



TWEED SHIRE COUNCIL

Development Control Plan No 40 (Amendment No. 2)

Planning
Service

EXEMPT AND COMPLYING DEVELOPMENT

2005

TWEED SHIRE COUNCIL

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TWEED SHIRE COUNCIL

**CERTIFIED IN ACCORDANCE WITH
THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
AND REGULATIONS**



GENERAL MANAGER

DATE: 14 February 2005

**DEVELOPMENT CONTROL PLAN No 40
EXEMPT AND COMPLYING DEVELOPMENT
AMENDMENT NO. 2**

Development Control Plan No 40

(Amendment No. 2)

EXEMPT AND COMPLYING DEVELOPMENT

Amended By:

1. Amendment No. 1 Amendment to Schedule 2 and Schedule 3
2. Amendment No. 2 Amendment to Schedule 2 and Schedule 3

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1.0 INTRODUCTION

1.1 What is this Plan Called?

The name of this Plan is “Tweed Development Control Plan (DCP) 40 - Exempt and Complying Development.

1.2 Where does this Plan Apply?

This DCP applies to the Tweed Shire Local Government Area (LGA).

1.3 What is the Status of this Plan?

This Plan has been prepared in accordance with Section 72 of the Environmental Planning and Assessment Act, 1979 (EPA Act) and Part 3 of the Regulations. The Plan came into effect on 7 April 2000 in accordance with Clause 20(4) of the Regulations and has been amended on 23 February 2005.

1.4 What are the Aims and Objectives of this Plan?

The principle aim of this DCP is to provide criteria and requirements for exempt development and complying development in accordance with Clause 2.0 and 2.1 of TLEP 2000.

The specific objectives of the DCP are:-

i. For exempt development:-

- to identify the types of development having minimal environmental impact that can be carried out without development consent and without an environmental assessment under the EPA Act 1979.
- to identify the requirements, (for exempt development) including advisory notes where appropriate.

ii. For complying development:-

- to identify low impact development that is capable of certification by Council or an Accredited Certifier in accordance with TLEP 2000 and the EPA Act 1979 (as amended).
- to identify the specifications, requirements and outcomes for complying development
- to identify the conditions that must be applied to a complying development certificate

1.5 How will the Plan be used?

This Plan provides the basis for dealing with exempt and complying developments and should be read in conjunction with Tweed Local Environmental Plan 2000 and the following Development Control Plans:-

- Development Control Plan No. 1 - Terranora Village
- Development Control Plan No. 2 - Parking Code
- Development Control Plan No. 3 - South Tweed Heads/Banora Point West
- Development Control Plan No. 5 - Development of Flood Liable Land
- Development Control Plan No. 6 - Multi Dwelling Housing
- Development Control Plan No. 9 - West Kingscliff

- Development Control Plan No. 14 - West Murwillumbah
- Development Control Plan No. 15 - Advertising Structures
- Development Control Plan No. 17 - Cobaki Lakes
- Development Control Plan No. 19 - Keith Compton Drive, Tweed Heads
- Development Control Plan No. 21 - Sea Ranch
- Development Control Plan No. 24 - Fraser Drive, Banora Point
- Development Control Plan No. 25 - Biting Midge & Mosquito Control
- Development Control Plan No. 28 - Marana Park, Bilambil Heights
- Development Control Plan No. 32 - Peter Street (South) Residential Development Controls

1.6 Consultation with Council Staff

If you are unsure if your proposal is exempt or complying development it is recommended that you consult with Council staff before you carry out the activity.

2.0 EXEMPT DEVELOPMENT

2.1 What is Exempt Development?

Schedule 1 identifies development types which are exempt development and the requirements that must be met by that development. If the requirements cannot be met and the proposal is not complying development then it requires the submission and approval of a development application before the development can proceed. All exempt development must relate to structures with a lawful entitlement and does not contravene any condition of a development consent applying to the land.

2.2 Exempt Development Provisions do not apply under the following circumstances:

In accordance with Clause 9.0(2) of Tweed Local Environmental Plan 2000 exempt development does not apply to:-

- (a) land that is critical habitat or where there is likely to be a significant effect on threatened species, population or ecological communities or their habitats (within the meaning of the Threatened Species Conservation Act, 1995 and the Fisheries Management Act, 1994); or
- (b) land that is within a wilderness area (under the Wilderness Act, 1987); or
- (c) land that:-
 - (i) is listed as the site of a heritage item in Schedule 2 of Tweed Local Environmental Plan 2000; or
 - (ii) is subject to an order under the Heritage Act, 1977; or
 - (iii) is an Aboriginal place under the National Parks and Wildlife Act, 1974; or
 - (iv) is reserved or dedicated under the Crown Lands Act, 1989 for the preservation or flora, fauna, geological formations or for other environmental protection purposes.
- (d) land in a heritage conservation area as identified in Tweed Local Environmental Plan 2000 and is visible from a public place.
- (e) land that is within Environmental Protection Zones 7(a), 7(d), 7(f) and 7(l), except for:
 - existing dwellings in which home occupation is proposed;
 - noxious weed control;
 - bushfire hazard reduction
- (f) any structure proposed to be erected on any easement for sewerage, water or stormwater. (Note: No structure can be constructed on, or overhang, an easement)
- (g) any structure that is to be located within 3 metres of or within a horizontal distance equal to the pipe depth, whichever is the greater, from a public stormwater, sewer or water supply pipeline;
- (h) any excavation or filling of land within 3 metres of or within a horizontal distance equal to the pipe depth, whichever is the greater, from a public stormwater, sewer or water supply pipeline.
- (i) development which constitutes a 'controlled activity' pursuant to the *Airports Act* for which approval is required under the *Airports (Protection of Airspace) Regulations*.

3.0 COMPLYING DEVELOPMENT

3.1 What is Complying Development?

Schedule 2 identifies development types which are complying development and sets out the requirements that must be met by that development. Where these requirements cannot be met then the proposal is not complying development and requires the submission and approval of a development application before it can proceed.

3.2 What Conditions must be applied to a Complying Development Certificate

Schedule 3 sets out the conditions that must be applied to a complying development certificate for those developments that meet the requirements of subclause 3.1.

3.3 When can a Complying Development Certificate be issued?

A Complying Development Certificate may be issued by either Council or an accredited private certifier provided the proposal meets the requirements set out in subclause 3.1 and includes the relevant conditions in subclause 3.2 and that:-

- (a) is not subject to a provision in Part 5, 6, 7,8 or 11 of Tweed Local Environmental Plan 2000 that prohibits the development, requires the council's consent or requires the council to be satisfied as to certain matters (development greater than 30m from designated road frontages not requiring new road access are deemed not to be subject to Part 5 provisions); and
- (b) does not involve a change in classification as determined under Part A3 of the Building Code of Australia other than a change of classification from a 1a to a 1b for a Bed and Breakfast in a 1(a), 1(b), 1(c) zone per Council's Tweed Local Environmental Plan 2000; and
- (c) the portion of the allotment on which the proposal is to stand is not on land that:-
 - (i) is critical habitat (within the meaning of the Threatened Species Conservation Act, 1995) and the Fisheries Management Act, 1994); or
 - (ii) is within a wilderness area (under the Wilderness Act, 1987); or
 - (iii) is subject to an order under the Heritage Act, 1977; or
 - (iv) is an Aboriginal place under the National Parks and Wildlife Act, 1974; or
 - (v) is identified as wetland by State Environmental Planning Policy No. 14; or
 - (vi) is identified as Littoral Rainforest by State Environmental Planning Policy No. 26; or
 - (vii) is listed as the site of a heritage item in Schedule 2 or is in a Heritage Conservation Area as set out in Tweed Local Environmental Plan 2000; or
 - (viii) is identified as being contaminated, within a buffer area, subject to subsidence, slip or erosion or in an area having significant bushfire risk as identified in the Rural Fires and Environmental Assessment Legislation Amendment Act 2002 (swimming pools are not subject to the restriction relating to bushfire risk); or
 - (ix) has previously been used as a service station for intensive agriculture, mining or extractive industries or sheep or cattle dips for the manufacture of chemicals or for the storage of hazard chemicals; or

- (x) is within an aquatic reserve within the Fisheries Management Act, 1994; or
 - (xi) is reserved or dedicated under the Crowns Act, 1989 for the preservation or flora, fauna, geological formations or for other environmental protection purposes; or
 - (xii) is identified by Council as flood liable land below the 1:100 year flood level where any part of the proposed structure is to be used for 'habitable purposes' as defined in the BCA (see DCP 5 requirement also).
- (d) is not development which constitutes a 'controlled activity' pursuant to the *Airports Act* for which approval is required under the *Airports (Protection of Airspace) Regulations*.

3.4 To what development does Complying Development Apply?

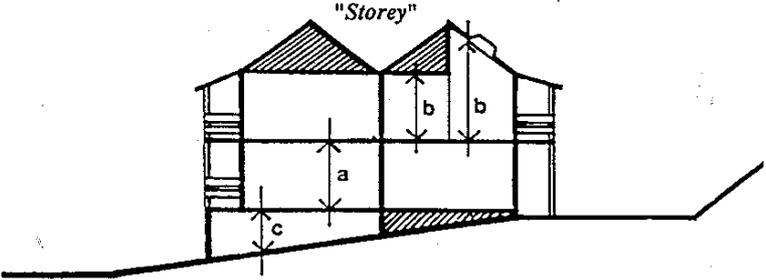
Complying development relates only to the proposed work or development and not the entire proposed and existing development

4.0 DICTIONARY

4.1 What are the meanings of the terms used in this document?

The terms used in this Development Control Plan have the following meaning:-

TERM	MEANING
advertisement	a display by the use of symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display includes the erection of a structure or the carrying out of a work.;
bed and breakfast	a single dwelling house which, in addition to its use as a principal place of residence, provides: <ul style="list-style-type: none"> a) accommodation for people away from their normal place of residence; and b) meals and ancillary services by the permanent resident of the dwelling house.
bushfire hazard reduction	a reduction or modification (by controlled burning, chemical, mechanical or manual means) of material that constitutes a bushfire hazard.
business identification sign	an advertisement that displays any or all of the following information relating to the place or premises to which it is fixed: <ul style="list-style-type: none"> (a) the identity or a description of the place or premises (b) the identity or a description of any person residing or carrying on an occupation at the place or premises (c) particulars of any occupation carried on at the place or premises (d) such directions or cautions as are usual or necessary relating to the place or premises or any occupation carried on there (e) particular or notifications required or permitted to be displayed by or under any State or Commonwealth Act (f) particulars relating to the goods, commodities or services dealt with or provided at the place or premises (g) particulars of any activities held or to be held at the place or premises (h) a reference to an affiliation with a trade, professional or other association relevant to the business conducted at the place or premises
designated road	includes: <ul style="list-style-type: none"> (a) a classified road within the meaning of the Roads Act, 1993, and (b) a council designated road as shown on the map marked 'Tweed Local Environmental Plan 1998 - Designated Roads', as amended by the maps listed in Part 4 of Schedule 6 of the Tweed LEP 2000.

TERM	MEANING
dwelling	a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.
dwelling house	a building containing one but not more than one dwelling.
earthworks	means the addition or removal of any solid material on, to or from land, or any other work which will substantially alter the existing ground level or character of the surface of that land.
height	in relation to a building, means the greatest distance measured vertically from any point on the building to the natural ground level immediately below that point.
home occupation	<p>means an occupation carried on in a dwelling house by the permanent residents of the dwelling house which does not involve:</p> <ul style="list-style-type: none"> (a) the registration of the building under the Factories, Shops and Industries Act 1962; (b) the employment of persons other than those residents; (c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise; (d) the display of goods, whether in a window or otherwise; (e) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling house to indicate the name and occupation of the resident); or (f) the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail.
Refreshment Room	Means a restaurant, café, tea room, eating house or the like
Storey	<ul style="list-style-type: none"> a) the space between two floors, or b) the space between a floor and any ceiling or roof immediately above it, or c) foundation areas, garages, workshops, storerooms and the like, where the height between natural ground level and the top of the floor immediately above them is 1.5 metres or more. <div style="text-align: center;">  <p>The diagram shows a cross-section of a house with a gabled roof. Three vertical dimension lines are labeled: 'a' indicates the height between the first and second floors; 'b' indicates the height from the first floor to the ceiling/roof; and 'c' indicates the height from the natural ground level to the top of a foundation area. The word 'Storey' is written above the diagram.</p> </div>

TERM	MEANING
	<p>For the purpose of counting the number of storeys in a building, the number shall be the maximum number of storeys of the building which may be intersected by the same vertical line, not being a line which passes through any wall of the building.</p>
temporary sign	<p>an advertisement of a temporary nature that:</p> <ul style="list-style-type: none"> (a) announces any local event of a religious, educational, cultural, political, social or recreational character or relates to any temporary matter in connection with such an event; and (b) does not include advertising of a commercial nature except for the name of the event's sponsor(s).
<i>waterbed</i>	<p>means</p> <ul style="list-style-type: none"> (a) a lake or lagoon either naturally formed or artificially modified, or (b) a watercourse, whether perennial or intermittent, flowing in a natural channel with an established bed or in a natural channel artificially modifying the course of the water flow, or which has a defined bed and banks, or (c) tidal waters (other than the ocean) including any bay, estuary or inlet, or (d) a constructed waterway, canal, inlet, bay, channel or lake which connects to a waterbed specified in paragraph (a), (b), or (c), or (e) wetlands which includes marshes, mangroves, swamps or other areas that form a shallow body of water when inundated intermittently or permanently with fresh, brackish or salt water, or (f) waterfront land, being the bed of any river, lake, estuary and, if the regulations provide, the bed of the coastal waters of the State, together with any land lying between the bed of the aforementioned and a line drawn parallel to, and the prescribed distance inland of, the highest bank of the river, the shore of the lake, or the mean high water mark of the estuary or coastal waters. <p>but does not include an agricultural drain or a dry detention basin or other construction that is only intended to hold water intermittently.</p>

