

Minutes - Ordinary Meeting of Tweed Shire Council

IN ATTENDANCE

Councillors L F Beck (Mayor), M R Boyd, R D Brinsmead, B J Carroll, G Davidson (Deputy Mayor), H James, G J Lawrie, W M Marshall, W J Polglase, P C P Youngblutt.

Also present were Dr John Griffin (General Manager), Mr Mike Rayner (Director Engineering Services), Mr David Broyd (Director Development Services), Mr Don Buckley (Director Environment & Community Services), Mr Ian Carpenter (Director Corporate Services), Mr Brian Donaghy (Manager Administration Services/Public Officer) and Mrs Meredith Smith (Minutes Secretary).

The meeting opened with a Prayer by Father Paul McDonald

“1 Thessalonians 12:18

St Paul speaks of some demands made by life in community.

We appeal to you, my brothers and sisters, to be considerate to those who are working amongst you and are above you as your teachers.

Have the greatest respect and affection for them because of their work.

Be at peace among yourselves.

And this is what we ask you to do, brothers and sisters: warn the idlers, give courage to those who are apprehensive, care for the weak and be patient with everyone.

Make sure that people do not try to take revenge; you must all think of what is best for each other and for the community.

Be happy at all times; pray constantly; and for all things give thanks to God, because this is what God expects you to do in Christ Jesus.

Lord, we pray for our community living in the Tweed Shire.

May we live and work together in peace and harmony, respecting each other at all times.

May the new millennium, and this year of Great Jubilee celebrating the birth of Jesus 2000 years ago, bring new hope to the world.

We ask your blessing on the members of Council as they meet today.

Guide them in their discussions so that the decisions they make may be according to Gospel values and in the best interests of the Tweed shire.

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We make our prayer through Christ our Lord."

CONFIRMATION OF MINUTES

GC6/13 Pt4

1316
Cr Marshall
Cr Davidson

RESOLVED that the Minutes of the Ordinary Meeting held 1 March 2000 be confirmed as an accurate record of the proceedings of that Meeting.

Voting - Unanimous

ABSENT

GC6/1/2 Pt1

Councillor B M Luff.

Councillor B M Luff has informed the General Manager that her absence is caused by being out of the Shire.

1317
Cr James
Cr Boyd

RESOLVED that the apology of Councillor B M Luff be accepted.

Voting - Unanimous

DISCLOSURE OF INTEREST

GC6/1/4 Pt1

Cr Youngblutt declared an interest in Item Deferred No 1 of the Confidential Agenda.

ITEMS TO BE MOVED TO OR FROM CONFIDENTIAL

Nil

SCHEDULE OF OUTSTANDING RESOLUTIONS

1318
Cr Boyd
Cr James

RESOLVED this report be received and noted.

Voting - Unanimous

MAYORAL MINUTE

GC6/18 Pt5

1. Kochi Prefectural Government

Sister Cities

This item was received and noted.

1a. Invitations/Letters Received in Mayor's Office

The Mayor advised that the following invitations/letters had been received:-

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- Centenary of Federation - regional meeting to be held on 11 April 2000 - Cr Boyd asked that he be registered as an apology.
- Letter from Inverell Shire Council regarding the Country Public Libraries Association (Councillors may obtain a copy from the Mayor's Office).
- Letter from the Minister for Emergency Services, Hon Bob Debus acknowledging Council's letter on Ambulance Call Centre/Lack of Response - full response will be forwarded shortly.
- Letter from North Coast Technical and Further Education requesting a donation for their Presentation Night - tabled with other donations.
- The Mayor congratulated Engineering Services Division on the wording of its Classified Advertisement advising customers of disruption to service.

Adoption of Mayoral Minute

GC6/18 Pt5

1319

Cr Beck

RESOLVED that the Mayoral Minute as presented be adopted.

Voting - Unanimous

ITEMS DEFERRED

29. **Erection of Tepees and Associated Structures - Lot 3 CS98/72 Hopkins Creek Road, Hopkins Creek**

DA2580/16 Pt1

1320

Cr Polglase

Cr Davidson

RESOLVED that in view of a letter received from the applicant, the contents of the letter be noted and this item be withdrawn to allow a further report to be brought forward addressing the issues contained in the letter.

Voting - Unanimous

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REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

1. **Finalisation of Tweed Local Environmental Plan 1987 (Draft Amendment No 129) - Seventh Day Adventist Church Hall, Racecourse Road, Tyngah**

GT1/LEP/A129 Pt1

1321

Cr Beck

Cr Marshall

RESOLVED that

1. Council submits Draft Amendment No 129 to Tweed Local Environmental Plan 1987 to the Department of Urban Affairs and Planning and requests that the Minister for Urban Affairs and Planning makes the plan so that the Seventh Day Adventist church can use their facility to cater for both sport and social gatherings.
2. It be noted that the Seventh Day Adventist Church did not act illegally in this matter, but had development consent for the church complex, and this use, which was granted in April 1986 prior to the prescription of the current Tweed Local Environmental Plan 1987.

AMENDMENT

Cr James

Cr Boyd

PROPOSED that Council submits Draft Amendment No 129 to Tweed Local Environmental Plan 1987 to the Department of Urban Affairs and Planning and requests that the Minister for Urban Affairs and Planning make the Plan.

The Amendment was **Not Carried**.

Voting For

Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Polglase

Voting Against

Cr Beck
Cr Brinsmead
Cr Lawrie
Cr Marshall
Cr Youngblutt

The Motion was **Carried** on the casting vote of the Mayor

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Voting For

Cr Beck
Cr Brinsmead
Cr Davidson
Cr James
Cr Lawrie
Cr Marshall
Cr Polglase
Cr Youngblutt

Voting Against

Cr Boyd
Cr Carroll

2. **Proposed 560 Lot Urban Subdivision at Lot 46, 199-202, 205, 228 and 305 DP 755740 and Lot 2 DP 566529 and Lot 1 DP 823679 Piggabeen Road and Sandy Lane, Cobaki Lakes**

DA3880/60 Pt3

1322

Cr Polglase
Cr Boyd

RESOLVED that:-

- A. The development application submitted by Cardno MBK (QLD) Pty Ltd for the subdivision of Lot 46, 199-202, 205, 228 and 305 DP 755740 and Lot 2 DP 566529 and Lot 1 DP 823679 Piggabeen Road and Sandy Lane, Cobaki Lakes into 560 lots be approved **subject** to the concurrence of the Director General of the National Parks and Wildlife Service and the following conditions:-

PRE-REQUISITES conditions that must be complied with prior to the release of a construction certificate

1. **Prior** to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works (minimum \$1,000).
The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the Director, Development Services.
The bond will be refunded, if not expended, when the final Subdivision Certificate is issued.
2. **Prior** to the commencement of work the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-
 - a. Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
 - b. AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
3. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, and submitted for approval by Council, prior to issue of the Construction Certificate. All works are to comply with the Occupational

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Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.

4. Consent from the Department of Land and Water Conservation is to be obtained for the drainage of stormwater onto the Crown Land between this subdivision and the NSW - QLD border. A copy of the consent shall be submitted to Council PRIOR to the issue of a Construction Certificate.
5. Details of all entry statements are to be submitted and approved by the Manager Works and the Manager Recreation Services prior to the release of the Construction Certificate. All entry statements are to be designed and constructed to provide for low maintenance. Council will not accept statements that require a significant maintenance contribution.
6. In conjunction with the release and registration of the linen plan for each stage, the applicant shall dedicate and embellish all areas of proposed public open space in accordance with detailed embellishment plans to be submitted for approval to Council's Manager, Recreation Services. The plans are to be submitted and approved prior to the release of the Construction Certificate. The plans are to show final levels for the neighbourhood parks.

GENERAL

7. The development shall be completed in general accordance with Plan Nos 6BAA, 6BA, 6CA & 6DA prepared by Cardno and Davies (QLD) Pty Ltd and dated July 1999, except where varied by these conditions.
8. Compliance with all conditions of Development Consent 94/438 (earthworks).
9. In the event that site works expose any archaeological or cultural material, all work is to cease and officials of the National Parks and Wildlife Service, Tweed Byron Aboriginal Land Council are to be notified immediately.
10. The only vegetation that can be removed is that directly required to be removed by earthworks, servicing of the development or providing a house site. No other vegetation is to be removed.
11. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
12. No soil, sand, gravel, clay or other material shall be disposed of off the site.
13. 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.
14. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual and Development Control Plan No. 17 - Cobaki Lakes, except where varied by these conditions.
15. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No K99/1124 have been complied with.

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16. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act. Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.
Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.
17. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (Manual for Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
18. Prior to the issue of a Subdivision Certificate, Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council.
19. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of the Director, Development Services. The sign is to remain in place until the Subdivision Certificate is issued.
20. Submission of further Development Applications for Residential "A" and "B" Management lots.
21. The network of public bushwalking trails shall be constructed within each stage in accordance with DCP No 17 and detailed engineering plans to accompany the Construction Certificate application for each stage.
22. Useable open space is to be provided in Stage 1 with a minimum area of 2000m² and be within 300 metres of all lots. The creation of neighbourhood parks as part of the Wildlife corridors is subject to approval from National Parks and Wildlife Services.
23. No works or disturbance shall occur within 200m of Turner's Cattle Dip Site unless a detailed Plan of Management for remediation of the dip site is submitted and approved by Council and the EPA. The plan shall reference previous Council and EPA concerns and include an Occupational Health and Safety Plan acceptable to the NSW WorkCover Authority. In any case the dip site shall be rehabilitated in accordance with an approved Management Plan prior to the issue of any further development consents for development within 200m of the Dip Site.
24. The firetrails are to be constructed in accordance with the plans referred to in Condition 6 and the Bushfire Protection Management Plan prepared by Cardno and Davies dated November 1997. Details on the design and

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construction of these trails are to be submitted to with the construction certificate application for each stage.

CONTRIBUTIONS

25. (i) Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall **NOT** be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

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

(ii) GST

- 1.1 In this Clause 1:

"GST means any tax, impost or duty, including any goods and services, consumption, value added or similar tax applying on goods, services or other things introduced by the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)* and associated legislation (as amended), or under legislation passed by a State or Territory Parliament which is charged or levied on goods, services or other things.

- 1.2 Any monetary contributions and levies payable or imposed as a condition of this contributions plan pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979 (NSW)* (as amended), and all other moneys payable by and on behalf of the applicant are exclusive of GST.

