
- (e) Shake down area shall be installed within the property, immediately prior to any vehicle entering or exiting the site prior to any earthworks being undertaken.
- (f) Runoff from all hardstand areas, (including car parking and hardstand landscaping areas and excluding roof areas) must be treated to remove oil and sediment contaminants prior to discharge to the public realm. All permanent stormwater treatment devices must be sized according to Council's Development Design Specification D7 – *Stormwater Quality*, Section D7.12. Engineering details of the proposed devices, including maintenance schedules, shall be submitted with a s68 Stormwater Application for approval prior to issue of a Construction Certificate.
- (g) Roof water does not require treatment, and should be discharged downstream of treatment devices, or the treatment devices must be sized accordingly.

[PCC1105]

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

[PCC1155]

19. Medium density developments will be required to provide a single bulk water service at the road frontage. Individual metering beyond this point shall be managed by occupants. Application for the bulk metre shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.

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

[PCC1185]

20. Prior to the issue of a Construction Certificate, applications 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 of the following works including (but not limited to);
- a. water,
 - Disconnection of existing water meters and provision of a Bulk meter. The meter is to be installed by Council at the Developer's expense,
 - b. sewerage,
 - c. drainage works, including;
 - the connection of a private stormwater drain to a public stormwater drain,

- the extension of the piped stormwater infrastructure within Cypress Crescent in general accordance with Cozens Regan Williams Prove Pty Ltd's Drawing No. Sk.3 Issue B.
- the installation of stormwater quality control devices,
- erosion and sediment control works.

[PCC1195]

21. The Section 68 application for stormwater must be accompanied by a hydraulic assessment detailing the capacity of the downstream pipe and kerb and gutter drainage network in Cypress Crescent. Appropriate on-site detention of roof runoff shall be provided, as required, to ensure that the development does not exceed the capacity of the downstream drainage network.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

22. 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]

23. Prior to commencement of work all actions or prerequisite works required at that stage, as required by other conditions or approved management plans or the like, shall be installed/operated in accordance with those conditions or plans.

[PCW0015]

24. 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]

25. 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]

26. Residential building work:

- (a) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
- (i) in the case of work for which a principal contractor is required to be appointed:
- * in the name and licence number of the principal contractor, and
 - * the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
- * the name of the owner-builder, and
 - * if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
- (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0235]

27. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (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]

28. **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]

29. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.

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

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

[PCW0985]

30. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW1065]

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

[PCW1135]

DURING CONSTRUCTION

32. 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]

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

[DUR0015]

34. 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]

35. The provision of 54 off street car parking spaces including parking for the disabled where applicable. The layout and construction standards to be in accordance with Tweed Shire Council Development Control Plan, Part A2 - Site Access and Parking Code.

[DUR0085]

36. 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]

37. 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]
38. 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 Occupational Health and Safety Regulation 2001.
- [DUR0415]
39. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Occupational Health and Safety Regulation 2001.
- The proponent shall also observe the guidelines set down under the Department of Environment and Climate Change publication, "A Renovators Guide to the Dangers of Lead" and the Workcover Guidelines on working with asbestos.
- [DUR0645]
40. 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]
41. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.
- [DUR0815]
42. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent.
- [DUR0905]
43. 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]
44. 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 an Occupation Certificate.
- [DUR0995]
45. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -
- Noise, water or air pollution
 - dust during filling operations and also from construction vehicles
 - material removed from the site by wind
- [DUR1005]

46. A concrete footpath 1.2 metres wide is to be constructed on a compacted base along the entire frontage of the site to Cypress Crescent in accordance with Councils Development Design and Construction Specifications and Standard Drawing SD013.

Twenty four (24) hours notice is to be given to Council's Engineering & Operations Division before placement of concrete to enable formwork and subgrade to be inspected.

[DUR1735]

47. 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]

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

[DUR1845]

49. 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 any use or occupation of the building.

[DUR1875]

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

[DUR1905]

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

[DUR1925]

52. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction/demolition.

[DUR2185]

53. A garbage storage area shall be provided in accordance with Council's **"Code for Storage and Disposal of Garbage and Other Solid Waste"**.

[DUR2195]

54. 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 and Operations Division to arrange a suitable inspection.

[DUR2445]

55. 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]
56. 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 NSW Code of Practice for Plumbing and Drainage.
- [DUR2495]
57. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
- [DUR2505]
58. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.
- [DUR2525]
59. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.
- [DUR2535]
60. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
- [DUR2545]
61. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- * 43.5°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50°C in all other classes of buildings.
- A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.
- [DUR2555]
62. Where two (2) or more premises are connected by means of a single water service pipe, individual water meters shall be installed to each premise beyond the single Council water meter.
- [DUR2615]

63. The proponent shall comply with all requirements tabled within any approval issued under Section 68 of the Local Government Act.

[DUR2625]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

64. Prior to issue of an occupation certificate, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

65. 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]

66. 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]

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

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

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

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

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

[POC0265]

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

[POC0435]

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

[POC0475]

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

[POC0745]

71. 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]
72. The lots are to be consolidated into one (1) lot under one (1) title. The plan of consolidation shall be registered with the Lands Titles Office prior to issue of an occupation certificate. [POC0855]
73. 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. [POC0865]
74. 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]
75. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate a final inspection report is to be obtained from Council in relation to the plumbing and drainage works. [POC1045]
76. Prior to the issue of an Occupation Certificate, a certificate of practical completion shall be obtained from Council's General Manager or his delegate for all works required under Section 68 of the Local Government Act. [POCNS01]
77. Prior to the issue of any Occupation Certificate, Works as Executed Plans of all infrastructure intended to be dedicated to Council, shall be submitted in accordance with the provisions of Tweed Shire Council Development Control Plan A5 - Subdivisions Manual and Councils Development Design and Construction Specification, D13 - Engineering Plans.
- The plans are to be endorsed by a Registered Surveyor OR a Consulting Engineer Certifying that:
- (a) all drainage lines, sewer lines, services and structures are wholly contained within the relevant easement created by the subdivision;
 - (b) the plans accurately reflect the Work as Executed.
- Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed (WAX) plans. [POCNS02]
78. Prior to the issue of an occupation certificate for the use of the swimming pool, the owner is to register the swimming pool with Tweed Shire Council, in the approved format, and pay the appropriate fee as adopted within Council's Revenue Policy. The registration shall be maintained for as long as the pool is in operation. [POCNS03]

USE

79. 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]

80. 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]