SCHEDULE 1 - EXEMPT DEVELOPMENT REQUIREMENTS

TYPE OF DEVELOPMENT	REQUIREMENTS	ADVISORY NOTE
ACCESS RAMPS FOR THE DISABLED	<ul style="list-style-type: none"> • Maximum height of 1 metre above ground level. • Clear of all services. • Maximum grade 1:14 and otherwise in compliance with AS1428.1 • To be located wholly within the subject property and is not to encroach onto public land. 	
AERIALS/ANTENNAE/ MICROWAVE ANTENNAE (not including satellite dishes - dealt with as separate provision)	<ul style="list-style-type: none"> • For domestic use only. • No more than 6 metres in height from finished ground level adjacent to the structure. • Maximum of one (1) per single dwelling house and if multi-dwelling housing one (1) per ten (10) dwelling houses. 	
AIRCONDITIONING UNITS FOR DWELLING HOUSES (attached to external wall or ground mounted)	<ul style="list-style-type: none"> • Located a minimum of 3 metres off any property boundary. • Noise level not to exceed 5dB(A) above ambient background noise level measured at the property boundary. • Building work must not reduce the structural integrity of the building. • Any opening created is to be adequately weatherproofed. 	
AWNINGS, CANOPIES AND STORM BLINDS ON DWELLING HOUSES	<ul style="list-style-type: none"> • Maximum area of 2 m². • Located wholly within property boundaries. • If erected in a bushfire prone area, they are to comply with the requirements of AS3959 and Planning for Bushfire Protection 2001 	
BARBECUES	<ul style="list-style-type: none"> • For domestic use only. • Maximum area of 3 m². • Maximum height of 2.6 metres. • No closer than 900mm to a property boundary • Located in the rear yard or no closer to the front of the property than 900mm behind the dwelling house's front alignment. • Clause 2.2 (f) and (g) do not apply 	Consideration should be given to the impact upon adjoining properties.
BIRD AVIARIES (For domestic purposes only, and not for the keeping of poultry. Regarding fowls, see "Fowl house".	<ul style="list-style-type: none"> • Located no closer than 10 metres from a dwelling house on any adjoining property. • Clause 2.2 (f) and (g) do not apply • Maximum area of 10 m² - if lot is more than 5,000 square metres this area can be increased to a maximum of 25m². • Maximum height of 2.4 metres. • Located in the rear yard and not closer than 900mm to an adjoining property boundary <i>measured to any part of the building.</i> • Structurally adequate construction. 	

TYPE OF DEVELOPMENT	REQUIREMENTS	ADVISORY NOTE
	<ul style="list-style-type: none"> Exempt development does not apply in circumstances where a bird aviary already exists on the premises. 	
BRIDGES AND STAIRCASES INSTALLED IN PUBLIC PARKS AND RECREATION SPACES	<ul style="list-style-type: none"> Construction to be by or for council or a public authority. Bridges to be a maximum span of 5 metres. Designed, fabricated and installed in accordance with the BCA (Section B) and AS 4100 (for steel structures) and AS 1720 (for timber structures) and AS 3600 for concrete structures. Australian National Parks and Wildlife Service Walking Track Management Manual Standards must be complied with. 	
BUSHFIRE HAZARD REDUCTION	<p><u>If in Zone 7(a)</u></p> <ul style="list-style-type: none"> Must be work authorised under the Rural Fires Act 1997, or the State Emergency and Rescue Management Act 1989, in relation to an emergency within the latter Act <p><u>If not in Zone 7(a)</u></p> <p>Must be work:</p> <ul style="list-style-type: none"> authorised under the Rural Fires Act 1997, or the State Emergency and Rescue Management Act 1989, in relation to an emergency within the latter Act, or carried out as the result of written advice from the council to an owner or occupier of a lawful dwelling house that the vegetation is in a "fuel free zone" within the meaning of the document "Planning for Bushfire Protection" published by the NSW Rural Fire Services, and the vegetation is likely to present a significant fire hazard. <p><u>In any Zone if</u></p> <ul style="list-style-type: none"> carried out for or on behalf of the Council and in accordance with the documents "Planning for Bush Fire Protection, NSW Rural Fire Service" 	<ul style="list-style-type: none"> All required erosion and sediment control works are to be in place before works commence. Measures to be taken to prevent environmental nuisance resulting from dust.
BUS SHELTERS	<ul style="list-style-type: none"> Must be suitably designed and constructed by or for council. The design must provide adequate access for persons with disabilities. Must reflect the character and amenity of the area. Structurally adequate construction. Not obstruct the line of sight of vehicular traffic. Clause 2.2 (f) and (g) do not apply A maximum height of 2.7 metres above the footpath Has an area of less than 10^m2. Non reflective surface finishes. 	

TYPE OF DEVELOPMENT	REQUIREMENTS	ADVISORY NOTE
CABANAS/GAZEBOS	<ul style="list-style-type: none"> • No advertising displayed. • Maximum area of 10m²- if lot is more than 5,000 square metres this area can be increased to a maximum of 25m². • Maximum height of 2.4 metres. • Located in the rear yard or no closer to the street than the rear alignment of the dwelling house. • Not to be used for habitable purposes. • Stormwater to be connected to the existing stormwater system. • Structurally adequate construction in accordance with a certificate issued by a practicing Structural Engineer. • Non reflective surface finishes. • No closer than 3 metres to a boundary. • Clause 2.2 (f) and (g) do not apply • Exempt development does not apply in circumstances where a cabana/gazebo already exists on the premises • If erected in a bushfire prone area, they are to comply with the requirements of AS3959 and Planning for Bushfire Protection 2001. 	
CARPORTS	<ul style="list-style-type: none"> • Not to exceed an area of 25m². • Maximum height of 2.4 metres above finished ground level. • Must maintain required boundary setbacks for the associated dwelling house with a minimum of 900mm from a boundary <i>to any part of the carport</i>. • Must comply with Council's Building line. • Must observe and maintain existing building line setback. • Must be clear of any services (sewer, water etc) in accordance with Council's policy. • Clause 2.2 (f) and (g) do not apply • Must not necessitate construction of additional driveway access on Council Road Reserve. • Stormwater not to be redirected onto adjoining property. • Building to be constructed of low light reflective material. • To be constructed in accordance with the provisions of the Building Code of Australia. 	
CHANGE OF USE <ul style="list-style-type: none"> • SHOP TO SHOP • COMMERCIAL PREMISES TO COMMERCIAL PREMISES • INDUSTRY (OTHER THAN A HOME INDUSTRY) TO A 	<ul style="list-style-type: none"> • Must be an existing lawful use • Must comply with Council's Trade Waste Policy • Complies with any conditions of development consent applying to the premises • The use is not a 'restricted premises' or a 'brothel' 	Any proposed alterations and additions associated with a change of use should not affect the structural strength and stability of the building. For example, external walls are often strengthened and stabilised by internal walls that resist loads such as wind forces. The removal

TYPE OF DEVELOPMENT	REQUIREMENTS	ADVISORY NOTE
LIGHT INDUSTRY	<ul style="list-style-type: none"> • Involves non-structural work such as shelving, displays, benches, partitions • Does not involve structural work or an increase in floor area • Must not involve food premises • Must not alter egress requirements • Must comply with all relevant deemed to satisfy provisions of the Building Code of Australia • Does not involve a change of classification as determined under Part A3 of the Building Code of Australia • Industrial use is not hazardous or offensive as defined in State Environmental Planning Policy No.33 – Hazardous Offensive Development 	<p>of internal walls without considering overall strength and stability may result in failure to external walls.</p> <p>Examples of minor alterations include: new door, bathroom and kitchen renovations etc.</p> <p>You are advised to consult a structural engineer, architect, building surveyor or Council before commencing alterations to ensure you comply with the Building Code of Australia and to ensure that the alterations will not affect the structural sufficiency and stability of the building</p> <p>The WorkCover Authority has advised that:</p> <ul style="list-style-type: none"> • Care should be taken in work involving the removal of lead paint to avoid lead contamination <p>The WorkCover Authority's' Guidelines for Practices involving Asbestos Cement' should be referred to for any work involving asbestos cement.</p>
CLOTHES HOISTS/LINES	<ul style="list-style-type: none"> • Installed to the manufacturer's specification. • Located in the rear yard or no closer to the street than the front alignment of the dwelling house. If located at the side of the dwelling house adequate screening is to be provided to the street. 	
CUT AND FILL	<ul style="list-style-type: none"> • Does not involve the addition or removal of any solid material on, to or from land, or any other work which will substantially alter (as determined by Council) the existing ground level or character of the surface of land. • Approval has been granted under Section 68 of the Local Government Act for erosion and sediment control works where disturbed soils have the potential to pollute 'waterbeds' • Clause 2.2 (f) and (g) do not apply 	<ul style="list-style-type: none"> • All required erosion and sediment control works are to be in place before works commence. • Measures to be taken to prevent environmental nuisance resulting from dust
DECKS (unroofed and attached to dwelling houses that are not located in areas identified by council as bushfire prone)	<ul style="list-style-type: none"> • Maximum area of 10^{m2}. • Finished surface level to be not greater than 1 metre above existing ground level. • Boundary setbacks for existing dwelling house to be maintained. • No closer than 900mm to a boundary measured from any part of the deck to the boundary. • Exempt development does not apply in circumstances where a deck already exists on the premises • Clause 2.2 (f) and (g) do not apply 	<p>Solid roofing of deck requires approval.</p> <p>Decks in bushfire prone areas require approval</p>

TYPE OF DEVELOPMENT	REQUIREMENTS	ADVISORY NOTE
DEMOLITION	<ul style="list-style-type: none"> • Must be carried out to Australian Standard AS 2601-1991 Demolition Code. • Must be: <ul style="list-style-type: none"> • of a building (other than a retaining wall) classified as exempt development under this plan, (whether erected before or after this plan took effect), or • associated with decommissioning a building, but not involving any change to the external fabric of the building, or • the stripping of the internal non structural elements only of the building for maintenance or repair purposes. 	<p>The WorkCover Authority has advised that:</p> <ul style="list-style-type: none"> • Care should be taken in work involving the removal of lead paint to avoid lead contamination; • The WorkCover Authority's 'Guidelines for Practices involving Asbestos Cement' should be referred to for any work involving asbestos cement. <p>You should consult your Architect, Building Consultant, Structural Engineer or Council.</p>
DRIVEWAYS AND PATHWAYS, other than over public land	<ul style="list-style-type: none"> • To be of structurally sound and stable construction with adequate reinforcement where necessary. • May not be elevated or suspended above natural ground level. • Stormwater not to be redirected onto an adjoining property or impounded. • Clause 2.2 (f) and (g) do not apply • Sewer manholes and inspection shafts not to be covered or obstructed. • Does not involve earthworks as defined in this DCP 	<p>You are advised to consult with relevant utilities regarding underground infrastructure and easements as these works shall not be erected over, or impede reasonable access to such utility without the approval of the owner of the utility.</p>
EVENTS ON COUNCIL ADMINISTERED LAND, INCLUDING ROAD RESERVES (for organised events such as surf carnivals, community awareness programs, fund raising activities and the like)	<ul style="list-style-type: none"> • Must comply with the requirements of the 'Procedure for issuing temporary licences for events on Council administered land, including Road Reserves' 	<ul style="list-style-type: none"> • Approved events will be issued with a conditioned approval or temporary licence
FARM SHEDS	<ul style="list-style-type: none"> • Lot must have minimum area of 5 hectares • Maximum floor area of the shed to be 100m² • Building does not include provision for toilet or shower facilities • Building to be constructed of non reflective material • Building to be a maximum height of 4.5 metres • Building is setback a minimum of 10 metres from all boundaries including the road frontage <i>or 30m where it fronts a designated Road</i> • <i>Building is set back a minimum of 40 metres from an adjoining critical habitat</i> • Building does not require any new vehicle access to the lot • Building deemed to comply with the provisions of the Building Code of Australia 	
FENCES (other than fences covered by the Swimming Pools Act 1992)	<ul style="list-style-type: none"> • All fences are to be constructed so that they do not prevent the natural flow of stormwater drainage/run off. • If erected in a bushfire prone area, they are to comply with the requirements of AS3959 and Planning for Bushfire Protection 2001. 	<p>These requirements do not set aside the provisions of the Dividing Fences Act 1991.</p> <p>You are advised to talk to your neighbour at an early stage and consult the Dividing Fences Act.</p>