- 1.3 Any non-monetary contribution or levy payable or imposed as a condition of this contributions plan pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979 (NSW)* (as amended), including, but not limited to, the dedication or transfer of land to the Council or the transfer of some other asset to the Council, whether in tangible or intangible form, and all other non-monetary contributions payable by and on behalf of the applicant are also exclusive of GST.

- 1.4 Liability for GST (payable in respect of any taxable supply under this contributions plan whether monetary or non-monetary) is additional. It is payable by the applicant to the Council at the same time as all and any contributions, levies and other moneys are payable under this contributions plan and development consent.

- 1.5 In respect of any non-monetary contribution or levy referred to in clause 1.3 above, the GST payable shall be calculated as follows:

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GST payable = The GST inclusive market price of the asset x $\frac{1}{11}$.

- 1.6 The Council will issue to the applicant, within twenty one (21) days of a request from the applicant, a tax invoice for the monies paid or the assets transferred by the applicant adjusted by the rate of the GST in accordance with the requirements of the relevant legislation.

Stage 1

- a. Tweed Road Contribution Plan: 5 lots @ \$2544/lot \$12,720.00
S94 Plan No. 4 (Version 4.0)

(Tweed Heads West - Residential)

Alternatively, prior to the issuing of the Subdivision Certificate, documentary evidence shall be submitted demonstrating that the condition is deemed to be satisfied by virtue of works carried out. The value of the works carried out shall be calculated based on the rates in force in Section 94 Plan No. 4 at the date of issue of the Subdivision Certificate.

Credits are to be determined using the following formulae:

Value of works at Section 94 Plan Rates = number of lots credited
Contribution rate per lot

- b. Street Trees: 5 lots @ \$42.90 per lot \$214.50
S94 Plan No. 6

Alternatively, the applicant may provide street trees on site to an equivalent standard that would be required by Section 94 Plan No. 6. The location and species is to be approved by the Manager, Recreation Services. The trees are to be maintained by the applicant for a period of 2 years or until such time as eighty percent of the lots in the street have dwellings erected on them.

- c. Shirewide Library Facilities: 5 lots @ \$300 \$1,500.00
S94 Plan No. 11

- d. Eviron Cemetery/Crematorium Facilities: 5 lots @ \$126 \$630.00
S94 Plan No. 13

- e. Bus Shelters: 5 lots @ \$23 \$115.00
S94 Plan No. 12

In lieu of the contribution the applicant may construct the bus shelters prior to the issue of the Subdivision Certificate for each stage subject to the agreement of bus operators in terms of the location.

- f. Emergency Facilities (Surf Lifesaving) 5 lots @ \$80 \$400.00
S94 Plan No. 16

- g. Extensions to Council Administration Offices
& Technical Support Facilities: 5 lots @ \$344.81 \$1,724.05
S94 Plan No. 18

- Shire Wide Cycleways: 5 lots @ \$160 \$800.00
S94 Plan No. 22

Stage 2

- a. Tweed Road Contribution Plan: 111 lots @ \$2544/lot \$282,384.00
S94 Plan No. 4 (Version 4.0)
(Tweed Heads West - Residential)

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Alternatively, prior to the issuing of the Subdivision Certificate, documentary evidence shall be submitted demonstrating that the condition is deemed to be satisfied by virtue of works carried out. The value of the works carried out shall be calculated based on the rates in force in Section 94 Plan No. 4 at the date of issue of the Subdivision Certificate.

Credits are to be determined using the following formulae:

Value of works at Section 94 Plan Rates = number of lots credited
Contribution rate per lot

b. Street Trees: 111 lots @ \$42.90 per lot \$4,761.90
S94 Plan No. 6

Alternatively, the applicant may provide street trees on site to an equivalent standard that would be required by Section 94 Plan No. 6. The location and species is to be approved by the Manager, Recreation Services. The trees are to be maintained by the applicant for a period of 2 years or until such time as eighty percent of the lots in the street have dwellings erected on them.

c. Shirewide Library Facilities: 111 lots @ \$300 \$33,300.00
S94 Plan No. 11

d. Eviron Cemetery/Crematorium Facilities: 111 lots @ \$126 \$13,986.00
S94 Plan No. 13

e. Bus Shelters: 111 lots @ \$23 \$2,553.00
S94 Plan No. 12

In lieu of the contribution the applicant may construct the bus shelters prior to the issue of the Subdivision Certificate for each stage subject to the agreement of bus operators in terms of the location.

f. Emergency Facilities (Surf Lifesaving) 111 lots @ \$80 \$8,800.00
S94 Plan No. 16

g. Extensions to Council Administration Offices & Technical Support Facilities: 111 lots @ \$344.81 \$38,273.91
S94 Plan No. 18

Shire Wide Cycleways: 111 lots @\$160/lot \$17,760.00
S94 Plan No.22

Stage 3

a. Tweed Road Contribution Plan: 178 lots @ \$2544/lot \$452,832.00
S94 Plan No. 4 (Version 4.0)

(Tweed Heads West - Residential)

Alternatively, prior to the issuing of the Subdivision Certificate, documentary evidence shall be submitted demonstrating that the condition is deemed to be satisfied by virtue of works carried out. The value of the works carried out shall be calculated based on the rates in force in Section 94 Plan No. 4 at the date of issue of the Subdivision Certificate.

Credits are to be determined using the following formulae:

Value of works at Section 94 Plan Rates = number of lots credited
Contribution rate per lot

b. Street Trees: 178 lots @ \$42.90 per lot \$7,636.20

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S94 Plan No. 6

Alternatively, the applicant may provide street trees on site to an equivalent standard that would be required by Section 94 Plan No. 6. The location and species is to be approved by the Manager, Recreation Services. The trees are to be maintained by the applicant for a period of 2 years or until such time as eighty percent of the lots in the street have dwellings erected on them.

c. Shirewide Library Facilities: 178 lots @ \$300 \$53,400.00

S94 Plan No. 11

d Eviron Cemetery/Crematorium Facilities: 178 lots @ \$126 \$22,428.00

S94 Plan No. 13

e Bus Shelters: 178 lots @ \$23 \$4,094.00

S94 Plan No. 12

In lieu of the contribution the applicant may construct the bus shelters prior to the issue of the Subdivision Certificate for each stage subject to the agreement of bus operators in terms of the location.

f Emergency Facilities (Surf Lifesaving) 178 lots @ \$80 \$14,240.00

S94 Plan No. 16

g. Extensions to Council Administration Offices & Technical Support Facilities: 178 lots @ \$344.81 \$61,376.18

S94 Plan No. 18

Shire Wide Cycleways: 178 lots @ \$160/lot \$28,480.00

S94 Plan No. 22

Stage 4

a. Tweed Road Contribution Plan: 79 lots @ \$2544/lot \$200,976.00

S94 Plan No. 4 (Version 4.0)

(Tweed Heads West - Residential)

Alternatively, prior to the issuing of the Subdivision Certificate, documentary evidence shall be submitted demonstrating that the condition is deemed to be satisfied by virtue of works carried out. The value of the works carried out shall be calculated based on the rates in force in Section 94 Plan No. 4 at the date of issue of the Subdivision Certificate.

Credits are to be determined using the following formulae:

Value of works at Section 94 Plan Rates = number of lots credited

Contribution rate per lot

b. Street Trees: 79 lots @ \$42.90 per lot \$3,389.10

S94 Plan No. 6

Alternatively, the applicant may provide street trees on site to an equivalent standard that would be required by Section 94 Plan No. 6. The location and species is to be approved by the Manager, Recreation Services. The trees are to be maintained by the applicant for a period of 2 years or until such time as eighty percent of the lots in the street have dwellings erected on them.

c. Shirewide Library Facilities: 79 lots @ \$300 \$23,700.00

S94 Plan No. 11

d Eviron Cemetery/Crematorium Facilities: 79 lots @ \$126 \$9,954.00

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S94 Plan No. 13		
e Bus Shelters: 79 lots @ \$23		\$1,817.00
S94 Plan No. 12		
In lieu of the contribution the applicant may construct the bus shelters prior to the issue of the Subdivision Certificate for each stage subject to the agreement of bus operators in terms of the location.		
f Emergency Facilities (Surf Lifesaving) 79 lots @ \$80		\$6,320.00
S94 Plan No. 16		
g. Extensions to Council Administration Offices & Technical Support Facilities: 79 lots @ \$344.81		\$27,239.99
S94 Plan No. 18		
Shire Wide Cycleways: 79 lots @ \$160/lot		\$12,640.00
S94 Plan No.22		
Stage 5		
a. Tweed Road Contribution Plan: 6 lots @ \$2544/lot		\$15,264.00
S94 Plan No. 4 (Version 4.0)		
(Tweed Heads West - Residential)		
Alternatively, prior to the issuing of the Subdivision Certificate, documentary evidence shall be submitted demonstrating that the condition is deemed to be satisfied by virtue of works carried out. The value of the works carried out shall be calculated based on the rates in force in Section 94 Plan No. 4 at the date of issue of the Subdivision Certificate.		
Credits are to be determined using the following formulae:		
<u>Value of works at Section 94 Plan Rates</u> = number of lots credited		
Contribution rate per lot		
b. Street Trees: 6 lots @ \$42.90 per lot		\$257.40
S94 Plan No. 6		
Alternatively, the applicant may provide street trees on site to an equivalent standard that would be required by Section 94 Plan No. 6. The location and species is to be approved by the Manager, Recreation Services. The trees are to be maintained by the applicant for a period of 2 years or until such time as eighty percent of the lots in the street have dwellings erected on them.		
c. Shirewide Library Facilities: 6 lots @ \$300		\$1,800.00
S94 Plan No. 11		
d Eviron Cemetery/Crematorium Facilities: 6 lots @ \$126		\$756.00
S94 Plan No. 13		
e Bus Shelters: 6 lots @ \$23		\$138.00
S94 Plan No. 12		
In lieu of the contribution the applicant may construct the bus shelters prior to the issue of the Subdivision Certificate for each stage subject to the agreement of bus operators in terms of the location.		
f Emergency Facilities (Surf Lifesaving) 6 lots @ \$80		\$480.00
S94 Plan No. 16		
g. Extensions to Council Administration Offices & Technical Support Facilities: 6 lots @ \$344.81		\$2,068.86