TYPE OF DEVELOPMENT	REQUIREMENTS	ADVISORY NOTE
	<ul style="list-style-type: none"> • Clause 2.2 (f) and (g) do not apply 	
<p>1. Boundary fences</p> <p>i) Side fences (between the building line and street or any other public place) and front fences</p> <p>ii) Side fences (between the building line and the rear boundary) and rear boundary fences</p> <p>2. Masonry or brick fences</p> <p>3. Security fences</p>	<ul style="list-style-type: none"> • Maximum height of 1.2 metres if constructed of timber, metal or lightweight materials. • Maximum height of 2.0 metres if constructed of timber, metal or lightweight materials. • Clause 2.2 (f) and (g) do not apply • Maximum height of 1.2 metres. • Stormwater not to be impounded onto adjoining property. • Clause 2.2 (f) and (g) do not apply • Chain wire type fences around council owned compounds and depots. • Clause 2.2 (f) and (g) do not apply 	<p>In the case of a corner allotment, two (2) building lines apply ie, primary and secondary. Check with Council if unsure.</p> <p>Masonry or Brick fences over 1.2 metres height require council approval.</p> <p>Exemption does not apply to non council premises</p> <p>All fences must comply with any 88B Restrictions under the Conveyancy Act 1919/1964 that the Tweed Shire Council has an interest in.</p> <p>You are advised to consult with relevant utilities regarding underground infrastructure and easements as these works shall not be erected over, or impede reasonable access to such utility without the approval of the owner of the utility.</p>
FILM SHOOTS PRODUCTION	All requirements are covered under SEPP 4. The relevant section is at Attachment A to this DCP.	
FLAGPOLES	<ul style="list-style-type: none"> • Maximum flag area of 1m² • Maximum height of 6 metres above finished ground level. • Must be structurally adequate. • Installed to the manufacturer's specifications. • Must not project beyond property boundaries. 	Care should be taken to minimise noise from the flapping of flag ropes or like equipment
FOOTPATH TRADING	<ul style="list-style-type: none"> • Must comply with the procedures and guidelines contained in the Tweed Footpath Trading Policy 	A licence for footpath trading is required - approval and licence issuing is available from Council
FOOTPATHS/CYCLEWAYS ON PUBLIC LAND UP TO 2.0M WIDE	<ul style="list-style-type: none"> • Must be carried out for or on behalf of Council. 	<ul style="list-style-type: none"> • All required erosion and sediment control works are to be in place before works commence. • Measures to be taken to prevent environmental nuisance resulting from dust.
FOWL HOUSE (for the keeping of chickens, hens and roosters), in areas zoned RURAL only	<ul style="list-style-type: none"> • Must comply with the standards contained in Schedule 5 of the Local Government (Orders) Regulation 1993. • Maximum area of 10m²- If lot is more than 5,000 	<p>Consideration should be given to the impact upon adjoining properties.</p> <p>When constructed the pens must be regularly cleaned and maintained.</p>

TYPE OF DEVELOPMENT	REQUIREMENTS	ADVISORY NOTE
	<p>square metres, this area can be increased to a maximum of 50m².</p> <ul style="list-style-type: none"> • Must be structurally adequate. • Located not closer than 200 metres to any adjoining property or 30 metres to a dwelling house on the same property. • Located not closer than 40 metres to a watercourse. • Maximum height of 3 metres. • Not more than one structure per property. • Materials used must blend with the environment and be non reflective. • Adequate drainage must be provided. • Exempt development does not apply in circumstances where a fowl house already exists on the premises. 	
GARDEN SHEDS	<ul style="list-style-type: none"> • Free standing, prefabricated or constructed of new building material. • Maximum floor area of 10m²- If lot is more than 5,000 square metres, this area can be increased to a maximum of 25m². • Maximum height of 2.1 metres. • Must be located in the rear yard of the premises. • Clause 2.2 (f) and (g) do not apply • Non-reflective materials. • Installed to the manufacturer's specifications. • <i>Exempt development does not apply in circumstances where a garden shed already exists on the premises</i> 	
GOAL POSTS, SIGHT SCREENS AND SIMILAR ANCILLARY SPORTING STRUCTURES on sporting or playing fields for use in the playing/performance of sporting events (excluding grandstands, dressing sheds and other like structures)	<ul style="list-style-type: none"> • Construction by or for council and installed in accordance with relevant Australian Standards and/or the Building Code of Australia. • Located in public parks or recreation areas. 	<p>Any of these items erected on private land require prior approval of council.</p> <p>Exemption specifically excludes buildings which accommodate people.</p>
GREEN HOUSES	<ul style="list-style-type: none"> • Maximum area of 10m²- if lot is more than 5,000 square metres this area can be increased to a maximum of 50m². • Maximum height of 2.4 metres. • Located in the rear yard or no closer to the street than the rear alignment of the dwelling house. • Not to be used for habitable purposes. • Stormwater to be connected to the existing stormwater system. • Clause 2.2 (f) and (g) do not apply • Structurally adequate construction in accordance with a certificate issued by a practicing Structural Engineer. 	

TYPE OF DEVELOPMENT	REQUIREMENTS	ADVISORY NOTE
	<ul style="list-style-type: none"> • Non reflective surface finishes. • No closer than 3 metres to a boundary. • Exempt development does not apply in circumstances where a greenhouse already exists on the premises. 	
HOARDINGS	<ul style="list-style-type: none"> • Any hoarding erected must meet with WorkCover Authority requirements. • All care must be taken to safe guard the general public. • The least horizontal distance between the common boundary of the site and a footpath or public thoroughfare and the nearest parts of the structure is to be greater than twice the height of the structure being erected or demolished. • The vertical height above footpath level of the structure being demolished or erected must be less than 4 metres. • A hoarding is to be constructed of solid materials to a height not less than 2.4 m above the level of the footpath or thoroughfare. • Not to encroach onto public footway or thoroughfare. • Appropriate signage is to be provided in accordance with AS 1319. • The hoarding is to be structurally adequate. 	In instances where the building is situated away from the boundary by twice the measurement of the height of the building other non solid hoardings may be provided subject to appropriate signage being provided and provision made to minimise dust from the site.
HOME OCCUPATION	<ul style="list-style-type: none"> • Compliance with the home occupation definition. 	
LETTER BOX (free standing or in 'banks')	<ul style="list-style-type: none"> • Maximum height of 1.2 metres above ground level. • In multi-dwelling development:, must: <ul style="list-style-type: none"> ◆ be located on common property ◆ be contained in one structure ◆ contain sufficient boxes to provide one for each occupation ◆ include separate provision for Body Corporate mail • Appropriate numbering for each one which is to be visible from the street alignment. • Structurally stable with adequate footings. • Designed in accordance with sound engineering principles. 	
MAINTENANCE OF COUNCIL CONTROLLED FLOOD GATES	<ul style="list-style-type: none"> • Must be carried out in accordance with a plan of management approved by Council. 	
MAINTENANCE OF WATER QUALITY CONTROL PONDS & DRAINAGE CHANNELS	<ul style="list-style-type: none"> • Maintenance must be carried out in accordance with a plan of management approved by Council. 	
MAINTENANCE OF WATER QUALITY MANAGEMENT DEVICES	<ul style="list-style-type: none"> • Maintenance must be carried out in accordance with a Plan of Management for the device that has been approved by Council. 	
MINOR INTERNAL ALTERATIONS		

TYPE OF DEVELOPMENT	REQUIREMENTS	ADVISORY NOTE
PERGOLA, open or solid roofed	<p>ground level.</p> <ul style="list-style-type: none"> • Must maintain required front boundary setbacks for the associated dwelling house with a minimum of 900mm from a boundary to any part of the proposal. • Stormwater not to be redirected onto adjoining property. • Clause 2.2 (f) and (g) do not apply • Sufficient step down is to be provided to prevent the entry of water into the dwelling house • Finished surface level to be not greater than 1 metre above existing ground level. • Compliance with the Building Code of Australia. • Exempt development does not apply in circumstances where a patio or pergola at ground level already exists on the premises. 	
PEDESTRIAN BARRIER FENCES (ON PUBLIC ROADS) FOR OR ON BEHALF OF COUNCIL	<ul style="list-style-type: none"> • Maximum height of 2 metres. Constructed of transparent material and compliant with Roads and Traffic Authority standards. 	<ul style="list-style-type: none"> • All required erosion and sediment control works are to be in place before works commence. • Measures to be taken to prevent environmental nuisance resulting from dust.
PLAYGROUND EQUIPMENT	<p><u>Residential use</u></p> <ul style="list-style-type: none"> • Maximum height of 2.1 metres. • Maximum ground coverage of 5m² <p><u>Non residential use</u></p> <ul style="list-style-type: none"> • Maximum height of 2.1 metres. • Maximum ground coverage of 10m². • Adequate safety to be provided. <p>On Community land (as defined under the Local Government Act 1993)</p> <ul style="list-style-type: none"> • Must be constructed for or by the council and be designed, fabricated and installed in accordance with AS 1924, 2155 and DR 94007-DR 94010. <p><u>All equipment</u></p> <ul style="list-style-type: none"> • Must be installed in accordance with the manufacturer's instructions and comply with relevant Australian Standards. 	Does not apply to the commercial use of equipment.
PORTABLE CLASSROOMS and other portable school buildings	<ul style="list-style-type: none"> • Must be structurally adequate. • Installation must accord with a suitably qualified engineer's design. • Must comply with the BCA. • Location must only be in school grounds and not contravene any other consent. • Clause 2.2 (f) and (g) do not apply • Stormwater to be connected to an adequate stormwater system. • Serviced by sewerage. 	<p>These buildings are of a temporary nature and installation under an exemption is only permitted for up to 5 years</p> <p>Adequate public utility services to be provided</p> <p>Council must receive written notification of the date on which the buildings are placed on the site.</p>

TYPE OF DEVELOPMENT	REQUIREMENTS	ADVISORY NOTE
PUBLIC ART	<ul style="list-style-type: none"> • Must be consistent with a Plan of Management for the particular site • Exceptions to the above extend to public art, statues, monument and the like within road reserves. Such structures would need to comply with Council's Public Art Policy 	Any such development proposed on Council land in the 7(f) zone requires concurrence from the Department of Infrastructure, Planning and Natural Resources, unless the proposed development is consistent with the relevant Plan of Management
RE-CLADDING OF ROOFS OR WALLS or repair/maintenance of damaged materials	<ul style="list-style-type: none"> • Must only involve materials which are compatible with the existing building and finish. • Re-cladding must not involve structural alterations or change to the external configuration of a building. • Must be fixed, attached, secured and restrained in accordance with relevant Australian Standards and manufacturers instructions. • Wall cladding must maintain sub-floor ventilation in accordance with the requirements of the Building Code of Australia. 	<p>Must comply with requirements of the WorkCover Authority.</p> <p>The WorkCover Authority has advised that:</p> <ul style="list-style-type: none"> • Care should be taken in work involving the removal of lead paint to avoid lead contamination; • The WorkCover Authority's 'Guidelines for Practices involving Asbestos Cement' should be referred to for any work involving asbestos cement.
RETAINING WALLS	<ul style="list-style-type: none"> • Maximum height of 1 metre. • Masonry walls to comply with: AS3700 - Masonry Code AS3600 - Concrete Structures AS1170 - Loading Code. • Timber walls to comply with: AS1720 - Timber Structures AS1170 - Loading Code. • All retaining walls are to be constructed so that they do not prevent the natural flow of stormwater drainage/run off. • Clause 2.2 (f) and (g) do not apply • Not for a purpose requiring development consent under Tweed LEP 2000 	<ul style="list-style-type: none"> • You are advised to consult with relevant utilities regarding underground infrastructure and easements as these works shall not be erected over, or impede reasonable access to such utility without the approval of the owner of the utility. • Does not permit timber retaining walls which support or provide lateral support to any building on the site or adjacent sites and does not permit timber retaining walls on or within 2 metres of the property boundary.
SAILS (front and rear yards and residential premises only)	<ul style="list-style-type: none"> • Maximum size of 25m² • Maximum height of 3 metres. • Not affixed to the fence • Not closer than 900mm to the side boundary to any point on the structure. • Design and anchorage to satisfy wind loading for the area. • Must comply with the Building Code of Australia • Clause 2.2 (f) and (g) do not apply • Must observe and maintain existing building line setback 	<ul style="list-style-type: none"> • Engineering advice may be appropriate
SATELLITE DISHES <u>1. Residential</u>	<ul style="list-style-type: none"> • For domestic use only <p><u>Ground Mounted</u></p> <ul style="list-style-type: none"> • Maximum height of 1.8 metres. • Maximum diameter 1 metre. • Limit of one per dwelling house on lots less than 5,000 square metres. 	Not to include any advertising material

TYPE OF DEVELOPMENT	REQUIREMENTS	ADVISORY NOTE
	<ul style="list-style-type: none"> • Located so as not to be visible from a public place. • A minimum of 900mm from a property boundary. • Clause 2.2 (f) and (g) do not apply <p><u>Roof Mounted</u></p> <ul style="list-style-type: none"> • Maximum diameter of 600mm. • Suitably coloured to blend in with the building. • Structurally stable. • One per dwelling house on lots less than 5,000 square metres.. • Located on the rear section of the roof and not visible from the street. 	
2. Commercial	<p><u>Ground Mounted</u></p> <ul style="list-style-type: none"> • Maximum height of 1.8 metres. • Situated a minimum of 900mm from the boundary if the adjoining property is residential. • One installation per property. • Located so as not to be visible from a public place. • Not greater than 2 metres in diameter. • To be located wholly on the property. • Maximum one per building. • Suitably coloured to blend in with the building. • Structurally stable. • Clause 2.2 (f) and (g) do not apply 	Not to include any advertising material.
SCAFFOLDING	<ul style="list-style-type: none"> • Not to encroach onto the footpath or public thoroughfare. • To have sufficient structural strength to withstand and be impenetrable to the impact of falling rubble. • Must enclose the work area. • Must comply with AS 1576. • Must be removed immediately after the purpose for which it was initially provided has concluded and no safety problem will result due to removal. 	No scaffolding is to be provided to any building identified as a Heritage Item or the subject of a conservation order without the prior consent of the Council. All scaffolding shall meet relevant WorkCover Authority requirements.
SKYLIGHT ROOF WINDOWS (non-opening)	<ul style="list-style-type: none"> • Maximum area of skylight not to exceed 1m² • Not more than one installation per 25m² of roof area. • Located not less than 900mm from a property boundary and not less than 900mm from a wall separating attached dwelling houses. • The building work must not reduce the structural integrity of the building or involve structural alterations. • Any opening created by the installation must be adequately weatherproofed. • Installation must be to the manufacturer's 	

TYPE OF DEVELOPMENT	REQUIREMENTS	ADVISORY NOTE
	instructions.	
SOLAR WATER HEATERS	<ul style="list-style-type: none"> • Installed to the manufacturer's specifications and requirements. • Installed by a licensed tradesperson. • Associated building work must not reduce the structural integrity of the building or involve structural alterations. • Any openings created by an installation must be adequately weatherproofed. • Installations must be flush with the roof alignment or not extend above the ridge of the roof. • Must not impact on the amenity of any adjoining residence by reason of reflective glare. 	
VEHICULAR ACCESS TRACKS TO PUBLIC INFRASTRUCTURE	<ul style="list-style-type: none"> • Must be within Council owned land and be carried out for a purpose which is incidental and ancillary to a use permitted on the land. 	<ul style="list-style-type: none"> • All required erosion and sediment control works are to be in place before works commence. • Measures to be taken to prevent environmental nuisance resulting from dust.
WATER HEATERS (excluding solar systems)	<ul style="list-style-type: none"> • Replacement or new installations. • The work must not reduce the structural integrity of the building or involve structural alterations. • Installation to be carried out by a licensed person. • Installation to be carried out in accordance with appropriate Public Authority requirements. • Compliance with all relevant plumbing and electrical codes. 	
WATER TANKS at or above ground level	<p>All requirements are covered under SEPP 4. The relevant section is at Attachment A to this DCP.</p> <ul style="list-style-type: none"> • Clause 2.2 (f) and (g) do not apply 	
WINDOWS, GLAZED AREAS AND EXTERNAL DOORS	<ul style="list-style-type: none"> • Replacement in residential premises with materials that comply with <ul style="list-style-type: none"> a) AS 1288 Glass in buildings - Selection and Installation; and b) AS 2208 Safety Glazing Materials for Use in Buildings (Human Impact Considerations). • No reduction in the area provided for light and ventilation is permitted and structural support members cannot be removed. 	<p>You are advised to consult a structural engineer, architect, building surveyor or Council to ensure alterations will comply with the BCA and structural support will not be affected. You should particularly consult one of those professionals or a recognised glazier to ensure the appropriate quality of glass and glazing is used for the window or doorway concerned, especially as to whether safety glass is required and installed.</p> <p>The WorkCover Authority has advised that:</p> <ul style="list-style-type: none"> • Care should be taken in work involving the removal of lead paint to avoid lead contamination; • The WorkCover Authority's 'Guidelines for Practices involving Asbestos Cement' should be referred to for any work involving asbestos cement.

TYPE OF DEVELOPMENT	REQUIREMENTS	ADVISORY NOTE
Use of a Class 9b building for a public meeting	<ul style="list-style-type: none"> Premises must comply with the relevant provisions of the Building Code of Australia. 	

ADVERTISING SIGNS

TYPE OF ADVERTISEMENT	REQUIREMENT
All advertisements referred to in this section of the Plan.	<ul style="list-style-type: none"> the erection of the advertising structure must comply with all the requirements of the BCA, including Section B1 ('Structural Provisions'). must not cover mechanical ventilation inlet or outlet vents. advertising structures over a public road to be at least 600mm from the kerb/roadway edge. must be located clear of electricity lines in accordance with the requirements of the local electrical authority. Clause 2.2 (f) and (g) do not apply must not be an animated or flashing sign or a motor vehicle used principally for the display of an advertisement. must relate to a lawful use.
Advertisement which is not visible from outside the site on which it is displayed.	<ul style="list-style-type: none"> Must not be displayed on a heritage item.
Advertisement on a motor vehicle used principally for conveying goods or passengers.	
Business identification signs any Zone other than 3(a), 3(b), 3(c), 3(d), 3(e) or 4(a)	<ul style="list-style-type: none"> not be displayed on a heritage item. the area of the sign must not exceed 0.75m² unless it is for a home occupation in which case the maximum size is 0.3m². no more than one per premises.
Business identification signs in zone 4(a)	<ul style="list-style-type: none"> One sign per premises. Securely fixed by metal supports. Signs not exceeding 10m² in area. If over a public road, signs erected at a height not less than 2.6 metres above ground level.
Business identification signs-in Zone 3(a), 3(b), 3(c), 3(d) or 3(e)	<p>Must be:</p> <p>a) <u>Suspended under awning signs</u></p> <ul style="list-style-type: none"> no more than one per premises with ground level street frontage. securely fixed by metal supports. not exceeding 1.5m² in area. if over a public road, suspended at a height not less than 2.6 metres above ground/pavement level. <p>b) <u>Vertical or horizontal projecting wall signs</u></p> <ul style="list-style-type: none"> no more than one per premises or one per street frontage, whichever is the greater. not exceeding 2.5m² in area. securely fixed by metal supports. if over a public road, erected at a height no less than 2.6 metres above ground/pavement level.

TYPE OF ADVERTISEMENT	REQUIREMENT
	<ul style="list-style-type: none"> • not on a heritage item. c) <u>Flush wall signs</u> <ul style="list-style-type: none"> • not exceeding 2.5m² in area. • securely fixed. • if over a public road, erected at a height no less than 2.6 metres above ground/pavement level. • not on a heritage item. d) <u>Top hamper signs</u> <ul style="list-style-type: none"> • securely fixed. • not exceeding 2.5m² in area. • not on a heritage item. e) <u>Fascia signs</u> <ul style="list-style-type: none"> • not projecting above or below the fascia or return of the awning to which it is attached. • not extending more than 300mm from the face of the fascia or return end of the awning.
Advertisement displaying a message changed from that displayed by a previously lawful advertisement.	<ul style="list-style-type: none"> • The advertisement must be of the same type.
Public notice - being a notice for public information displayed by a public authority giving information or directions about services provided.	
Real estate signs	<ul style="list-style-type: none"> a) One sign per premises, and b) The maximum advertisement area if advertising: <ul style="list-style-type: none"> • one dwelling house is 2.17m² • a multi-dwelling development of less than 10 dwelling houses is 8.64m² • a multi-dwelling development of 10 or more dwelling houses is 20.00m² • a commercial building is 4.34m² • a commercial or industrial property is 25m² • a rural property is 4.32m² • a subdivision of less than 2 hectares is 8.64m² • a subdivision of between 2 and 10 hectares is 17.28m² • a subdivision of more than 10 hectares is 35m²
Sign behind the glass line of a shop window.	
Street signs comprising name plates, directional signs and advance traffic warning signs	<ul style="list-style-type: none"> • must be constructed by or for the council. • must be structurally sound and designed, fabricated and installed in accordance with relevant Australian Standards.
Temporary signs	<ul style="list-style-type: none"> • must not be in zone 7(a), 7(d), or 7(l). • must not be displayed earlier than 28 days before the event to which it relates is to take place. • must be removed within 14 days after that event.
Directional tourist signs within Road Reserves	<ul style="list-style-type: none"> • Signs to be erected by or on behalf of Council.
A-frame signs	<ul style="list-style-type: none"> • Must be in accordance with a Council adopted Policy for the coordinated approach to signage.

TELECOMMUNICATIONS INFRASTRUCTURE

TYPE OF INFRASTRUCTURE	REQUIREMENT
<p>Radio antenna or dish.</p> <p>All land which is within an area or zone (within the meaning of an environmental planning instrument) identified in that instrument by the description:</p> <p>(a) industrial;</p> <p>(b) rural or non urban;</p> <p>(c) commercial of business;</p> <p>(d) special use; or</p> <p>(e) road</p>	<p>Not more than 1.8 metres in diameter and:</p> <ul style="list-style-type: none"> • located on the roof of the building; • the highest point of the dish is elevated to no more than 3m above the roof (at any point) of the building upon which its base is attached; • the dish is to be set back a minimum of 2m from the outermost wall of the building; <p>Complies with any relevant Australian Standard.</p> <p>Notification to be carried out in accordance with the requirements of Chapter 4, Part 5 of Telecommunications Code of Practice (Cth) 1997 prior to the commencement of any works.</p>
<p>Panel Antenna attached to a structure.</p> <p>All land other than land which is within an area of zone (within the meaning of an environmental planning instrument) identified by the description:</p> <p>(a) coastal lands;</p> <p>(b) conservation;</p> <p>(c) escarpment;</p> <p>(d) environmental protection;</p> <p>(e) scenic; or</p> <p>(f) scenic protection;</p> <p>(g) recreational/open space.</p>	<p>Not more than 2.8 metres long.</p> <p>Not to protrude horizontally from the structure by more than 3 metres.</p> <p>Clause 2.2 (f) and (g) do not apply</p> <p>Top of antenna or structure not to protrude vertically by more than 3 metres (at any point) above the building or structure to which it is attached and if attached to a building may only be located on the roof of a building and must be set back a minimum of 2m from the outermost wall of the building</p> <p>Colour matched to its background or in a colour agreed in writing between the carrier and the consent authority.</p> <p>Complies with any relevant Australian Standard.</p> <p>Notification to be carried out in accordance with the requirements of Chapter 4, Part 5 of Telecommunications Code of Practice (Cth) 1997 prior to the commencement of any works.</p>
<p>Omnidirectional directional antennas.</p> <p>All land which is within an area of zone (within the meaning of an environmental planning instrument) identified by the description:</p> <p>(a) industrial;</p> <p>(b) rural or non urban;</p> <p>(c) commercial or business;</p> <p>(d) special use; or</p> <p>(e) road;</p>	<p>Not more than 4.5 metres long.</p> <p>Top of antenna or mounting structure not to protrude vertically by more than 6.5 metres (at any point) above the building or structure to which it is attached, and;</p> <p>Clause 2.2 (f) and (g) do not apply</p> <p>If attached to a building, may only be located on the roof of a building and must be setback a minimum of 2m from the outermost wall of the building.</p> <p>If an antenna is attached to a structure, does not protrude horizontally from the structure by more than 3 metres.</p> <p>Complies with any relevant Australian Standard.</p> <p>Notification to be carried out in accordance with the requirements of Chapter 4, Part 5 of Telecommunications Code of Practice (Cth) 1997 prior to the commencement of any works.</p>
<p>Directional Antennas and Installations.</p> <p>All land</p>	<p>To service roads, tunnels, railway terminals and railway stations.</p> <p>Clause 2.2 (f) and (g) do not apply</p> <p>Notification to be carried out in accordance with the requirements of Chapter 4, Part 5 of Telecommunications Code of Practice (Cth)</p>

TYPE OF INFRASTRUCTURE	REQUIREMENT
<p>Microcells</p> <p>All land other than land which is within an area of zone (within the meaning of an environmental planning instrument) identified by the description:</p> <p>(a) coastal lands;</p> <p>(b) conservation;</p> <p>(c) escarpment;</p> <p>(d) environmental protection;</p> <p>(e) scenic; or</p> <p>(f) scenic protection;</p> <p>(g) recreational/open space.</p>	<p>1997 prior to the commencement of any works.</p> <p>Cabinet not more than 1 cubic metre in volume.</p> <p>Separate antenna not more than 1.2 metres long.</p> <p>Complies with any relevant Australian Standard.</p> <p>Clause 2.2 (f) and (g) do not apply</p> <p>Notification to be carried out in accordance with the requirements of Chapter 4, Part 5 of Telecommunications Code of Practice (Cth) 1997 prior to the commencement of any works.</p>
<p>Extension to a Tower.</p> <p>All land which is within an area or zone (within the meaning of an environmental planning instrument) identified by the description:</p> <p>(a) industrial;</p> <p>(b) rural or non urban;</p> <p>(c) commercial or business;</p> <p>(d) special use; or</p> <p>(e) road;</p>	<p>Height of the extension not more than 7 metres.</p> <ul style="list-style-type: none"> • there have been no previous extensions to this tower; <p>Complies with any relevant Australian Standard.</p> <p>Notification to be carried out in accordance with the requirements of Chapter 4, Part 5 of Telecommunications Code of Practice (Cth) 1997 prior to the commencement of any works.</p>
UNDERGROUND TELECOMMUNICATIONS FACILITIES	
<p>Underground conduit or cable deployed by narrow trench or direct burial.</p> <p>All land within an area or zone (within the meaning of an environmental planning instrument) which is identified in that instrument by the description:</p> <p>(a) commercial or businesses;</p> <p>(b) residential;</p> <p>(c) special use; or</p> <p>(d) road;</p> <p>(e) rural;</p> <p>(f) industrial.</p>	<p>Trench not more than 450mm wide.</p> <p>Not more than 100m of excavation may be left open at any time.</p> <p>The land in which the cable or duct is laid must be reinstated in accordance with a reinstatement plan agreed, prior to construction, with the owner or if on public land, the public land manager. The reinstatement plan must include (as appropriate):</p> <ul style="list-style-type: none"> • management of acid sulphate soils in accordance with ASSMAC guidelines • management and protection measures; • relaying of existing road or pavement; • replanting of grass, trees or foliage; • replacement or removal of material removed; • reinstatement of existing contours. <p>Notification to be carried out in accordance with the requirements of Chapter 4, Part 5 of Telecommunications Code of Practice (Cth) 1997 prior to the commencement of any works.</p>
ABOVEGROUND HOUSING	
<p>External equipment shelter</p> <p>All land other than land which is within an area or zone identified by the description:</p> <p>(a) coastal lands;</p> <p>(b) conservation;</p>	<p>Not more than 3 metres high.</p> <p>With a base area of not more than 7.5 square metres.</p> <p>Colour matched to its background or in a colour agreed in writing between the carrier and the consent authority.</p>

TYPE OF INFRASTRUCTURE	REQUIREMENT
(c) escarpment; (d) environment protection; (e) open space; (f) scenic; (g) scenic protection; or (h) water catchment	Clause 2.2 (f) and (g) do not apply Notification to be carried out in accordance with the requirements of Chapter 4, Part 5 of Telecommunications Code of Practice (Cth) 1997 prior to the commencement of any works.