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- S94 Plan No. 18
Shire Wide Cycleways: 6 lots @ \$160/lot \$960.00
S94 Plan No. 22
- Stage 6**
- a. Tweed Road Contribution Plan: 147 lots @ \$2544/lot \$373,968.00
S94 Plan No. 4 (Version 4.0)
(Tweed Heads West - Residential)
Alternatively, prior to the issuing of the Subdivision Certificate, documentary evidence shall be submitted demonstrating that the condition is deemed to be satisfied by virtue of works carried out. The value of the works carried out shall be calculated based on the rates in force in Section 94 Plan No. 4 at the date of issue of the Subdivision Certificate.
Credits are to be determined using the following formulae:
Value of works at Section 94 Plan Rates = number of lots credited
Contribution rate per lot
- b. Street Trees: 147 lots @ \$42.90 per lot \$6,306.30
S94 Plan No. 6
Alternatively, the applicant may provide street trees on site to an equivalent standard that would be required by Section 94 Plan No. 6. The location and species is to be approved by the Manager, Recreation Services. The trees are to be maintained by the applicant for a period of 2 years or until such time as eighty percent of the lots in the street have dwellings erected on them.
- c. Shirewide Library Facilities: 147 lots @ \$300 \$44,100.00
S94 Plan No. 11
- d. Eviron Cemetery/Crematorium Facilities: 147 lots @ \$126 \$18,522.00
S94 Plan No. 13
- e. Bus Shelters: 147 lots @ \$23 \$3,381.00
S94 Plan No. 12
In lieu of the contribution the applicant may construct the bus shelters prior to the issue of the Subdivision Certificate for each stage subject to the agreement of bus operators in terms of the location.
- f. Emergency Facilities (Surf Lifesaving) 147 lots @ \$80 \$11,760.00
S94 Plan No. 16
- g. Extensions to Council Administration Offices
& Technical Support Facilities: 147 lots @ \$344.81 \$50,687.07
S94 Plan No. 18
Shire Wide Cycleways: 147 lots @ \$160/lot \$23,520.00
S94 Plan No. 22
26. A **certificate of compliance** (CC) under Part 3 Division 2 of the Water Supply Authorities Act 1987 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.
Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall **NOT** be issued by a Certifying

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Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council. Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

GST

- 1.1 In this Clause 1:
"GST means any tax, impost or duty, including any goods and services, consumption, value added or similar tax applying on goods, services or other things introduced by the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)* and associated legislation (as amended), or under legislation passed by a State or Territory Parliament which is charged or levied on goods, services or other things.
- 1.2 Any monetary contributions and levies payable or imposed as a condition of this contributions plan pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979 (NSW)* (as amended), and all other moneys payable by and on behalf of the applicant are exclusive of GST.
- 1.3 Any non-monetary contribution or levy payable or imposed as a condition of this contributions plan pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979 (NSW)* (as amended), including, but not limited to, the dedication or transfer of land to the Council or the transfer of some other asset to the Council, whether in tangible or intangible form, and all other non-monetary contributions payable by and on behalf of the applicant are also exclusive of GST.
- 1.4 Liability for GST (payable in respect of any taxable supply under this contributions plan whether monetary or non-monetary) is additional. It is payable by the applicant to the Council at the same time as all and any contributions, levies and other moneys are payable under this contributions plan and development consent.
- 1.5 In respect of any non-monetary contribution or levy referred to in clause 1.3 above, the GST payable shall be calculated as follows:

GST payable = The GST inclusive market price of the asset x $\frac{1}{11}$.

- 1.6 The Council will issue to the applicant, within twenty one (21) days of a request from the applicant, a tax invoice for the monies paid or the assets transferred by the applicant adjusted by the rate of the GST in accordance with the requirements of the relevant legislation.

Stage 1

Water:	5 lots @ \$3420	\$17,100.00
Sewer:	5 lots @ \$2820	\$14,100.00

Stage 2

Water:	111 lots @ \$3420	\$379,620.00
Sewer:	111 lots @ \$2820	\$313,020.00

Stage 3

Water:	178 lots @ \$3420	\$608,760.00
Sewer:	178 lots @ \$2820	\$501,960.00

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Stage 4

Water: 79 lots @ \$3420 \$270,180.00

Sewer: 79 lots @ \$2820 \$222,780.00

Stage 5

Water: 6 lots @ \$3420 \$20,520.00

Sewer: 6 lots @ \$2820 \$16,920.00

Stage 6

Water: 147 lots @ \$3420 \$502,740.00

Sewer: 147 lots @ \$2820 \$414,540.00

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

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

FURTHER APPROVALS

27. In accordance with Section 109F(1) of the Environmental Planning & Assessment Act, 1979 (as amended) a Construction Certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment.

28. Prior to commencement of work pursuant to this consent a **Construction Certificate** shall be obtained for works required by this consent. The following information must accompany applications for a construction certificate subdivision work.

(i) Subdivision Work

In the case of an application for a construction certificate for **subdivision work** required by this consent:

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

earthworks

roadworks

road pavement

road furnishings

stormwater drainage

water supply works

sewerage works

landscaping works

sedimentation and erosion management plans

location of all service conduits (water, sewer, Northpower and Telstra)

the approved Traffic Control Plan

the relevant maintenance manuals (eg. G.P.T's, water pump station)

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- (c) The Construction Certificate application shall include a provision for pavement design. The final design shall be approved by Council OR an accredited certifier prior to the placement of any road pavement material. Where the proposed subdivision work involves a modification to previously approved plans the plans must be coloured or otherwise marked to the satisfaction of the certifying authority to adequately distinguish the modification.

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

29. Subdivision work in accordance with a development consent must not be commenced until:-
- (a) a construction certificate for the subdivision work has been issued by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
 - (b) the person having the benefit of the development consent;
 - (i) has appointed a principal certifying authority; and
 - (ii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment, and
 - (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the subdivision work.
30. Where tree clearing is to be undertaken and the exclusions and exemption under the Native Vegetation Conservation Act 1997 do not apply, a consent will be required from the Department of Land and Water Conservation for tree removal prior to commencing work.
31. A Section 3A permit under the Rivers and Foreshores Improvement Act 1948, is required for any works within 40 metres of a watercourse with defined banks in a natural condition or of natural origin artificially altered with either a permanent or intermittent flow. This licence shall be obtained from the Department of Land and Water Conservation prior to carrying out any work pursuant to this consent.
32. An application is to be made to the Department of Land and Water Conservation to have the Crown Public Road closed and incorporated into adjoining freehold property. This Crown Public Road is located to the south of Lot 46 DP 755740 (Stage 6).
33. Prior to registration of the plan of subdivision, a **Subdivision Certificate** shall be obtained.
- (i) The following information must accompany an application:
 - original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees of \$110 per lot.
- Stage 1 - 13 lots @ \$110/lot = \$1,430.00
Stage 2 - 115 lots @ \$110/lot = \$12,650.00
Stage 3 - 183 lots @ \$110/lot = \$20,130.00

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Stage 4 - 83 lots @ \$110/lot = \$9,130.00

Stage 5 - 11 lots @ \$110/lot = \$1,210.00

Stage 6 - 155 lots @ \$110/lot = \$17,050.00

- relevant development consent or complying development certificate
 - detailed subdivision engineering plans endorsed with a construction certificate (where applicable)
 - for a deferred commencement consent evidence that the applicant has satisfied the consent authority on all matters which must be satisfied before the consent can operate
 - evidence that the applicant has complied with all conditions of consent, that it is required to comply with before a subdivision certificate can be issued (where applicable)
 - a certificate of compliance from the relevant water supply authority (where applicable)
 - if a subdivision is the subject of an order of the Land and Environment Court under section 40 of the Land and Environment Court Act 1979 evidence that required drainage easements have been acquired by the relevant council
 - for subdivision involving subdivision works evidence that:
 - the work has been completed, or
 - agreement reached with the relevant consent authority regarding payment of the cost of work or as to the time for carrying out the work, or
 - security given to the consent authority with respect to the completion of the work
 - Work as Executed Plans for **ALL** works
- (ii) Documentary evidence that **all** matters contained in Section 109J of the Act have been complied with.
- (iii) Written evidence from Council that the proposed road/street names have been approved.

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

34. Prior to the application for a **Subdivision Certificate** a Compliance Certificate or Certificates shall be obtained from Council **OR** an accredited certifier for the following:-

- (i) Compliance Certificate - Roads
- (ii) Compliance Certificate - Water Reticulation
- (iii) Compliance Certificate - Sewerage Reticulation
- (iv) Compliance Certificate - Sewerage Pump Station
- (v) Compliance Certificate - Drainage

Note: 1. Where Council is requested to issue compliance certificates, applications for such certificates must be accompanied by documentary evidence from the Developers Supervising Consulting Engineer certifying that the specific work for which a certificate is

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sought has been completed in accordance with the terms of the development consent, the construction certificate, DCP16 - Subdivision Manual and good Engineering Practice.

2. Where Council is requested to issue the construction certificate all compliance certificates and a Subdivision Certificate, Council will carry out the following inspections as deemed necessary by Council based on the rates contained in Council's current Fees and Charges:-

Roadworks

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

Water Reticulation, Sewer Reticulation, Drainage

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

Sewer Pump Station

- a. Excavation
- b. Formwork/reinforcement
- c. Hydraulics
- d. Mechanical/electrical
- e. Commissioning - on maintenance
- f. Off maintenance

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

3. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Supply Authorities Act, 1987 to be certified by an "accredited certifier".
35. Prior to the issue of a **Subdivision Certificate**, Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual.

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

- (i) all drainage lines, sewer lines and structures are wholly contained within the drainage easement created by the subdivision;
- (ii) the plans accurately reflect the Work as Executed.

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

36. Prior to the issue of a **Subdivision Certificate** a maintenance bond (in cash **or** unlimited time Bank Guarantee) shall be lodged with Council.

The bond shall be based on 5% of the value of the works which will be held by Council for a period of 6 months from the date on which the Subdivision Certificate is issued and will be refunded following the remedying of any defects arising within the 6 month period.

37. (i) **PRIOR** to lodging an application for a Subdivision Certificate, the applicant shall obtain the written approval of Council to the proposed road/street names. Approved names are to be in accordance with Council's Road Naming Policy adopted on 7 August 1996 and are to be shown on the Plan of Subdivision accompanying the application for a Subdivision Certificate.