SCHEDULE 2 - COMPLYING DEVELOPMENT REQUIREMENTS

Single dwelling houses and ancillary development on lots of less than 1000 square metres

Includes:

- construction of one storey single dwelling houses
- alterations or additions to one storey single dwelling houses and single storey alterations or additions to a two storey house.
- Carports, garages, sheds or the like (which are not used for habitable commercial or industrial purposes and do not exceed 40m² in floor area) and are associated with one or two storey single dwelling houses
- development ancillary or incidental to one storey single dwelling houses

Requirements:

General

- if there are vacant allotments adjacent to the proposed development the written concurrence to the proposal from the owners of the vacant allotments is to be submitted with the Complying Development Application.
- the development must comply with any Development Control Plan applying to the lot for which the Complying Development Certificate is being issued.

Streetscape

- The structure must:
 - comply with any relevant building line specified or in a Council Policy or development control plan applying to the land, or
 - comply with any building line variation approved by Council; or
 - be setback an average of the setback of like structures on land either side of the subject property whichever is the greater.
- Dwelling houses facing public streets and accessways have a front door and window to a habitable room facing the street or accessway.
- Carports and garages facing a public street or accessway are no more than 6.3 metres wide or 50 percent of the property frontage, whichever is the lesser.

Energy efficiency

- The dwelling is to comply with Council's current requirements/Development Control Plan for Energy Efficiency

Bulk and scale

- Cut and/or fill does not exceed one metre. The top of any cut and the toe of any fill is not to be closer than one metre to any property boundary, where the overall height at any point exceeds 500mm.
- The ground floor level of the structure at any point is no more than 900mm above finished ground level.

- The structure is no more than one (1) storey in height.
- The distance between the ground floor level and the underside of the eaves is no more than 2.7 metres.
- The roof pitch is no more than 24 degrees and any openings therein are flush with the roof pitch.
- A shadow diagram is required to demonstrate that the main area of private open space or any habitable rooms of any adjacent existing or approved dwelling house would not be in shadow between 10am and 3pm on 21 June, as a result of the development.
- The external wall or any post support of any structure is at least 900mm from a side or rear boundary, and the furthestmost projection of the eaves and gutter is at least 675mm from a side or rear boundary.

Privacy and security

- Windows in a habitable room that allow an outlook to a window to a habitable room in an existing adjoining or adjacent dwelling house and which are within 3 metres must:
 - be offset from the edge of the window to the edge of the window in the adjoining or adjacent dwelling house by a distance of 0.5 metres, or
 - have sill heights of 1.7 metres above floor level, or
 - have fixed obscure glazing in any part of the window below 1.7m above floor level.

Open space and landscaping

- A minimum of 20 percent of the site must be soft landscaped, that is, not hard surfaces.
- No more than one-third of the front setback area is paved or sealed.

Flooding

- The existing finished ground level shall comply with the design flood level in Tweed Development Control Plan No. 5 - Development of Flood Liable Land.

Building

- Complies with the deemed to satisfy provisions of the Building Code of Australia

Sewage Management

- Reticulated sewerage is provided, or if an on site sewage management facility is proposed then an approval of the facility has been issued by Council in accordance with the Local Government (Approvals) Amendment (Sewage Management) Regulation, 1998 prior to the issue of a Complying Development Certificate.
- For alterations and additions a statement is required from Council that any on site sewage management facility is adequate to cater for the proposal and will not adversely affect the facility.

Other

- All parts of the building/structure are to be sited clear of any easements affecting the site.
- The development is consistent with any 88B Restriction under the Conveyancing Act 1919/1964 that the Tweed Shire Council has an interest in and applies to the land the subject of the development.
- A reticulated water supply is available or if this is not the case, then a potable water supply of at least 20,000 litres is available from a roof water catchment.

- Approval from Council is required under Section 68 of the Local Government Act 1993, prior to the issue of a complying development certificate, if the development involves any of the following:
 - connection of a private drain to a public drain
 - installation of stormwater quality control devices
 - erosion and sediment control plan works.
- Approval from Council is required under s138 of the Roads Act 1993, prior to the issue of a complying development certificate, if the development requires construction or modification of a driveway access to the property on a public road, verge or footpath.

Single dwelling houses and ancillary development on lots between 1000 and 5000 square metres

Includes:

- Construction of one or two storey single dwelling houses
- Alterations and additions to single dwelling houses.
- Carports, garages, sheds and the like (which are not used for habitable, commercial or industrial purposes and do not exceed 40m² in floor area) and are associated with single dwelling houses
- Development ancillary or incidental to single dwelling houses

Requirements

General

- the development must comply with any Development Control Plan applying to the lot for which the Complying Development Certificate is being issued.

Streetscape

- The structure must:
 - comply with any building line specified in a Council Policy or a development control plan applying to the land, or
 - comply with any building line variation approved by Council; or
 - be setback an average of the setback of like structures on land either side of the subject property

whichever is the greater.

- Dwelling houses facing public streets and accessways have a front door and window to a habitable room facing the street or accessway.
- Carports and garages facing a public street or accessway are no more than 9 metres or 50 percent of the property frontage, whichever is the lesser.

Energy efficiency

- The dwelling is to comply with Council's current requirements/Development Control Plan for Energy Efficiency.

Bulk and scale

- Cut and/or fill does not exceed one metre. The top of any cut and the toe of any fill is not to be closer than one metre to any property boundary, where the overall height at any point exceeds 500mm.
- The ground floor level of the structure at any point is no more than 900mm above finished ground level.
- The structure is no more than two storeys in height.
- The distance between the ground floor level and the underside of the eaves is no more than 2.7 metres for a one storey single dwelling house and 5.5 metres for a two-storey single dwelling house.
- The roof pitch is no more than 24 degrees and any openings are flush with the roof pitch.
- A shadow diagram is required to demonstrate that the main area of private open space or any habitable rooms of any adjacent existing or approved dwelling house would not be in shadow between 10am and 3pm on 21 June, as a result of the development. This is not required where the building is to be sited greater than 10 metres from the side or rear boundaries.
- The external wall of any structure is at least 900mm metres from a side or rear boundary.

Privacy and security

- Windows in a habitable room that allow an outlook to a window to a habitable room in the neighbour's house or an approved house and which are within 9 metres must:
 - be offset from the edge of the window to the edge of the window in the adjoining or adjacent house by a distance of 0.5 metres, or
 - have sill heights of 1.7 metres above floor level, or
 - have fixed obscure glazing in any part of the window below 1.7m above floor level.
- External balconies, verandahs, decks and the like at the second storey level are to be provided with a suitable privacy screen where deemed necessary to the satisfaction of the Principal Certifying Authority.

Open space and landscaping

- A minimum of 20 percent of the site must be soft landscaped, that is, not hard surfaces.
- No more than one-third of the front setback area is paved or sealed.

Flooding

- The existing finished ground level shall comply with the design flood level in Tweed Development Control Plan No. 5 - Development of Flood Liable Land.

Building

- Complies with the deemed to satisfy provisions of the Building Code of Australia

Sewage Management

- Reticulated water and sewerage is provided, or if an on site sewage management facility is proposed then an approval of the facility has been issued by Council in accordance with the Local Government (Approvals) Amendment (Sewage Management) Regulation, 1998 prior to the issue of a Complying Development Certificate.
- For alterations and additions a statement is required from Council that any on site sewage

management facility is adequate to cater for the proposal and will not adversely affect the facility.

Other

- All parts of the building/structure are to be sited clear of any easement affecting the site.
- The development is consistent with any 88B Restriction under the Conveyancing Act 1919/1964 that the Tweed Shire Council has an interest in and applies to the land the subject of the development.
- A reticulated water supply is available or if this is not the case, then a potable water supply of at least 20,000 litres is available from a roof water catchment.
- Roof material is to have low reflectivity and be of a colour that complements the natural landscape.
- Approval from Council is required under Section 68 of the Local Government Act 1993, prior to the issue of a complying development certificate, if the development involves any of the following:
 - connection of a private drain to a public drain
 - installation of stormwater quality control devices
 - erosion and sediment control plan works.
- Approval from Council is required under s138 of the Roads Act 1993, prior to any work commencing on the site, if the development requires construction or modification of a driveway access to the property on a public road, verge or footpath.

Single dwelling houses and ancillary development on lots of more than 5000 square metres

Includes

- construction of one or two storey single dwelling houses
- alterations and additions to single dwelling houses and single storey alterations or additions to a two storey house.
- Carports, garages, sheds and the like associated with single dwelling houses which are not used for habitable, commercial or industrial purposes and does not exceed 60m² in floor area
- development ancillary or incidental to single dwelling houses
- water tanks in excess of 20,000 litres.

Requirements

General

- the development must comply with any Development Control Plan applying to the lot for which the Complying Development Certificate is being issued.

Streetscape

- The structure must:
 - comply with any relevant building line specified in a Council Policy or development control plan applying to the land, or
 - comply with any building line variation approved by Council; or

- in the absence of such a specified building line, be setback at least 20 metres from the front boundary or an average of the setback of like structures on land either side of the subject property, whichever is the greater.

Energy efficiency

- The dwelling is to comply with Council's current requirements/Development Control Plan for Energy Efficiency.

Bulk and scale

- All structures are within a building envelope of no more than 500 square metres. The building envelope can be made up of a number of smaller envelopes that total no more than 500 square metres in area.
- The ground floor level of the structure at any point is no more than 900mm above finished ground level.
- The structure is no more than two storeys in height.
- The maximum distance between the ground floor level and the underside of the eaves is no more than 2.7 metres for a one-storey single dwelling house and 5.5 metres for a two-storey single dwelling house.
- The external wall of any structure is at least 20 metres from a rear or side boundary.

Open Space and Landscaping

- A minimum of 50 percent of the site must be soft landscaped that is, not hard surfaces.

Building

- Complies with the deemed to satisfy provisions of the Building Code of Australia

Sewage Management

- Reticulated sewerage is provided, or if an on site sewage management facility is proposed then an approval of the facility has been issued by Council in accordance with the Local Government (Approvals) Amendment (Sewage Management) Regulation, 1998 prior to the issue of a Complying Development Certificate.
- For alterations and additions a statement is required from Council that any on site sewage management facility is adequate to cater for the proposal and will not adversely affect the facility.

Other

- All parts of the building/structure are to be sited clear of any easement affecting the site.
- The development is consistent with any 88B Restriction under the Conveyancing Act 1919/1964 that the Tweed Shire Council has an interest in and applies to the land the subject of the development.
- A reticulated water supply is available, or if this is not the case, then a potable water supply of at least 20,000 litres is available from a roof water catchment.
- Roof material is to have low reflectivity and be of a colour that complements the natural landscape.
- Approval from Council is required under Section 68 of the Local Government Act 1993, prior to the issue of a complying development certificate, if the development involves any of the following:

- connection of a private drain to a public drain
- installation of stormwater quality control devices
- erosion and sediment control plan works.
- Approval from Council is required under s138 of the Roads Act 1993, prior to the issue of a complying development certificate, if the development requires construction or modification of a driveway access to the property on a public road, verge or footpath.

Swimming pool ancillary to a single dwelling house

Requirements

Use

- Must be for private, non-commercial use only.

Bulk and scale

- All coping or decking around the pool is no more than 500mm above the natural ground level.
- The pool is at least 1.5 metres from the front, side and rear boundaries.

Privacy and security

- The noise level of any filtration equipment or pumps will not exceed 5dB(A) above the ambient background level measured at the property boundary.

Open space and landscaping

- A minimum of 20 percent of the site must be soft landscaped, that is, not hard surfaces.

The Swimming Pool Act 1992

- All aspects of the structure comply with the Swimming Pool Act and Regulations and AS 1926 and Councils Swimming Pool Code.

Building

- Complies with the deemed to satisfy provisions of the Building Code of Australia

Sewage Management

- Pool must not impact or be impacted by any sewage management facility on site.
- Pool must be sited at least one (1) metre horizontally clear of any sewer mains and/or stormwater mains and any possible loads must be transferred onto the foundation material and not effect or be effected by the mains.

Other

- All parts of the building/structure are to be sited clear of any easements affecting the site.
- The pool pump, filter and all other associated equipment is clear of any easements affecting the lot.
- Approval from Council is required under Section 68 of the Local Government Act 1993, prior to the issue of a complying development certificate, if the development involves any of the following:
 - connection of a private drain to a public drain
 - installation of stormwater quality control devices

- erosion and sediment control plan works.
- Approval from Council is required under s138 of the Roads Act 1993, prior to the issue of a complying development certificate, if the development requires construction or modification of a driveway access to the property on a public road, verge or footpath.

Internal Fitouts: Shops, Refreshment Rooms, Commercial Premises, Industrial Premises

Requirements

- Must be an existing lawful use.
- Internal fitout complies with the deemed to comply provisions of the Building Code of Australia.
- The use is not hazardous or offensive as defined in State Environmental Planning Policy No.33 - Hazardous and Offensive Development.
- Works within a refreshment room must not result in an increase in the dining floor area.
- Works within a refreshment room must comply with the Food Act 2003, **Food Regulation 2001, ANZ Food Standards Code and AS4674-2004.**
- Must comply with Council's Trade Waste Policy.
- Complies with any conditions of development consent applying to the premises.

Approval from Council is required under Section 68 of the Local Government Act 1993, prior to the issue of a complying development certificate, if the development involves 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 plan works

Approval from Council is required under s138 of the Roads Act 1993, prior to the issue of a complying development certificate, if the development requires construction or modification of a driveway access to the property on a public road, verge or footpath.

Bed and breakfast

Requirements

- Is in an approved single dwelling house
- Has no more than 3 guest rooms; and/or
- Is not capable of accommodating more than 6 guests
- Has only one external sign, up to 0.6 square metres in area.
- Complies with the Food Act 2003, Food Regulation 2001, ANZ Food Standards Code and AS4674-2004.
- Must comply with the requirements for a Class 1b Classification set down under the "Classification" provisions of the Building Code of Australia.
- Has a fire extinguisher and fire blanket in the kitchen.
- A reticulated water supply is available or if this is not the case, then a potable water supply of at least 20,000 litres is available from a roof water catchment, and a roof water management plan is submitted to and approved of, by Council, prior to the issue of a Complying Development

Certificate.

- If not connected to a Council reticulated sewerage system, the on site effluent management facility must be adequate to cater for the development.
- Approval from Council is required under Section 68 of the Local Government Act 1993, prior to the issue of a complying development certificate, if the development involves 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 plan works.
- Approval from Council is required under s138 of the Roads Act 1993, prior to the issue of a complying development certificate, if the development requires construction or modification of a driveway access to the property on a public road, verge or footpath.

Temporary Buildings

- Complies with the deemed to satisfy provisions of the Building Code of Australia
- Is adequately secured to withstand prevailing wind conditions.
- Does not require the provision of effluent disposal facilities or an on site waste management facility..
- Is not used for residential accommodation purposes.
- Is located on private land.
- All parts of the building/structure are to be sited clear of any easement affecting the site.
- Approval from Council is required under section 68 of the Local Government Act 1993, prior to the issue of a complying development certificate, if the development involves 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 devices.
- Approval from Council is required under s138 of the Roads Act 1993, prior to the issue of a complying development certificate, if the development requires construction or modification of a driveway access to the property on a public road, verge or footpath.

SCHEDULE 3 - COMPLYING DEVELOPMENT CONDITIONS

Single Dwelling houses

1. The development shall be completed in accordance with the approved plans.
2. 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 to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
3. 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.
4. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve.
5. 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 86 of the Environmental Planning and Assessment Act 1979.
6. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
 - (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
 - (ii) Certification of the works performed by the person carrying out the works is to be submitted to Council prior to occupation of the building; and
 - (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (A) the method of protection; and
 - (B) the date of installation of the system; and
 - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (D) the need to maintain and inspect the system on a regular basis.

Note: Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.

7. 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).
8. 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).
9. 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 any plumbing and drainage works.
10. In the event that Council is not utilised as the inspection/certifying authority, prior to

occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.

11. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) 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, or
 - (c) if that is not practicable, any other sewage management facility approved by the council.
12. 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.

13. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
14. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the deemed to satisfy requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
15. Residential building work:
 - (1) 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:
 - (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) in the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of the Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
 - (2) 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.

16. The erection of a building in accordance with a Complying Development Certificate must not be commenced until:
 - a. the person having the benefit of the complying development certificate 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
 - (a1) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the council of his or her appointment, and
 - (ii) notified the person having the benefit of the complying development certificate of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - (a2) the person having the benefit of the complying development certificate, 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 building 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 state inspections and other inspections that are to be carried out in respect of the building work.
17. 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.
18. Adequate vehicular access is to be provided in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet. Separate approval is required from Council under s138 of the Roads Act 1993 for construction or modification of access driveways (or any other structure) on a public road reserve. S138 applications are to be submitted to Council on the standard form accompanied by the prescribed fee. Until a S138 approval from Council has been obtained, no access may be constructed and no works are permitted on the public road, footpath or verge adjacent to the proposed dwelling.

19. *STORMWATER*

19.1 General Principles

Water sensitive design practices shall be adopted which should include, where practical:-

- minimisation of surface runoff by use of porous pavements in driveways and paths;
- minimisation of stormwater pollution by dispersion of internal runoff onto grassed areas;
- minimisation of concentration, collection and piping of runoff to the street gutter or underground stormwater system;
- design of internal driveways with humps or side slopes to direct surface runoff to grassed or landscaped areas;
- diversion of runoff from street gutter outlets and direct to site infiltration trenches;

- collection of portion of roof runoff in tanks and reuse;
- use of surface depressions in landscaping for on site detention and infiltration of runoff.

19.2 Roof Waters

Roof water that is not disposed of through infiltration shall be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2-1998. Note, where an interallotment drainage system is available, roof water is to be directed to that disposal point instead of street gutters.

19.3 Partial Disposal of Allotment Runoff by Infiltration, for Stormwater Treatment.

If the development consent for the subdivision that created this allotment contained a condition that required ARI 3 month storm runoff or similar from roofs and/or hardstand areas to be disposed of by infiltration then:

- a) Runoff from all roofs, hardstand and impervious surfaces is to be discharged to infiltration trenches located on the subject allotment.
- b) The owner shall be responsible for perpetual maintenance of the stormwater disposal and infiltration system to ensure its continual operation at design capacity and to ensure no adverse affects on other land or property.
- c) As a minimum requirement, trenches are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) and infiltrate this storm within a 24 hour period, with a safety factor of 2, before surcharging occurs. Surcharge overflow from the infiltration area must occur by visible surface flow.
- d) Runoff is to be pre treated to remove contaminants prior to entry into the absorption areas (to maximise life of absorption areas between major cleaning/maintenance overhauls).

19.4 Disposal of All Allotment Runoff by Infiltration

If the slope of the allotment is such that runoff from roofs and hardstand areas cannot be discharged to a natural watercourse, an adjacent street gutter, an interallotment drainage system or a public drainage then:

- a) Runoff from all roofs, hardstand and impervious surfaces is to be discharged to infiltration trenches located on the subject allotment.
- b) No runoff from the above areas shall be discharged onto adjacent land owned by others. The owner shall be responsible for perpetual maintenance of the stormwater disposal and infiltration system to ensure its continual operation at design capacity and to ensure no adverse affects on other land or property.
- c) As a minimum requirement, trenches are to be sized to accommodate the ARI 20 year 24 hour storm and infiltrate this storm within a 72 hour period, with a safety factor of 2, before surcharging occurs. Surcharge overflow from the infiltration area must occur by visible surface flow.
- d) Runoff is to be pre treated to remove contaminants prior to entry into the absorption areas (to maximise life of absorption areas between major cleaning/maintenance overhauls).

19.5 Sizing Infiltration Trenches

The infiltration rate for infiltration devices shall be determined as follows:

- a) Conduct permeability tests on the site in accordance with Appendix 4.1F of AS/NZS

1547:2000, On-site domestic-wastewater management.

- b) If the tests yield a result <6m/day, this rate must be used for design.
- c) If the result is >6m/day, the rate for design may not exceed 6m/day unless this rate is confirmed by independently determining the coefficient of permeability of the soil in accordance with AS 1289.6.7.3. Notwithstanding these tests, the maximum infiltration rate that may be used for design and sizing purposes is 12m/day.
20. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays.
21. Erosion and Sediment Control
- Works that involve disturbance of the ground surface, or placing fill or stockpiles on the ground surface must be carried out in accordance with an Erosion and Sediment Control Plan approved by Council under s68 of the Local Government Act 1993, and these works must not commence until this approval has been issued. Erosion and Sediment Control Plans are to be prepared in accordance with the provisions of the Tweed Urban Stormwater Management Plan – Appendix E, Tweed Shire Council Aus-Spec D7 – Stormwater Quality. All erosion and sedimentation control shall be maintained throughout the period of construction and until all disturbed ground surfaces have been fully revegetated or otherwise restored.
22. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed.
23. 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, prior to the erection of brickwork or any wall sheeting;
 - c external drainage prior to backfilling.
 - d. completion of work.
24. A permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
25. An application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.
26. Drainage lines must not penetrate footings unless certification is first obtained from a practising Structural Engineer.
27. 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.
28. Yard 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.
29. Where a sewerage management facility is proposed it is a condition of this consent to operate a system of sewage management that this clause is complied with.
- (i) The sewage management facilities used in the operation of the system must be maintained in a sanitary condition and must be operated in accordance with the relevant requirements of this Regulation.
 - (ii) A sewage management facility used in the operation of the system must not discharge into any watercourse or onto any land other than its related effluent

application area.

- (iii) The conditions (if any) of any certificate of accreditation issued by the Director-General of the Department of Health under this Division in respect of the plans or designs for any components of the sewage management facilities must be complied with.
 - (iv) The person operating the system of sewage management must provide details of the way in which it is operated, and evidence of compliance with the relevant requirements of this Regulation and of the conditions of the approval, whenever the Council reasonably requires the person to do so.
30. It is a condition of an approval to install, construct or alter a sewage management facility that the facility is not used (or used as altered) until the Council has given the applicant for approval notice in writing that it is satisfied that the facility has been installed, constructed or altered in substantial accordance with the approval.
 31. Any sewer main within a site is to be accurately located and the Principal Certifying Authority advised of its location and depth prior to start of any building works.
 32. No structure is to be sited such that it is within or overhangs an easement for sewerage, stormwater or water supply.
 33. No structure is to be located, excavation or filling of land undertaken, within 3 metres or within a horizontal distance equal to the pipe depth, whichever is the greater, from a public sewer, stormwater or water supply pipeline.
 34. No public sewer or stormwater manhole is to be covered with soil or other material or concealed below ground level. Surface waters are to be diverted away from sewer manholes.

Should additional fill be proposed in the area of a manhole Council's Engineering Services Division must be consulted and suitable arrangements made for the raising of the manhole to the satisfaction of Council's Manager Water, at the applicant's cost.
 35. Any excavation within 3m of a public utility will require the approval of Council's Manager Water. If approved, any lowering of manholes will be at the owner/applicants expense.
 36. Filling of land within 3 metres of any easement, utility or service, will require the approval of Council's Manager Water and the raising of any manhole will be at the owner/applicants expense.
 37. The footings are to be designed by a practising Structural Engineer after consideration of a soil report from an accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the commencement of building work.
 38. All surface and seepage waters liable to be a nuisance are to be collected and diverted clear of the building site by an approved drainage system separate to the roof water system.
 39. Any proposed retaining works are to be approved by the Principal Certifying Authority prior to installation. Please note: timber retaining walls will not be accepted.
 40. Any dwelling house erected on flood liable land shall have any habitable floor at a level not less than the prescribed RL. Certification of these levels by a registered surveyor is to be submitted to the Principal Certifying Authority to ensure that the floor is above flood level.
 41. Any long service levy payable under Section 34 of the Building and Construction Industry Long Service Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) is paid prior to the issue of the Complying Development Certificate to the Applicant.
 42. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:

- (i) 43.5°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick and disabled persons; and
- (ii) 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 the works.

43. 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. All street numbering 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 numbering 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.

Swimming Pool ancillary to a single dwelling house

1. The development shall be completed in accordance with the approved plans.
2. 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 to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
3. 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.
4. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve.
5. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
6. 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 complying development certificate was made).
7. The erection of a building in accordance with a Complying Development Certificate must not be commenced until:
 - (a) the person having the benefit of the complying development certificate 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
 - (a1) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the council of his or her appointment, and
 - (ii) notified the person having the benefit of the complying development certificate of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - (a2) the person having the benefit of the complying development certificate, 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 building 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 inspections and other inspections that are to be carried out in respect of the building work.
8. 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.
9. In the event that Council is not utilised as the inspection/certifying authority:-
 - a. Within seven (7) days of the filling of the pool a Compliance Certificate in the prescribed form shall be submitted to Council together with the prescribed fee, by the Accredited

Certifier to certify that all works have been completed in accordance with the approved plans and conditions of Consent and that the swimming pool safety fencing has been installed and complies with AS 1926.

- b. Within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify that for stormwater drainage works requiring approval under s68 of the Local Government Act 1993 being:- connection of a private drain to a public drain; installation of stormwater quality control devices; or installation/construction of erosion and sediment control plan works, the applicant has received the relevant approvals from Council.

10. Swimming pools shall have suitable means for the drainage and disposal of overflow water.
11. The swimming pool is not to be used for commercial purposes without prior Development Consent.
12. 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 86 of the Environmental Planning and Assessment Act 1979.
13. The swimming pool is to be installed and access thereto restricted in accordance with Council's "Code for the Installation of New Swimming Pools" and Australian Standard AS 1926-1986 (Copy of code enclosed).
14. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays.
15. Erosion and Sediment Control

Works that involve disturbance of the ground surface, or placing fill or stockpiles on the ground surface must be carried out in accordance with an Erosion and Sediment Control Plan approved by Council under s68 of the Local Government Act 1993, and these works must not commence until this approval has been issued. Erosion and Sediment Control Plans are to be prepared in accordance with the provisions of the Tweed Urban Stormwater Management Plan – Appendix E, Tweed Shire Council Aus-Spec D7 – Stormwater Quality. All erosion and sedimentation control shall be maintained throughout the period of construction and until all disturbed ground surfaces have been fully revegetated or otherwise restored.
16. Any sewer main within site is to be accurately located and the Principal Certifying Authority advised of its location and depth prior to start of any building works.
17. No structure is to be sited such that it is within or overhangs an easement for sewerage, stormwater or water supply.
18. No structure is to be located, excavation or filling of land undertaken, within 3 metres or within a horizontal distance equal to the pipe depth, whichever is the greater, from a public sewer, stormwater or water supply pipeline.
19. No public sewer or stormwater manhole is to be covered with soil or other material or concealed below ground level. Surface waters are to be diverted away from sewer manholes.