(ii) To avoid confusion resulting from duplication of private driveway/accessway name and public road/street names, the applicant shall submit to Council for approval the proposed name(s) of any private driveway/accessways.

The names shall be approved **PRIOR** to lodgement of any plan of subdivision in respect of the development.

Names which duplicate existing and approved street names will not be approved.

38. Before the commencement of the relevant stages of road construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.

- a. That the pavement has been designed and constructed in accordance with subgrade analysis as per Austroads Pavement Design, A Guide to the Structural Design of Road Pavements.
- b. That the pavement materials used comply with the specifications in RTA Form 3051 (June 1998)
- c. That the pavement layers have been compacted to RTA specifications.
- d. That site fill areas have been compacted to the specified standard.
- e. That supervision of Bulk Earthworks has been to Level 1 and/or Level 2 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
- f. That pavement testing has been completed in accordance with Table 8.1 of AS 3798-1996.

39. All lots must be graded and trimmed to prevent the ponding of surface water. Additionally, all lots must be adequately vegetated and action must

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be taken to prevent erosion from wind and/or water to the satisfaction of the Director, Development Services.

OPEN SPACE

Active Open Space

40. (i) In conjunction with release and registration of the first linen plan of subdivision, the applicant shall dedicate 2.61ha (522 lots@50m² per lot) as Active Open Space in accordance with S94 Plan No. 10.
- (ii) Prior to release of any linen plan, the applicant shall embellish on a proportionally staged basis the active open space referred to in Condition (I) above to the satisfaction of Council. Alternatively, Council will accept a bond on a proportionally staged basis for the embellishment on the approved estimate of cost for the work

Such embellishment shall include (but not be limited to):

- a) Filling
- b) Drainage
- c) Topsoiling
- d) Grassing
- e) Irrigation
- f) Fencing
- g) Carparking
- h) Amenities block
- i) Pavilion/Grandstand

The applicant and Council shall jointly prepare an Active Open Space Master Plan and Cost estimate for embellishment which shall form the basis of bonding and works required.

Casual Open Space

41. The Vegetation Rehabilitation Plan required by Condition 36 of Development Consent 94/438 is to be submitted and approved prior to commencing earthworks and prior to release of the Construction Certificate for Stage 1 of the proposed development. All recommendations of the Vegetation Rehabilitation Plan are to be complied with prior to the release of the linen plan to ensure that the rehabilitation is maintained by the developer for a period of 1 year or until the landscaping is established, whichever occurs first. The amount of bond shall be 20% of the estimated cost of the rehabilitation works.

Community Facilities

42. Prior to release of the first linen plan of subdivision, the applicant shall construct on a proportionally staged basis the community facilities nominated in S94 Plan No. 10 for Cobaki Lakes for a lot threshold of 1,000 lots (ie. Table 3). Alternatively, Council will accept a bond on a proportionally staged basis for the facilities required up to 1000 lots based on the approved estimated cost of the work. After 1000 lots have been created, the applicant shall construct on a proportionally staged basis the community facilities nominated in S94 Plan No. 10 for Cobaki Lakes for a threshold of 2000 lots (ie. Table 3). Alternatively, Council will accept a

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bond on a proportionally staged basis for the facilities required up to 2000 lots based on the approved estimated cost of the work.

After 2000 lots have been created, the applicant shall construct on a proportionally staged basis the community facilities nominated in S94 Plan No. 10 for Cobaki Lakes for a threshold of 3000 lots (ie. Table 3). Alternatively, Council will accept a bond on a proportionally staged basis for the facilities required up to 3000 lots based on the approved estimated cost of work. After 3000 lots have been created, applicant shall construct on a proportionally staged basis the community facilities nominated in S94 Plan No. 10 Cobaki Lakes for a threshold of 4000 lots (ie. Table 3). Alternatively, Council will accept a bond on a proportionally staged basis for the facilities required up to 4000 lots based on the approved estimated cost of work.

ROADS/STREETS

43. All proposed road/streets, drainage and associated works within the subdivision shall be designed and constructed in accordance with the development consent plans referred to in Condition 6 **AND** the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.
44. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-
- i. Construction of the roads in the subdivision generally in accordance with Figures 6BA, 6CA, 6DA, 10A and 10B prepared by Cardno MBK Pty Ltd as follows:-

Figure Number	Road Number	Road Reserve & Carriageway Width
6BA	14, 15, 16, 21, 22, 23, 26	13.0m RR, 6m carriageway
6BA	4, 7, 8, 20, 24, 25	15.0m RR, 7m carriageway
6BA	2	18.0m RR, 11m carriageway
6CA	37, 38	13.0m RR, 6m carriageway
6CA	62, 66, 67, 69	15.0m RR, 7m carriageway
6CA	35, 36	16.0m RR, 9m carriageway
6DA	70, 71, 76	13.0m RR, 6m carriageway
6DA	60, 61, 64, 67, 68, 69, 72	15.0m RR, 7m carriageway
6DA	32, 33, 34, 39	18.0m RR, 11m carriageway

45. Road No. 6 shall be connected to Road No. 7 via a public road located adjacent to proposed Lot 223. This public road shall have a minimum road width of 13.0m.
46. The guard rail as shown on Figure 10(B) which is located above the retaining wall at chainage 200 shall be relocated so that it is located 300mm behind the nominal face of the kerb and gutter. A pedestrian fence shall be constructed above the retaining wall.

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47. Roundabouts shall be constructed at the following intersections in accordance with Austroads Part 6, Roundabouts;
road No. 1 and road No. 2;
road No. 1 and road No. 32;
road No. 32 and road No. 2;
road No. 1 and road No. 33 and;
road No. 33 and road No. 32
48. Prior to the issue of the construction certificate the applicant shall demonstrate that the access gradients to proposed Lots 261 and 262 are in accordance with Council's Access to Property pamphlet. Alternatively, proposed allotments 261 and 262 may be amalgamated to form one allotment.
49. The road access points from Road No. 1 (Sandy Lane) to the future development lots 500, 505, 507 and 105 shall be:
Lot 500 - maximum of two (2) access points
Lot 505, 507, 105 - maximum of one (1) access point
50. The applicant shall construct two (2) additional car park spaces in the head of the cul-de-sac in road No. 14. Details of this construction work shall be included in the application for the construction certificate.
51.
 - i. All multi-purpose trails, concrete cycleways and concrete footpaths shall be constructed in accordance with Plan No. 2764/7, Figure 18A 'Footpaths and Cycleways' prepared by Cardno MBK and dated October 1999 and the requirements of DCP No. 16.
 - ii. Alternatively, the developer may pay a cash contribution to the value of the works plus 25% in lieu of construction and Council will construct the footpath when the subdivision is substantially built out. The cost of these works shall be validated by a schedule of rates.
 - iii. If the developer elects to construct the footpath prior to the issue of a Subdivision Certificate, a cash maintenance bond equal to 25% of the contract value of the footpath shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths are built on. The maintenance bond shall be lodged prior to release of the subdivision certificate.
52. All proposed cycleways shall have a minimum clearance of 800mm from the edge of the cycleway to the property boundary or any other physical obstruction within the footpath area.
53. All pathways and cycleways located within public road with road reserves be constructed from 20Mpa concrete, 100mm thick and placed on a compacted subgrade. The width of the pathway or cycleway shall vary depending on the expected pedestrian or cycle usage.
54. All multi purpose trails not located within public road reserves shall be constructed from 100mm gravel (CBR 45 min) and overlaid with 20mm asphaltic concrete. Controlled drainage shall be provided where necessary.
55. (i) Cobaki Parkway shall **not** be connected to Piggabeen Road until the proposed Tugun Bypass and Boyd Street interchange are opened to traffic.

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- (ii) To secure the ultimate connection of Cobaki Parkway to Piggabeen Road the developer shall:-
 - a. dedicate in conjunction with the Stage 1 linen plan that section of Cobaki Parkway between Piggabeen Road and Roundabout No 4 (Sandridge Roundabout) as public road reserve at no cost to Council. The alignment and width of the proposed road reserve shall be approved by the Director Engineering Services; and
 - b. A Bank Guarantee shall be lodged **prior** to release of the Stage 1 linen plan for an amount of \$2,500,000 as security for the construction of the section of Cobaki Parkway and Cobaki Bridge referred to in condition 56(ii)(a).
- 56. Integrated design of streets, footpaths, landscape strips, carriageways, intersections of streets and other features of residential streets to be generally in accordance with the "typical street design" plans and the "planning building and landscape code" code submitted by Sinclair Knight Merz (January 1995), such details to be shown in Engineering Plans submitted with the construction certificate for each residential subdivision, to achieve increased visual amenity and reduce vehicle speed, and to be approved by the Director Development Services in consultation with the Council's Manager Recreation Services. Such approved plans for streetscape, street landscaping and carriageway treatment to be implemented in conjunction with subdivision engineering works to the satisfaction of the Director Development Services and Manager Recreation Services prior to release of linen plan for each stage.

DRAINAGE/FLOODING

- 57. All fill is to be graded at 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted with the Construction Certificate application. Drainage must be installed and operational prior to commencement of any work.
- 58. The land to be filled to the design flood level of RL 2.8m AHD with provision to ensure that all habitable floors are 30mm above this level ie. 3.1m AHD.
- 59. The earthworks shall be carried out in accordance with AS 3798-1996, "Guidelines on Earthworks for Commercial and Residential Developments". In general, material shall be placed in layers not exceeding 300mm in depth, watered and compacted to achieve the specified density ratio as monitored in Table 5.1 - Guidelines for Minimum Relative Compaction.
- 60. The earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with Appendix 6, AS 3798-1996. In addition, the frequency of field density testing shall be to a Type 1 standard in accordance with Table 8.1 of AS 3798-1996. The geotechnical report shall be accompanied by a certificate from a registered

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Geotechnical Engineer certifying that the filling operations comply with AS3798-1996.