Should additional fill be proposed in the area of a manhole, Council's Engineering Services Division must be consulted and suitable arrangements made for the raising of the manhole to the satisfaction of Council's Manager Water, at the applicants cost.
20. Any excavation within 3m of a public utility will require the approval of Council's Manager Water. If approved, any lowering of manholes will be at the owner/applicants expense.

21. Filling of land within 3 metres of any easement, utility or service, will require the approval of Council's Manager Water and the raising of any manhole will be at the owner/applicants expense.
22. Any household plumbing and drainage lines are to be relocated to the satisfaction of Council. All plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.
23. All surface and seepage waters liable to be a nuisance are to be collected and diverted clear of the pool site by an approved drainage system separate to the roof water system.
24. Any proposed retaining works are to be approved by the Principal Certifying Authority prior to installation. Please note: timber retaining walls will not be accepted.
25. Any long service levy payable under Section 34 of the Building and Construction Industry Long Service Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) is paid prior to the issue of the Complying Development Certificate to the Applicant.
26. Section 68 Local Government Act 1993, Approval for Stormwater Drainage Works

Works that involve any of the following:-

1. Connecting a private stormwater drain to a public drain

This includes:

- connecting roof water or hardstand drainage from private property to a Council drain or gutter
- installing a pipe to carry the drainage across/under a public road, footpath or reserve.

2. Installing a permanent stormwater quality control device in a private drainage system, that will ultimately discharge to a public stormwater drainage system.

This includes installation of:

- Gross pollutant traps (GPT)
- Sediment trapping devices
- Litter and gross pollutant racks, baskets or screens
- Oil and grease trapping devices.

3. Erosion and sediment control works.

Erosion and sediment control works are mandatory on all development that involves disturbance of the ground surface.

May not commence until approval has been granted by Council under section 68 of the Local Government Act 1993.

Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

27. 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.

28. 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).

Additions to Dwelling houses

1. The development shall be completed in accordance with the approved plans.
2. 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 to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
3. 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.
4. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve.
5. 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 86 of the Environmental Planning and Assessment Act 1979.
6. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
 - (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
 - (ii) Certification of the works performed by the person carrying out the works is to be submitted to Council prior to occupation of the building; and
 - (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (A) the method of protection; and
 - (B) the date of installation of the system; and
 - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (D) the need to maintain and inspect the system on a regular basis.

Note: Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.
7. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.

8. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
9. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the deemed to satisfy requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
10. The erection of a building in accordance with a Complying Development Certificate must not be commenced until:
 - (a) the person having the benefit of the complying development certificate 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
 - (a1) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the council of his or her appointment, and
 - (ii) notified the person having the benefit of the complying development certificate of any critical stage inspections and other inspections that are to be carried out in respect of the building, and
 - (a2) the person having the benefit of the complying development certificate, 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 building 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 inspections and other inspections that are to be carried out in respect of the building work.
11. 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.
12. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays.
13. Erosion and Sediment Control

Works that involve disturbance of the ground surface, or placing fill or stockpiles on the ground surface must be carried out in accordance with an Erosion and Sediment Control Plan approved by Council under s68 of the Local Government Act 1993, and these works must not commence until this approval has been issued. Erosion and Sediment Control Plans are to be prepared in accordance with the provisions of the Tweed Urban Stormwater Management Plan – Appendix E, Tweed Shire Council Aus-Spec D7 – Stormwater Quality. All erosion and sedimentation control shall be maintained throughout the period of construction and until all disturbed ground surfaces have been fully revegetated or otherwise restored.
14. The guttering downpiping and roof wastewater disposal system is to be installed and operational before the roofing is installed.
15. If the proposal involved plumbing and drainage works 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, prior to the erection of brickwork or any wall sheeting;
 - c external drainage prior to backfilling.
 - d. completion of work.
16. A permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
 17. Drainage lines must not penetrate footings unless certification is first obtained from a practising Structural Engineer.
 18. 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.
 19. Where an additional water closet is proposed an application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.
 20. Any sewer main within a site is to be accurately located and the Principal Certifying Authority advised of its location and depth prior to start of any building works.
 21. No structure is to be sited such that it is within or overhangs an easement for sewerage, stormwater or water supply.
 22. No structure is to be located, excavation or filling of land undertaken, within 3 metres or within a horizontal distance equal to the pipe depth, which ever is the greater, from a public sewer, stormwater or water supply pipeline.
 23. No public sewer or stormwater manhole is to be covered with soil or other material or concealed below ground level. Surface waters are to be diverted away from sewer manholes. Should additional fill be proposed in the area Council's Engineering Services Division must be consulted and suitable arrangements made for the raising of the manhole to the satisfaction of Council's Manager Water, at the applicant's cost.
 24. Any excavation within 3m of a public utility will require the approval of Council's Manager Water. If approved, any lowering of manholes will be at the owner/applicants expense.
 25. Filling of land within 3 metres of any easement, utility or service, will require the approval of Council's Manager Water and the raising of any manhole will be at the owner/applicants expense.
 26. Residential building work:
 - (1) 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:
 - (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) in the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of the Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and

- (ii) if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
- (2) 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.
- 27. Any proposed retaining works are to be approved by the Principal Certifying Authority prior to installation. Please note: timber retaining walls will not be accepted.
- 28. Any long service levy payable under Section 34 of the Building and Construction Industry Long Service Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) is paid prior to the issue of the Complying Development Certificate to the Applicant.
- 29. 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:
 - (i) 43.5°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick and disabled persons; and
 - (ii) 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 the works.
- 30. 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).
- 31. 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 any plumbing and drainage works.

Internal Fitouts: Shops, Refreshment Rooms, Commercial Premises, Industrial Premises

1. The development shall be completed in accordance with the approved plans.
2. 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 to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
3. 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.
4. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve.
5. 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 86 of the Environmental Planning and Assessment Act 1979.
6. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) 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, or
 - (c) if that is not practicable, any other sewage management facility approved by the council.
7. 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.
8. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
9. The building or part 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 any existing or required essential fire safety measures have been designed, installed and operating in accordance with the relevant standards.

Such certificate shall state as to each essential fire measure installed in the building:

- (a) that the service has been inspected and tested by a person who is competent to carry out such an inspection or test; and
- (b) that the service was (as at the date on which it was inspected and tested) found to

- have been properly implemented and capable of performing to a standard not less than that required by the most recent fire safety schedule for the building for which the certificate is issued.
10. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the deemed to satisfy requirements of the Building Code of Australia (as in force on the date the application for the relevant complying development certificate was made).
 11. The erection of a building in accordance with a Complying Development Certificate must not be commenced until:
 - a. the person having the benefit of the complying development certificate 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
 - (a1) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the council of his or her appointment, and
 - (ii) notified the person having the benefit of the complying development certificate of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - (a2) the person having the benefit of the complying development certificate, 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 building 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 state inspections and other inspections that are to be carried out in respect of the building work.
 12. A person must not commence occupation or use of the whole or any part of a new building (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)
 13. 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.
 14. All fire service connections are to be compatible with those of the NSW Fire Brigade.
 15. Please note that while the proposal, subject to the conditions of approval, will comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.
 16. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays.
 17. Erosion and Sediment Control

Works that involve disturbance of the ground surface, or placing fill or stockpiles on the ground surface must be carried out in accordance with an Erosion and Sediment Control Plan approved by Council under s68 of the Local Government Act 1993, and these works must not commence until this approval has been issued. Erosion and Sediment Control Plans are to be prepared in accordance with the provisions of the Tweed Urban Stormwater Management Plan – Appendix E, Tweed Shire Council Aus-Spec D7 – Stormwater Quality. All erosion and sedimentation control shall be maintained throughout the period of construction and until all disturbed ground surfaces have been fully revegetated or otherwise restored.

18. 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, prior to the erection of brickwork or any wall sheeting;
 - c external drainage prior to backfilling.
 - d. completion of work.
19. A permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
20. Where an additional water closet is proposed an application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.
21. Drainage lines must not penetrate footings unless certification is first obtained from a practising Structural Engineer.
22. 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.
23. If access for the disabled is required under Part D3 of the Building Code of Australia, facilities for the use of the disabled shall be provided as specified in Part F2.4 of the Building Code of Australia and shall be constructed to the requirements of Australian Standard AS1428.1.
24. Any premises used for the storage, preparation or sale of food are to comply with the relevant provisions of the Food Act 2003, ANZ Food Standards Code and AS4674-2004. Details of fittings and equipment are to be submitted to the Principal Certifying Authority prior to installation.
25. 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. Details must be submitted to Council for approval prior to installation.
26. Any discharge of a pollutant greater than or differing (in constitution) from domestic usage requires the submission of an application for a trade waste licence. Such application to be made prior to release of the approved building plans and/or prior to any use or occupation of the premises, whichever occurs earlier. Application is also to include drawings on the proposed sewer drainage system including pipe sizes, details of materials and discharge temperatures.
27. A hose tap is to be provided adjacent to the grease arrestor and shall be fitted with a double check valve for the purposes of back flow prevention.
28. Any long service levy payable under Section 34 of the Building and Construction Industry

Long Service Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) is paid prior to the issue of the Complying Development Certificate to the Applicant.

29. 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).
30. 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 any plumbing and drainage works.

Bed and breakfast

1. The development shall be completed in accordance with the approved plans.
2. 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 to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
3. 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.
4. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve.
5. 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 86 of the Environmental Planning and Assessment Act 1979.
6. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.
7. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
8. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the deemed to satisfy requirements of the Building Code of Australia (as in force on the date the application for the relevant complying development certificate was made).
9. The erection of a building in accordance with a Complying Development Certificate must not be commenced until:
 - a. the person having the benefit of the complying development certificate 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
 - (a1) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the council of his or her appointment, and
 - (ii) notified the person having the benefit of the complying development certificate of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - (a2) the person having the benefit of the complying development certificate, 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 building 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 state inspections and other inspections that are to be carried out in respect of the building work.
- 10. 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.
- 11. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays.
- 12. Erosion and Sediment Control

Works that involve disturbance of the ground surface, or placing fill or stockpiles on the ground surface must be carried out in accordance with an Erosion and Sediment Control Plan approved by Council under s68 of the Local Government Act 1993, and these works must not commence until this approval has been issued. Erosion and Sediment Control Plans are to be prepared in accordance with the provisions of the Tweed Urban Stormwater Management Plan – Appendix E, Tweed Shire Council Aus-Spec D7 – Stormwater Quality. All erosion and sedimentation control shall be maintained throughout the period of construction and until all disturbed ground surfaces have been fully revegetated or otherwise restored.
- 13. If plumbing and drainage works are involved 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, prior to the erection of brickwork or any wall sheeting;
 - c external drainage prior to backfilling.
 - d. completion of work.
- 14. A permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- 15. Drainage lines must not penetrate footings unless certification is first obtained from a practising Structural Engineer.
- 16. 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.
- 17. If an additional water closet is proposed an application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.
- 18. Any sewer main within site is to be accurately located and the Principal Certifying Authority advised of its location and depth prior to start of any building works.
- 19. No structure is to be sited such that it is within or overhangs an easement for sewerage, stormwater or water supply.
- 20. No structure is to be located, excavation or filling of land undertaken, within 3 metres or within a horizontal distance equal to the pipe depth, which ever is the greater, from a public sewer, stormwater or water supply pipeline.
- 21. No public sewer or stormwater manhole is to be covered with soil or other material or concealed below ground level. Surface waters are to be diverted away from sewer manholes.

- Should additional fill be proposed in the area of the manhole Council's Engineering Services Division must be consulted and suitable arrangements made for the raising of the manhole to the satisfaction of Council's Manager Water, at the applicant's cost.
22. Any excavation within 3m of a public utility will require the approval of Council's Manager Water. If approved, any lowering of manholes will be at the owner/applicants expense.
 23. Filling of land within 3 metres of any easement, utility or service, will require the approval of Council's Manager Water and the raising of any access manhole will be at the owner/applicants expense.
 24. Residential building work:
 - (1) 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:
 - (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) in the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of the Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
 - (2) 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.
 25. Any long service levy payable under Section 34 of the Building and Construction Industry Long Service Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) is paid prior to the issue of the Complying Development Certificate to the Applicant.
 26. If access for the disabled is required under Part D3 of the Building Code of Australia, facilities for the use of the disabled shall be provided as specified in Part F2.4 of the Building Code of Australia and shall be constructed to the requirements of Australian Standard AS1428.1.
 27. Please note that while the proposal, subject to the conditions of approval, will comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.
 28. Adequate vehicular access is to be provided in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet. Separate approval is required from Council under s138 of the Roads Act 1993 for construction or modification of access driveways (or any other structure) on a public road reserve. S138 applications are to be submitted to Council on the standard form accompanied by the prescribed fee. Until a s138 approval from Council has been obtained, no access may be constructed and no works are permitted on the public road, footpath or verge adjacent to the proposed dwelling.

29. A system of lighting activated by a smoke alarm is to be installed to assist in the evacuation of occupants in the event of fire.
30. 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).
31. 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 any plumbing and drainage works.