61. Prior to final acceptance of the Stormwater system and release of the maintenance bond a CCTV inspection of the stormwater pipes will be required to demonstrate that the standard of the stormwater system is acceptable to Council.
62. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped.
63. No filling to is be placed hydraulically within twenty metres (20m) of any boundary that abuts private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.
No filling of any description is to be deposited, or remain deposited, within adjacent properties.
64. A bond or bank guarantee of 5% is to be lodged with Council prior to placement of any fill on the site. This bond will be drawn on by Council to undertake any rectification work directed but not completed or progressing to the satisfaction of the Director, Engineering Services within seventy two (72) hours from the date of serving any notice. The bond to be released upon completion of all work to the satisfaction of the Director, Engineering Services.
65. Inter allotment drainage shall be provided to **ALL** lots where roof water from dwellings, driveways and paved accesses cannot be conveyed to the street gutter by gravitational means. Where inter-allotment drainage has not been provided, Certification by a duly qualified Engineer is to be provided stating that roof water from the building envelope can be conveyed to the street gutter by gravitational means.
66. Prior to issuing a Construction Certificate, a Water Quality Management Plan and a Stormwater Treatment Management Plan are to be submitted to Council for approval which is to detail the following as a minimum
 - i. Baseline Water Quality parameters/criteria applicable to Cobaki Broadwater for the protection of the aquatic ecosystem of Cobaki Broadwater.
 - ii. Monitoring points (number and location).
 - iii. Frequency of monitoring and reporting.
 - iv. The nomination of the responsible person monitoring, reporting maintenance and corrective measures.
 - v. Corrective measures to be employed should monitoring indicate that unsatisfactory compliance with the adopted baseline parameters/criteria.
 - vi. Monitoring period to be employed.
 - vii. Stormwater discharge quality parameters/criteria consistent with DCP17 objectives or other criteria as may be approved by Council.
 - viii. Frequency of inspection of all selected and installed stormwater treatment systems.

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ix. Specific maintenance measures and procedures to be used in the event of maintenance to stormwater treatment devices.

x. Maintenance and inspection period.

Compliance with these Plans once approved and adopted is required.

In addition these plans shall also include the Drainage and Stormwater Management Principles - see Schedule A attached.

67. The design of all Extended Detention Basins is to incorporate litter removal., pre-treatment mechanisms for where outlet clogging is likely to occur and as well as the use of energy dissipaters at the inlet side to minimise the re-suspension of deposited material where considered necessary.
68. All Pollution Control Ponds are to be inspected following the conclusion of construction activities and de-silting operations conducted if necessary. The planting of macrophytes shall generally be in accordance with the provisions of the NSW EPA Managing Urban Stormwater Treatment Techniques dated November 1997.
69. Appropriately worded signs are to be erected around all pollution control ponds advising that as a minimum the ponds are unsuitable for swimming purposes.
70. The design of all Vegetated Filter Strips is to incorporate flow spreaders at the upstream end to evenly distribute runoff across the filter strip and all filter strips are not to receive discharges directly from stormwater pipes without energy dissipaters or flow spreaders being installed.

SERVICES

71. The provision of reticulated water and sewerage supply to the Cobaki Lakes site is to be undertaken in accordance with the Sewerage and Water Infrastructure Strategy prepared by Sinclair Knight Merz dated June 1996. Any variations from this Strategy will be subject to approval by the Director of Engineering Services.

Sewer

72. Prior to issuing a Subdivision Certificate, outfall sewerage reticulation shall be provided to all lots within the subdivision including a minimum 150mm diameter sewer junction terminated at least 1.0m inside the property boundary of each lot in accordance with engineering plans to accompany the Construction Certificate application. The reticulation shall be designed and constructed in accordance with DCP16 - Subdivisions Manual.

Council does not permit the building over Council's sewers. When buildings are located in close proximity to the sewer, detailed plans of footing types, location and depth relative to the sewer are required to be included with the Construction Certificate Application.

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

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73. i. The site of the sewage pumping station shall be transferred to Council in fee simple, at no cost to Council within 28 days of the date of registration of the plan of subdivision.
- ii. An accurate plan of the sewage pumping station site shall be submitted to Council 60 days prior to lodgement of the Application for Subdivision Certificate (form 13) to allow the land to be classified.

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

Water

74. Prior to issuing a Subdivision Certificate, Town Water shall be provided to each lot including a minimum size 25mm outside diameter water service terminated 1.0m inside the property boundary of each lot in accordance engineering with plans to accompany the Construction Certificate application. The reticulation shall be designed and constructed in accordance with DCP16 - Subdivisions Manual.

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

Telephone

75. The production of written evidence from Telstra Australia certifying that satisfactory arrangements have been made for the provision of underground telephone supply.

Electricity

76. i. The production of written evidence from Northpower certifying that reticulation of underground electricity has been completed; and
- ii. The reticulation to include the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.

ENVIRONMENT PROTECTION

77. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.
78. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
79. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.
80. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
81. An Environmental Officer shall be engaged to implement this consent and monitor and oversee the environmental effects of development during construction phases. Such officer to be appropriately (professionally) qualified environmentalist; tasks to be as set out in the Management Plan accompanying the Statement of Environmental Effects by Sinclair Knight

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Merz that was submitted with DA S94/194, as amended by conditions of consent:

- i. All significant old growth trees which are to be retained as identified in the Species Impact Statement prepared by Peter Parker dated August 1999 (Figure 4.4) are to be clearly marked prior to commencement of works. This is to be monitored by the Environmental Officer to ensure that the trees are not damaged, destroyed or removed.
 - ii. The flora and fauna survey, (Section 4 of the Species Impact Statement prepared by Peter Parker dated August 1999) identifies and maps a number of threatened species at the site (Figure 4.2). No development shall occur at the site and in areas proximate to these locations and buffer plantings of suitable native plant species shall be provided between the locations and nearby urban development or roads. This work is to be to the satisfaction of the Director General of the National Parks and Wildlife Service and shall be completed prior to release of the linen plan for the relevant stage.
 - iii. Stock that currently graze over the site shall be removed prior to the issue of a Subdivision Certificate.
 - iv. A monitoring report shall be provided to Council and the National Parks and Wildlife Service six (6) months after the commencement of works and then at twelve (12) monthly intervals and continue for two (2) years after all works are completed. This report will identify the protection afforded to threatened plant species, buffer and corridor plantings, the occupation of the Osprey of its nest site and any breeding results and bushfire impacts.
82. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
83. A buffer area of at least 100 metres radius is to be provided around the Osprey Nesting Site as shown on Figure 6BA prepared by Cardno and Davies dated July 1999 (proposed public reserve lot 201 in Stage 2). No development works are to be carried out within this buffer area.
84. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17⁰ or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application. Such plans shall generally incorporate the following and preferably be prepared by a landscape architect:
- i) Contours and terraces where the height exceeds 1m.
 - ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
 - iii) Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.

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- iv) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.
 - v) The landscaping shall be completed to the satisfaction of the Director Development Services **PRIOR** to the issue of a Subdivision Certificate.
 - vi) A bond shall be lodged prior to the issue of the subdivision certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.
85. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
86. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.
87. 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.
88. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
- A. Short Term Period - 4 weeks.
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
 - B. Long term period - the duration.
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.
- All stormwater gully lintels shall have the following notice **cast** into the top of the lintel: **'DUMP NO RUBBISH, FLOWS INTO CREEK'** or similar wording to the satisfaction of the Director of Development Services.

SCHEDULE A

DRAINAGE AND STORMWATER MANAGEMENT PRINCIPLES

(a) Point of Drainage Discharge

The ultimate point of drainage discharge for this development shall be Cobaki Creek.

Legal continuity of reserves or easements and physical capacity for the Q100 year discharge must be provided in the drainage path from the point of discharge of this subdivision to the ultimate discharge point at Cobaki Creek. Progressive subdivision of the site must provide lawful points of discharge with legal and physical continuity to Cobaki Creek at each stage

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of title creation, despite the discharge being into the applicants own (for the time being) land.

No works on the land being the subject of this application shall commence until:

All trunk drainage and stormwater quality control devices are constructed from the subject property to the ultimate point of discharge

Easements or drainage reserves in favour of Council are obtained over all downstream drainage infrastructure (including stormwater quality devices and meadow drainage) and accesses to such infrastructure from the subject property boundary to the point of discharge.

(b) Management Lots

This refers to all proposed management lots and includes:

Residential B Management Lots	Residential A Management Lots
313, 387, 391, 389, 481, 482, 401, 402, 102, 109, 482 again, 481 again, 480, 479, 478, 434, 629, 748, 613, 602, 500, 504	404, 105, 508, 507, 505

Prior to the application for a subdivision certificate to create management lot(s) the following shall be required:

(i) Infrastructure

Sufficient permanent infrastructure must be constructed in the subdivision that creates the management lots so that they may be capable of being developed to their ultimate capacity by subsequent applicants without any requirements for provision or augmentation of external infrastructure. All proposed infrastructure that crosses management lot boundaries or runs adjacent to management lot boundaries must be constructed in the subdivision that creates the management lots.

Public roads through site that connect with public roads in adjoining sites and roads adjacent to and accessing master lots are to be constructed.

(ii) Interfaces with adjoining land

Engineering plans and specifications are to accompany the construction certificate application which fully define in 3 dimensions the interface of management lots with other land.

(iii) Ultimate and Interim Drainage

The interim period is defined as that time between the creation of a management lot and the ultimate completion of the subdivision creating small lots within the management lot.

Management lots shall be provided with interim and ultimate drainage inlets on the lots or at lot boundaries. The management lots shall be shaped to ensure all interim Q5 concentrated drainage and surface runoff from slopes longer than 40m is discharged to these inlets. Provision shall be made outside the management lots for acceptance and transport of ultimate and interim Q100 flows from the

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management lots. Drainage and stormwater water quality features required for the ultimate development of the subdivision shall be constructed from each management lot boundary downstream to the point of discharge

(iv) Easements

Where infrastructure required to serve a management lot, passes through another that creates the management lots, easements in favour of Council shall be granted over the infrastructure and necessary access roads to such infrastructure.

(c) Stormwater Quality Treatment

Unless stated otherwise, references in brackets refer to sections on devices in NSW EPA publication "Managing Urban Stormwater - Treatment Techniques, November 1997".

(i) General Criteria for Stormwater Treatment Devices

Stormwater treatment devices to be installed in the public realm shall conform with the following general criteria:

The type, number and location of devices shall be selected to ensure minimum long term asset ownership costs.

Trunk drainage (excepting the section of meadow drainage), constructed wetlands and extended dry detention basins are to be located in reserves.

Devices shall be located for easy cleaning and maintenance access by vehicles and personnel.

Devices (except meadow drainage and filter strips) located off street are to be provided with sealed access and manoeuvring areas (located on easements) for cleaning/maintenance vehicles and equipment. Meadow drainage and filter strips shall be provided with a 3m wide, all weather, heavy vehicle maintenance access track down on side.

Best quality materials and construction methods shall be used to ensure maximum life expectancy of device components.

Litter racks, baskets and metal components in contaminated or corrosive areas shall be fabricated from stainless steel or marine grade aluminium. Use of other non corrosive materials will be subject to Council approval.

Litter racks and non proprietary GPTs shall be designed for self cleansing and automatic movement of litter to storage bins. Litter/gross pollutant storage bins shall be constructed of reinforced concrete and designed for convenient access and cleaning by mechanised means (eg. excavator, backhoe, suction truck).

Where access for cleaning is required by means of hatches, doors or lids they shall be constructed in high strength/lightweight materials with lockable/easy opening fastening devices

All devices shall be designed to minimise risk to operators and the public and shall be in accordance with the requirements of the Occupational, Health and Safety Act. Devices where there is risk to the public or the operation of the device is at risk from interference from the public shall be enclosed by a person proof fence.

The sizing of devices shall be increased (where necessary in excess of the size obtained using the EPA publication "Managing Urban Stormwater - Treatment

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Techniques, November 1977”) to ensure cleaning out is required on average no more than 6 times per year

*Note: Research by Gold Coast City Council has established that the rainfall intensity in this region for a design ARI of 3 months is 0.50 of the 1 year ARI intensity. The reduction of intensity (from 11 year to 1 3 months) will also reduce the runoff coefficient by around 20% resulting in Q3 months being approximately 40% of Q1 year. For the purpose of these conditions Q3 months shall be deemed to be 40% of Q1 year. For the Tweed Shire area, this **amends** the proposition in Dept of Housing and EPA manuals which seem to be based on low rainfall areas and suggest that Q3months is 25% of Q 1 year.*

(ii) Ultimate System

The proposal as defined in the report by WBM Oceanics Australia “Cobaki Lakes Water Quality Assessment (1999) - Document 12221.1.1” in Section 5 “Stormwater Treatment Systems” is to be implemented as the permanent stormwater quality control system subject to the following:

Location and sizing of trunk drainage and stormwater quality control devices is to be in general accordance with section 5.2, Table 5.1 and Figure 5.1 of the WBM report and Cardno MBK drawing Job No.2764/7 Figure 12A, December 1999.

The area designated as “meadow drainage” is to be minimum 9.4ha. This area is to be located generally as shown on Figure 12A above, but, its exact location and shape may vary due to topographical factors and detailed design. Required design Criteria:

The cross section shall be designed as a wide, flat trapezoidal channel with sufficient capacity to accommodate Q100 flows. Batter slopes are not to exceed 25%.

The base of the trapezoidal channel shall be flat in cross section and designed as a filter strip (Ref 5.1). The base and batters shall be established with appropriate grass species.

A 3m wide all weather, heavy vehicle, maintenance access track (with access at both ends to Sandy Lane) shall be established on one side of the meadow drainage system. Where necessary for access continuity, all weather access or bridging across tributaries shall be provided.

An easement for drainage, benefiting Council shall be established over the meadow drainage system and access track. The easement shall be fenced out to prevent unauthorised access.

All stormwater entering the meadow drainage system shall be screened for gross pollutants and litter by means of litter racks (Ref 4.2).

Road and street drainage and gross pollutants. Where consistent with other land use requirements grassed swale drainage (Ref 5.2) is to be used in preference to pipes or hard lined channels. Litter and gross pollutants greater than 50mm are to be retained for flows up to the ARI 3 month storm (deemed to be 40% of the ARI one year event) by means of litter baskets or pits (ref 4.1) or litter racks (ref 4.2). These devices are to be sized to require cleaning on average not more than six times per year, based on a yield of 1cu.m /ha/year. Whilst a sufficient number of litter/gross pollutant collection devices shall be provided to ensure all road

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stormwater is screened for litter and gross pollutants, the number of devices shall be minimised. Where practical, devices will be located downstream of entry pits at locations servicing a minimum 50 lots.

Note: Swales are not preferred as a substitute for kerb and gutter where on street parking is required, unless cars can be excluded from swale area on roads serving small lots with numerous driveways where gradients are <1% or >5%)

Pollution Control Ponds C1, C2 and C3 are constructed wetlands and are to be designed in accordance with *The Constructed Wetlands Manual* (Department of Land and Water Conservation NSW, 1998). General configuration is to be in accordance with section 16.2 and figure 16-2 of the manual and contain the following basic components in series from upstream to downstream:

Inlet zone (as well as inlet structures, to contain litter rack for final removal of litter and gross pollutants)

Deep water zone (to remove sediments -gravel, sand, silt)

Macrophyte zone (to remove fine pollutants and nutrients)

Outlet zone

and around the edges:

Littoral zone (edge water plants, bank protection, maintenance access)

Constructed wetlands are to conform to the following additional design criteria:-

Length: width ratio >3

Wetlands are primarily to be designed to capture the ARI 3 month storm (deemed to be 40% of the ARI one year event), however overflow structures and flow paths are to be provided to pass ARI 100 year storms ensuring no damage to the wetland or associated drainage or other ancillary works and no re-mobilisation of captured sediments.

Constructed wetlands, where possible, are to be located off stream with flows above the ARI 3 month storm (deemed to be 40% of the ARI one year event) being bypassed.

Surface area and storage volume to be in accordance with Cardno MBK drawing Job No.2764/7 Figure 12A, December 1999.

Depths

Deep water zone, average depth 1.5m

Macrophyte zone. average depth 0.7m

Littoral zone - to contain perimeter all weather maintenance access road

Wetlands are to be enclosed in security fence

Extended dry detention basins B1, B2, B3, B4, B5, B8, B9, B10, B11, B13 are to be designed in accordance with (Ref 5.3) and sized in accordance with Cardno MBK drawing Job No.2764/7 Figure 12A, December 1999.

Vegetated filter strips are to be designed in accordance with (Ref 5.1). They are to be sized to provide 9 minutes average residence time for a design storm of 3 months (deemed to be 0.5 of the Q1 year event).

Swale Drains shall be designed in accordance with (Ref 5.2).

(iii) Staging of Subdivision and Stormwater Quality Treatment

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Where the subdivision is to be staged (including the progressive creation of allotments):

The meadow drainage shall be provided as a prerequisite for any staged subdivision

For each subdivision stage all stormwater quality management devices, designated in (b) above for the ultimate system, required within and downstream of the subject stage are to be provided for that stage.

(d) Erosion and sediment control

General

Stormwater quality works in the construction phase are focused on erosion and sediment control.

The aims of erosion and sediment control are:

Minimise soil erosion and exposure

Minimise transportation of eroded soil by air and water

limit suspended solids concentration in stormwater to not more than 50mg/l

Limit/minimise the amount of site disturbance

isolate the site by diverting clean upstream "run on" water around the development

Control runoff and sediment at its point source rather than at one final point

Stage ground disturbance/earthworks and progressively revegetate the site where possible to

reduce the area contributing sediment

Retain topsoil for revegetation works

Locate sediment control structures where they are most effective and efficient

The owner of land being developed is responsible for erosion and sediment control on the site and the actions of all persons (including employees, plant operators, contractors, subcontractors, delivery drivers etc) who may cause erosion and sediment generation. This also includes responsibility for erosion and sediment generation on adjacent land where construction activities or materials have encroached on the adjacent land.

The **primary** reference manual for erosion and sediment control works in this code of practice shall be "Managing Urban Stormwater, Soils and Construction" NSW Dept of Housing 1998.

The **secondary** reference manual shall be "Soil and Sediment Control - Engineering Guidelines for Queensland Construction Sites 1996" The Institute of Engineers, Australia, Queensland Division. Construction works must also comply with the requirements of Tweed LEP 1998 clause 7.4 which regulates works (including drainage) on areas identified as having acid sulphate soils and the provisions of the "Acid Sulphate Soil Manual, 1998 - Assmac".

Reference numbers in brackets [Ref1..] refer to sections of the **primary** reference manual, reference numbers in brackets [Ref2..] refer to sections of the **secondary** reference manual .

The objectives for erosion and sediment control and acid sulphate soil management provided on construction sites are:

Minimise soil erosion and exposure

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Minimise transportation of eroded soil by air and water

Limit suspended solids concentration in stormwater to not more than 50mg/l

Design Average Recurrence Interval (ARI): Unless advised elsewhere in this consent, works to capture sediment laden water will be designed to accommodate a design storm of the ARI 3 month storm (deemed to be 40% of the ARI one year event), however overflow/bypass arrangements are to be designed to accommodate an ARI 100 year storm without erosion, scouring or structural damage to erosion or sediment control devices, or re-mobilisation of previously captured sediment.

*Note: Research by Gold Coast City Council has established that the rainfall intensity in this region for a design ARI of 3 months is 0.50 of the 1 year ARI intensity. The reduction of intensity (from 11 year to 1 3 months) will also reduce the runoff coefficient by around 20% resulting in Q3 months being approximately 40% of Q1 year. For the purpose of these conditions Q3 months shall be deemed to be 40% of Q1 year. For the Tweed Shire area, this **amends** the proposition in Dept of Housing and EPA manuals which seem to be based on low rainfall areas and suggest that Q3months is 25% of Q 1 year.*

(e) **Preparation of Erosion and Sediment Control Plan (ESCP)**

An Erosion and Sediment Control Plan (ESCP) is to be submitted with the construction certificate applications and shall include:

(i) Plans of external and internal catchments

(ii) Site layout to include

plans showing existing site topography and final contours with cut and fill locations identified. property boundaries and lot lines

staging of works, including staging of site clearing and topsoil stripping

location of all site access points, parking areas, site facilities and on site roadways/tracks

location of site storage and stockpile areas (sand, gravel, topsoil, building materials, fuel etc)

Utility plans

erosion risk mapping - identification of low, medium, high and extreme erosion risk areas

topographic site limitations which may include:- excessive slope gradients; unstable or hazardous terrain; flood inundation areas; rock outcrops; active coastal dune systems; land subject to wave attack; existing erosion; water bodies; drainage problem areas; areas of potential mass movement.