Temporary Buildings

1. The development shall be completed in accordance with the approved plans.
2. 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 to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
3. 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.
4. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve.
5. 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 86 of the Environmental Planning and Assessment Act 1979.
6. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) 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, or
 - (c) if that is not practicable, any other sewage management facility approved by the council.
7. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
8. The building or part 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 any existing or required essential fire safety measures have been designed, installed and operating in accordance with the relevant standards.

Such certificate shall state as to each essential fire measure installed in the building:

- (a) that the service has been inspected and tested by a person who is competent to carry out such an inspection or test; and
- (b) that the service was (as at the date on which it was inspected and tested) found to have been properly implemented and capable of performing to a standard not less than that required by the most recent fire safety schedule for the building for which the certificate is issued.

9. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the deemed to satisfy requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
10. The erection of a building in accordance with a Complying Development Certificate must not be commenced until:
 - a. the person having the benefit of the complying development certificate 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
 - (a1) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the council of his or her appointment, and
 - (ii) notified the person having the benefit of the complying development certificate of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - (a2) the person having the benefit of the complying development certificate, 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 building 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 state inspections and other inspections that are to be carried out in respect of the building work.
11. A person must not commence occupation or use of the whole or any part of a new building (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)
12. 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.
13. Any fire service connections are to be compatible with those of the NSW Fire Brigade.
14. Please note that while the proposal, subject to the conditions of approval, will comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.
15. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays.
16. Erosion and Sediment Control

Works that involve disturbance of the ground surface, or placing fill or stockpiles on the ground surface must be carried out in accordance with an Erosion and Sediment Control Plan approved by Council under s68 of the Local Government Act 1993, and these works must not commence until this approval has been issued. Erosion and Sediment Control

Plans are to be prepared in accordance with the provisions of the Tweed Urban Stormwater Management Plan – Appendix E, Tweed Shire Council Aus-Spec D7 – Stormwater Quality. All erosion and sedimentation control shall be maintained throughout the period of construction and until all disturbed ground surfaces have been fully revegetated or otherwise restored.

17. 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, prior to the erection of brickwork or any wall sheeting;
 - c external drainage prior to backfilling.
 - d. completion of work.
18. A permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
19. An application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.
20. Drainage lines must not penetrate footings unless certification is first obtained from a practising Structural Engineer.
21. 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.
22. Yard gully is to be located clear of the buildings and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
23. Any required footings are to be designed by a practising Structural Engineer after consideration of a soil report from an accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the commencement of building work.
24. If access for the disabled is required under Part D3 of the Building Code of Australia, facilities for the use of the disabled shall be provided as specified in Part F2.4 of the Building Code of Australia and shall be constructed to the requirements of Australian Standard AS1428.1.
25. Any premises used for the storage, preparation or sale of food are to comply with the relevant provisions of the Food Act, 1989 and Councils adopted code for the construction of food premises. Details of fittings and equipment are to be submitted to the Principal Certifying Authority prior to installation.
26. Any sewer main within site is to be accurately located and the Principal Certifying Authority advised of its location and depth prior to start of any building works.
27. No structure is to be sited such that it is within or overhangs an easement for sewerage, stormwater or water supply.
28. No structure is to be located, excavation or filling of land undertaken, within 3 metres or within a horizontal distance equal to the pipe depth, which ever is the greater, from a public sewer, stormwater or water supply pipeline.
29. No public sewer or stormwater manhole is to be covered with soil or other material or concealed below ground level. Surface waters are to be diverted away from sewer manholes. Should additional fill be proposed in the area of a manhole, Council's Engineering Services Division must be consulted and suitable arrangements made for the raising of the manhole to the satisfaction of Council's Manager Public Utilities Water, at the

applicants cost.

30. Any excavation within 3m of a public utility will require the approval of Council's Manager Water. If approved, any lowering of manholes will be at the owner/applicants expense.
31. Filling of land within 3 metres of any easement, utility or service, will require the approval of Council's Manager Water and the raising of any manhole will be at the owner/applicants expense.
32. Any building is to be sited at least one metre horizontally clear of sewer main and stormwater mains on site. All footings and slabs within the area of influence of the mains 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 effect or be affected by the mains.
33. Sewer manhole or stormwater manhole is not to be covered with soil or other material or concealed below ground level.

Should additional fill be proposed in the area of the manhole Council's Engineering Services Division must be consulted and suitable arrangements made for the raising of the manhole to the satisfaction of Council's Manager Public Utilities.
34. Any fire hose reels are to be on a metered supply.
35. 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. Details must be submitted to Council for approval prior to installation.
36. Any discharge of a pollutant greater than or differing (in constitution) from domestic usage requires the submission of an application for a trade waste licence. Such application to be made prior to release and/or prior to any use or occupation of the premises, whichever occurs earlier. Application is also to include drawings on the proposed sewer drainage system including pipe sizes details or materials and discharge temperatures.
37. A hose tap is to be provided adjacent to the grease arrestor and shall be fitted with a double check valve for the purposes of back flow prevention.
38. Any building erected for use for a specified period of not more than five (5) years must be completely demolished or removed from the site no later than sixty (60) days after the specified period ends.
39. Any long service levy payable under Section 34 of the Building and Construction Industry Long Service Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) is paid prior to the issue of the Complying Development Certificate to the Applicant.
40. Adequate vehicular access is to be provided in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet. Separate approval is required from Council under s138 of the Roads Act 1993 for construction or modification of access driveways (or any other structure) on a public road reserve. S138 applications are to be submitted to Council on the standard form accompanied by the prescribed fee. Until a s138 approval from Council has been obtained, no access may be constructed and no works are permitted on the public road, footpath or verge adjacent to the proposed dwelling.
41. 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).
42. 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 any plumbing and drainage works.

Attachment A**15. When filming is exempt development**

- (1) For filming at a particular location to be exempt development:
 - (a) the filming must not create significant interference with the neighbourhood, and
 - (b) a filming management plan for the filming must be prepared and lodged in accordance with subclause (2), and
 - (c) the person carrying out the filming must obtain a policy of insurance that adequately covers the public liability of the person in respect of the filming for an amount of not less than \$10,000,000, and
 - (d) the location of the filming must be land:
 - (i) that is private land, or
 - (ii) that is an iconic site, and
 - (e) if the filming is carried out on private land, the filming must not be carried out for more than 30 days within a 12 month period at the particular location, and
 - (f) the person carrying out the filming must, at least 5 days before the commencement of filming at the particular location, give notice in writing of the filming to residents within a 50 metre radius of the location in accordance with subclause (3).
- (2) A filming management plan must be lodged with the consent authority for the location at least 5 days before the commencement of filming at the location, and must contain the following information and be accompanied by the following documents:
 - (a) the name, address and telephone number of the person carrying out the filming (such as a production company) and of the producer for the filming,
 - (b) a brief description of the filming to be carried out (for example, a television commercial, a television series, a feature film or a documentary),
 - (c) the proposed location of the filming,
 - (d) the proposed commencement and completion dates for the filming at the location,
 - (e) the proposed daily length of filming at the location,
 - (f) the number of persons to be involved in the filming,
 - (g) details of any temporary structures to be erected at the location for the purposes of the filming,
 - (h) the type of filming equipment to be used in the filming (such as a hand-held or mounted camera),
 - (i) proposed arrangements for parking all vehicles associated with the filming during the filming,
 - (j) whether there will be any disruption to the location of the filming or the surrounding area and the amenity of the neighbourhood (for example, by the discharge of firearms or explosives, the production of offensive noise, vibrations, disruption to traffic flow or the release of smells, fumes, vapour, steam, soot, ash, dust, waste water, grit or oil),

- (k) whether the filming will involve the use of outdoor lighting or any other special effects equipment,
- (l) a copy of the public liability insurance policy that covers the filming at the location,
- (m) a copy of any approval given by a public authority to carry out an activity associated with the proposed filming at the location, such as the following:
 - (i) an approval by the Roads and Traffic Authority for the closure of a road,
 - (ii) an approval by the council for the location concerned for the erection of a temporary structure, closure of a road or a public footpath, or a restriction in pedestrian access,
 - (iii) an approval by the Environment Protection Authority for an open fire,
 - (iv) an approval by NSW Police for the discharge of firearms,
 - (v) an approval by the Department of Land and Water Conservation for the use of Crown Land.

Note.

Subclause (2) does not limit the information or documents that may be submitted with a filming management plan.

- (3) The notice to residents is to be by way of a letter-box drop and is to contain the following information:
 - (a) the name and telephone number of the person carrying out the filming (such as a production company) and of a contract representative of that person,
 - (b) a brief description of the filming to be carried out at the location, and any proposed disruptions to the location or the surrounding area or the amenity of the neighbourhood (as referred to in subclause (2)(j)),
 - (c) the proposed commencement and completion dates for the filming at the location,
 - (d) the proposed daily length of filming at the location.
- (4) Clause 14(3)(a) and (4)(d)(v) do not apply to filming that complies with this clause.
- (5) Filming that complies with this clause may be carried out on land described in clause 14(4)(a), (b) or (c) if the filming will not involve or result in any of the following:
 - (a) any changes or additions that are not merely superficial and temporary to any part of an item of environmental heritage, a heritage conservation area or an environmentally sensitive area,
 - (b) the mounting or fixing of any object or article on any part of such an item or area (including any building or structure),
 - (c) the movement, parking or standing of any vehicle or equipment on or over any part of such an item or area that is not specifically designed for the movement, parking or standing of a vehicle or equipment on or over it,
 - (d) any changes to the vegetation on, or level of, such an item or area or any changes to any other natural or physical feature of the item or area.

- (6) Nothing in this clause or clause 14 causes an activity referred to in paragraph (a) – (d) of the definition of *filming* in clause 2(1) to be development.

Note.

The following documents assist in understanding the statutory controls relating to filming:

- (a) Division 4 of Part 1 of Chapter 7 of the Local Government Act 1993,
- (b) the Local Government Filming Protocol published by the NSW Department of Local Government,
- (c) the Guide to NSW EPA Requirements for the Film and Television Industry published by the NSW Environment Protection Authority.

16. When rainwater tanks are exempt development

- (1) For a rainwater tank to be exempt development, it must comply with the following requirements:
- (a) the capacity of the tank, or the combined capacity of tanks, on a lot must not exceed 10,000 litres,
 - (b) the tank must be designed to capture and store roof water from gutters or downpipes on a building,
 - (c) the tank must not collect water from a source other than gutters or downpipes on a building or a water supply service pipe,
 - (d) the tank must be fitted with a first-flush device, being a device that causes the initial run-off of any rain to bypass the tank to reduce pollutants entering the tank,
 - (e) the tank must be structurally sound,
 - (f) the tank must be prefabricated, or be constructed from prefabricated elements that were designed and manufactured for the purpose of the construction of a rainwater tank,
 - (g) the tank must be assembled and installed in accordance with the instructions of the manufacturer or designer of the tank,
 - (h) the tank, and any stand for the tank, must be installed and maintained in accordance with any requirements of the public authority that has responsibility for the supply of water to the premises on which the tank is installed,
 - (i) the installation of the tank must not involve the excavation of more than 1 metre from the existing ground level, or the filling of more than 1 metre above the existing ground level,
 - (j) the tank must not be installed over or immediately adjacent to a water main or a sewer main, unless it is installed in accordance with any requirements of the public authority that has responsibility for the main,
 - (k) the tank must not be installed over any structure or fittings used by a public authority to maintain a water or sewer main,
 - (l) no part of the tank or any stand for the tank may rest on a footing of any building or other structure, including a retaining wall,
 - (m) the tank must be located behind the front alignment to the street of the building to which the tank is connected (or, in the case of a building on a corner block, the tank must be located behind both the street front and street side alignments

of the building),

- (n) the tank must not exceed 2.4 metres in height above ground level, including any stand for the tank,
- (o) the tank must be located at least 450 millimetres from any property boundary,
- (p) a sign must be affixed to the tank clearly stating that the water in the tank is rainwater,

Note.

If water in rainwater tanks is intended for human consumption, the tank should be maintained to ensure that the water is fit for human consumption – see the Rainwater Tanks brochure produced by NSW Health and the publication titled Guidance on the use of rainwater tanks, Water Series No 3, 1998, published by the National Environmental Health Forum.

- (q) any overflow from the tank must be directed into an existing stormwater system,
 - (r) the tank must be enclosed, and any inlet to the tank must be screened or filtered, to prevent the entry of foreign matter or creatures,
 - (s) the tank must be maintained at all times so as not to cause a nuisance with respect to mosquito breeding or overland flow of water,
 - (t) any plumbing work undertaken on or for the tank that affects a water supply service pipe or a water main must be undertaken:
 - (i) with the consent of the public authority that has responsibility for the water supply service pipe or water main, and
 - (ii) in accordance with any requirements by the public authority for the plumbing work, and
 - (iii) by a licensed plumber in accordance with the New South Wales Code of Practice – Plumbing and Drainage produced by the Committee on Uniformity of Plumbing and Drainage Regulations in New South Wales,
 - (u) any motorised or electric pump used to draw water from the tank or to transfer water between tanks:
 - (i) must not create an offensive noise, and
 - (ii) in the case of a permanent electric pump, must be installed by a licensed electrician.
- (2) Despite subclause (1)(a), a rainwater tank with a capacity exceeding 10,000 litres may be exempt development if another environmental planning instrument applying to the land concerned provides for such a rainwater tank to be exempt development.
- (3) This clause does not apply to land that is a lot within the meaning of the Strata Schemes (Freehold Development) Act 1973 or the Strata Schemes (Leasehold Development) Act 1986.