(iii) Vegetation layout

general location, nature and condition of existing vegetation

location plan of protected trees and bushland, non disturbance areas, buffer zones, disturbance control fencing and limits of clearing

Revegetation landscape plan (including staging)

(iv) Soil properties

location and limitations of major soil types on site

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identification of all known areas of dispersive soils (more than 10% being dispersive)

the R and K factors for the RUSLE and Soil Loss Classes (delineated where more than one class occurs)

soil hydrologic group ["Managing Urban Stormwater, Soils and Construction" NSW Dept of Housing 1998 - Appendix F]

soil texture group (Type C, F or D)

(v) Drainage

plans of both temporary and permanent drainage, including design/capacities, identification of all proposed temporary and final overland flow paths, and any proposed diversions of overland flow paths or watercourses from the site

(vi) Erosion and sediment control proposal including

site specific text overview and design philosophy of erosion and sediment control proposal

location (on plans), type, function, and timing (instigation and decommissioning) of all drainage, erosion and sediment control measures (the location plans must include areas external to the site where these areas impact or are impacted upon by the drainage or ESCP of the subject site). Preliminary calculations of sedimentation pond sizing.

timetable, integration/sequencing of ESCP with staging of works,

detailed RUSLE calculations to evaluate current annual soil loss and likely annual soil losses from the proposed development incorporating the proposed ESCP

water quality monitoring program with water quality criteria goals, parameters to be monitored, monitoring locations, monitoring frequency

proposed response to failure of system and non compliance with discharge quality standards, reporting procedures

Steps in preparation of ESCP

To prepare an ESCP the following steps are to be considered:-

(i) Location of disturbance and non-disturbance zones, minimising extent and duration of disturbed areas

(ii) Location of fencing and signage for non-disturbance and buffer zones

(iii) Location and controls on construction entry/exit points

(iv) Location of site office, parking, stockpile and material storage areas

(v) Determine and locate drainage and sediment controls for d)

(vi) Location temporary construction roads

(vii) Division of site into manageable drainage sectors

(viii) Staging, and programming (soil loss class constraints) of construction works for compatibility with ESCP in each drainage sector

(ix) Clean water management strategies for each drainage sector (diversion around disturbed, stockpile and risk areas)

(x) Controls for channelised flow velocities

(xi) Erosion controls on each disturbed area

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- (xii) Control of sediment laden runoff
 - (xiii) Control of sediment in surface runoff at site boundaries
 - (xiv) Trapping of sediment within the development
 - (xv) Location and operation of sediment basins
 - (xvi) Dust control measures
 - (xvii) Revegetation program
 - (xviii) Installation and decommissioning schedule
 - (xix) Maintenance and monitoring program
 - (xx) Assessment of effectiveness of ESCP in terms of soil loss (RUSLE) and impact on receiving waters
- Application of Soil Loss Class

The soils on the development site shall be classified as follows

Soil Loss Class	Calculated soil loss (tonnes/ha/year as calculated by RUSLE)
1	0 to 250
2	251 to 300
3	301 to 375
4	376 to 500
5	501 to 750
6	751 to 1,500
7	1,501 to 3,750

The ESCP shall use soil loss class data ensure that works are seasonally programmed to keep soil loss below the rate of 37.5 tonnes/hectare/year in any 2 week period. The times when a regular suite of BMPs are normally adequate to keep soil loss within this range are:

Period	Soil Classes That May Be Developed
January and first half February	1 - 4
Second half February and March	1 - 3
April and first half May	1 - 4
Second half May and first half June	1 - 5
Second half June and July, August, September and first half October	1 - 6
Second half October, November and December	1 - 5

at other times the ESCP must ensure soils in these classes are revegetated or otherwise protected

ESCP plans shall use standard drawing symbols in [Ref 2, A8]

(f) Clearing Vegetation, Soil Disturbance

The removal or disturbance of trees, shrubs and ground covers shall be minimised.

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Buffer zones consisting of corridors of undisturbed vegetation adjacent to waterways or disturbed area are to be retained to reduce nutrient levels in runoff, unless these areas are protected by other means. Buffer zones are to have the following minimum widths:-

Slope %	Buffer Width in Metres
2	15
4	20
6	30
8	40
10	50
12	60
14	70

On construction/building sites:

- (i) the footpath or nature strip must not be disturbed by construction activities other than shown on the plan for:
access to the site
installation of services
other works specifically approved by Council; and
- (ii) removal and disturbance of vegetation must be confined to:
the approved envelope area and/or permanent access ways
areas within 3 metres of the outermost projection of approved works and storage areas (or as required by other authorities).

Retained vegetation and buffers must be protected by a suitable fence barrier. Fenced areas shall be clearly signposted "No Access Area".

For subdivision work:

- (i) clearing for works must be limited to 2 metres from the edge of any essential construction activity as shown on the engineering plans
- (ii) where practical, development must be phased, with clearing undertaken only with the development of each stage; and
- (iii) understory ground cover vegetation may be slashed, except in areas shown on the plan, providing ground surface disturbance is minimised and a rubber tyred vehicle is used.

All reasonable care must be taken to protect other vegetation from damage during construction. This will involve:

- clearly marking trees to remain
- avoiding compaction of ground or filling within the dripline of trees to be retained
- clearly delineating the area of disturbance and keeping all vehicles, building materials and refuse within that area
- limiting the number of access points to the site
- clearly restricting access to "no go" areas.

No vegetation is to be removed prior to approval of Council to start work on any stage, and not before the approved sediment control measures are in place.

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Where practicable vegetative debris must be salvaged either as logs or woodchip for later reuse to control erosion or to rehabilitate the site. Non salvageable material, such as stumps and roots, can be removed.

Soil disturbance activities are to be in accordance with [Ref 1] Chapter 4.2 of the manual, slope lengths on batters are not to exceed those in [Ref 1] fig 4.4 and fig 4.5.

(g) Access and Roads

Vehicular access must be confined to a maximum of two locations. Such locations will be shown on the ESCP and subject to the approval of Council.

Accesses to construction sites of 1 hectare or more shall be fitted with a shakedown device

A shakedown device shall be either:-

a shaker grid (metal bar cattle grid minimum length 7m), placed to ensure vehicles crossing the grid have sufficient speed to shake off mud and contaminants from vehicles or

a 10m long shake down area constructed with 50mm diameter crushed rock

The shakedown device shall be located along the haul route, immediately before the intersection with the public road.

Regular maintenance of shake down devices is required to ensure no material is deposited on public roads. Metal shall be cleaned/replaced when the exposed height of aggregate is less than 30mm.

Shaker grids are required on sites where more than 1,000m³ of material per month is hauled off site. If material is deposited on a public street, it shall be swept up and removed before the end of that working day.

If after using shakedown device, material is still adhering to truck wheels and being deposited on public roads, a wheel washing device must be installed and used at site exit locations to ensure no further material is carted off site and deposited on public roads.

Runoff from access surfaces must be drained into an adjacent sediment trapping device before leaving the site. Where appropriate, devices to remove soil particles from vehicles must be placed at site exit locations.

On subdivision work, priority must be given to road and shoulder stabilisation based on erosion hazards. Where circumstances preclude the sealing of road shoulders and/or the construction of kerb and gutter, and:

- (i) where grades permit grass shoulder (less than 5%), the shoulders and associated table drains must be topsoiled and turfed, having dimensions that simplify maintenance mowing; and
- (ii) where grades do not permit grass shoulders (more than 5%), the shoulders and associated table drains must be stabilised with appropriate erosion control measures (e.g. jute mesh and bitumen, cross drains, erosion matting etc.) and revegetated.

On subdivision work newly sealed hard stand areas must be swept thoroughly after sealing/surfacing to prevent excess aggregate or gravel entering street drains.

(h) Site Works, Erosion Control

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Site disturbance must not be undertaken before the issue of appropriate approvals
 Construction sequence shall be generally in accordance with [Ref 2] A4.8.
 Schedule the construction program to minimise the potential for soil loss so that at the time from the beginning of land disturbance activities to rehabilitation is minimised.

Further on lands with a high erosion hazard:

- (i) confine land disturbance to those times of the year designated in 2.2 for each soil loss class
 - (ii) or show special measures on the *Plan* to address the high erosion hazard
- Site excavation must be designed and located to minimise cut and fill.

Runoff and erosion controls must be installed before clearing and shall include:

- (i) Diversion [Ref 1] manual 5.2.3, 5.2.4) of upslope runoff around cleared and/or disturbed areas or areas to be cleared and/or disturbed, providing that:
 - such diverted water will not cause erosion
 - the upslope catchment area is more than 2,000 square metres
 - waters are diverted to a legal point of discharge

Diversion works are to be designed to carry peak flows at non erosive velocities in bare soil, vegetated or lined drains/banks. Generally, the channel should be lined with turf. However, where velocities are designed in excess of 2m per second, non erosive linings such as concrete, geotextiles, grouted rock etc or velocity reducers (check dams etc) are required.

- (ii) Sediment control fences or other measures at the downslope perimeter of cleared and/or disturbed areas to prevent unwanted sediment and other debris escaping from the land; and
- (iii) maintenance of all erosion control measures at operational capacity until land is effectively rehabilitated.

On sites where more than 1,000 square metres are to be disturbed, runoff and erosion controls must also include:

- (i) protection of areas to remain undisturbed through the erection of barrier fencing; and
- (ii) The maximum length of exposed (disturbed) slope shall be

$$\text{Max Slope length} = 90 - 48[\log(\% \text{slope})] \text{ metres}$$

% Slope	Max Slope Length (m)	% Slope	Max Slope Length (m)	% Slope	Max Slope Length (m)
1	90	10	42	19	29
2	75	11	40	20	28
3	67	12	38	25	23
4	61	13	37	30	19
5	56	14	35	35	16
6	52	15	34	40	13
7	49	16	32	45	11
8	47	17	31	50	8
9	44	18	30	60	5

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Where possible, topsoil must be stripped only from those areas designated on the approved *Plan*, and must be stockpiled for later use in rehabilitation and landscaping. Site topsoil shall be isolated from subsoil material in separate stockpiles.

Stockpiles (topsoil, spoil, subsoil, bricklayers loam, sand or other) must :

- (i) *not* be located on public footpaths, nature strips, roads, road shoulders or any other public land;
- (ii) be located at least 2 metres from any hazard areas, including surfaces with grades greater than 15%, zones of concentrated flow, gutters, drains, driveways, tree drip zones, swales or standing vegetation;
- (iii) be protected from upslope surface flows;
- (iv) be provided with sediment filters downslope; and
- (v) be provided with a protective cover that reduces the C-factor (see [Ref 1]) on bare surface areas to 0.15 or less where they are unlikely to be worked for more than 20 working days.

Fill batters should be located to avoid established trees, where this is not possible a tree surgeons advice is to be followed to minimise damage. Where retention is not possible affected trees are to be removed to reduce risk to slope stability.

Unless directed otherwise by approved plans and specifications, trenches must be backfilled and compacted to 95% standard compaction and capped with topsoil up to adjoining ground level and must be turfed or sown with an approved seed and fertiliser mix.

Excess spoil may be retained on site provided the stockpile area is prepared by stripping topsoil from beneath the fill site and respreading it later over affected areas.

All sedimentation control measures must be maintained at, or above their design capacity.

High efficiency dust control techniques must be employed on site on an as needs basis to prevent the emission of dust from the site see [Ref 1]6.3.6. Such techniques must be applied to the movement of soil, sand, all excavated areas, stockpiles, haul roads and ramps, and to any other areas or applications where the potential for dust generation exists. These control techniques may include the use of water sprays, application of dust suppressants, surface stabilisation or covering exposed surfaces. Dust control techniques must be employed on site at all times including outside normal working hours. All permanent roads and trafficable areas must be sealed or hard surfaced to minimise dust generation. Unless an exemption from Council is obtained, all sites where over 1,500 sq m are to be disturbed must be provided with a barrier fence wind break [Ref 1] 6.3.6(b)(iii).

(i) **Stormwater Control**

When roof structures and piped or artificial stormwater systems are in place, discharge water is to be managed in a manner that reduces the likelihood of erosion. Roof water systems must be functional and discharge to the stormwater system before roof runoff begins. The stormwater system must

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prevent sediment from being eroded from the site and deposited downstream.

(j) **Sediment Control**

All sediment control measures and facilities must be installed and stabilised before other site earthworks or measures are commenced, including stormwater diversion facilities.

Sediment basin(s) must be constructed where the area to be developed exceeds 1 hectare. Where it is less than 1 hectare, other sediment control devices may be accepted.

Silt fences, hay bales and other sediment traps. Design shall generally be in accordance with [Ref 1] Chapter 6.3.4 of the manual and manual standard drawings SD6.6 - 6.9 except as varied by the following criteria:-

Maximum flow in the ARI 3 month storm (deemed to be 40% of the ARI one year event), is not to exceed 1.6l/sec/metre (or the maximum catchment per metre of fence etc is not to exceed 45 m²), and

The fence or structure must be structurally viable and able to support hydraulic pressures during the ARI 100 year storm.

Maximum post spacing 2m or 3m with wire mesh backing

In fences or structures longer than 30m, spill through weirs shall be installed at 20-30m spacing

Spill through weirs shall consist of a rock filled wall contained between an enclosed steel mesh fence retaining wall. Weir length 1.2m, thickness 0.6m, height 0.5m. Rock shall be 25-50mm aggregate.

Sediment is to be removed after each rainfall event and weirs are to be regularly maintained and cleaned to ensure effective operational condition.

Straw bales and silt fence geotextiles are to be replaced when damaged or permanently blocked and fully replaced at not more than six monthly intervals.

Where sediment ponds are required these are to be constructed upstream of any wetponds/wetlands or receiving waters and preferably off line.

A marker must be placed within each sediment retention basin to show the level above which the design capacity occurs. Plans shall indicate whether basins are to be temporary or permanent.

Where sediment retention basins are required, they must be designed to treat the design rainfall event sediment-laden stormwater emanating from the site during land development works. They must remain in place and fully operational until removal is authorised or required by Council (usually at the end of the maintenance period). Where required as part of a permanent, public stormwater management system, basins located on public land (or land to be dedicated to the public), may be accepted for Council ownership.

Where required as part of a permanent, site stormwater management system, basins located on the site must be retained, operated and maintained in perpetuity by the landowner.

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Sedimentation Basins - Design shall generally be in accordance with [Ref 1] Chapter 6.3.3 of the manual and manual standard drawings SD6.1 - 6.4 except as varied by the following criteria

Overflow/bypasses are to be designed for 100 year ARI storm. Basins are to be designed so that flows greater than the ARI 3 month storm (deemed to be 40% of the ARI one year event) are transmitted in a manner that does not remobilise and remove existing settled sediment.

Type C basins settling zone capacity design storm, the ARI 3 month storm (deemed to be 40% of the ARI one year event).

Type F/D basins settling zone capacity, that necessary to contain the 75th percentile, 5 day rain event (41.5mm)

Type C basin sediment storage zone capacity, the greater of 100% of the settling zone capacity or the average 2 month soil loss as calculated by the RUSLE.

Type F/D basins sediment storage zone capacity, the greater of 50% of the settling zone capacity or the average 2 months soil loss as calculated by the RUSLE.

Basins shall be surrounded by a manproof fence with lockable gates.

Proprietary devices (Humceptors etc) will only be accepted in lieu of conventional sedimentation basins where they are sized in accordance with the above criteria.

Where eroding soils contain more than 10% of dispersible fines:

- (i) all waters captured in sediment basins must be treated with an approved flocculating agent. This treatment is to ensure that discharges from such basins contain no more than 50 milligrams per litre of non filtrable residues (or as specified in Council's Stormwater Management Plan). Following settlement of soil materials, the structure must be pumped out using a floating skimmer collection device.
- (ii) sediment retention basins must be maintained at a low water level in readiness for treatment and discharge of further runoff. All sediment captured in basins must be treated and discharged within 5 days of the cessation of a rainfall event; and
- (iii) a minimum stockpile of flocculating agents must be retained onsite to provide for at least three complete treatments. It must be stored in a secure undercover location.

All sediment control structures must be operated and maintained in an effective operational condition following good engineering practice. These structures must not be allowed to accumulate sediment volumes in excess of 70% sediment storage design capacity. Materials removed from sediment retention basins must be disposed of in a manner approved by Council that does not cause pollution.

All weather compacted gravel vehicular access must be provided to all wetlands, sediment basins, detention basins, trash racks and gross pollutant traps etc.

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Where practical surface waters from undisturbed lands must be diverted away from pollution control equipment to prevent contamination of clean runoff.

Appropriate measures must be provided to ensure that erosion and sediment control works themselves do not cause flooding, erosion or scour.

(k) Pollution Control

Petroleum and other chemical products and must be prevented from entering the stormwater system or contaminating the soil. Impervious bunds must be constructed around all fuel, oil or chemical storage areas with an enclosed volume large enough to contain 110% of the volume held in the largest tank. Adequate trade waste and litter bins must be provided onsite and serviced regularly.

Concrete wastes or washings from concrete mixers must not be deposited in any location where those wastes or washings can flow, or can be washed into any areas of retained vegetation or receiving waters.

(l) External Site Requirements

In some circumstances it may be necessary to locate sediment control devices or stabilising works outside the construction site .

Where increased stormwater run-off is likely to accelerate erosion of any downstream watercourse, the necessary remedial work shall be provided concurrently with other sediment and erosion requirements.

Where sediment is likely to be transported from the site, all immediate downstream drainage inlets shall have appropriate controls installed.

If such works require entry onto private property, written permission shall be obtained prior to the entry and commencement of such works. Documentary evidence to be submitted with the development application.

All disturbed areas on other property to be reinstated to original condition and to the satisfaction of the owner. All works to be complete prior to the release of the linen plan of subdivision or building certificate.

(m) Rehabilitation and Landscaping

All ground disturbed must be progressively stabilised and rehabilitated so it no longer acts as a source of sediment.

The C-factor [Ref 1] is to be reduced to less than 0.15 (e.g. greater than 50% grass cover) on all lands, stockpiles and other exposed materials scheduled to remain unattended for a duration of more than 20 working days.

The final rehabilitation or landscaping program is to be scheduled so that a duration of less than 20 working days will elapse from final land shaping to permanent rehabilitation.

All landscaping and rehabilitation must be completed before occupation or use of buildings or premises.

Topsoil shall be used in accordance with [Ref 1] Chapter 4.3 of the manual.

Revegetation shall be in accordance with [Ref 1] Chapter 7 of the manual.

All temporary erosion and sedimentation control works are to be removed when works are completed and revegetation is successfully established on formerly disturbed areas. All redundant materials used for temporary erosion

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and sedimentation control works are to be removed from the site and all affected areas reinstated.

(n) Operation, Maintenance

All erosion and sediment controls must be operated in accordance with the ESCP and maintained to be fully operational at all times. Worn, damaged or otherwise defective materials and components are to be repaired, refurbished or replaced as they become ineffective for their design purpose.

Where more than 2,500 square metres of land are disturbed, a self auditing program must be developed for the site. A site inspection self audit and monitoring program must be undertaken by the land developer:

at least each week

immediately before site closure

immediately following rainfall events that cause runoff.

The self audit must be undertaken systematically on site (e.g. walking anticlockwise from main entrance) and recording:

installation/removal of any erosion and sediment control device

the condition of each device employed (particularly outlet devices), noting whether it is likely to continue in an effective condition until the next self audit

circumstances contributing to damage to any devices, accidental or otherwise

storage capacity available in pollution control structures, including:

waste receptacles and portable toilets

trash racks

sediment barriers and traps

gross pollutant traps

wetlands/water quality control ponds

time, date, volume and type of any additional flocculants

the volumes of sediment removed from sediment retention systems, where applicable, and the site where sediment is disposed

maintenance or repair requirements (if any) for each device

circumstances contributing to the damage to device

repairs affected on erosion and pollution control devices

Signed, completed self audits, original test results, weekly and other result sheets shall be kept on site and are to be available on request to Council officers and other relevant statutory authorities.

(o) Monitoring

Stormwater monitoring shall take place at all locations where drainage or surface water leaves the site or enters any natural or artificial receiving waters and at other locations as directed by Council or other statutory authority. Samples shall be taken and tested as follows:

Parameter	Frequency	Reporting
Suspended Solids, Non Filterable Residue	monthly or during discharge event(defined as	as per 11.4. Non complying test results are to be

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(NFR)	>25mm in any 24 hour period)	notified within 24 hours to Council officers
Total P, Total N	3 monthly	as per 11.4

(p) Response to Monitoring, Non Compliance with ESCP, Amelioration Measures

Non compliance with approved *plans* and conditions of consent must be dealt with immediately. If there is a breach or infringement of conditions, action will be taken consistent with the nature and seriousness of the breach or infringement. Action may include:

issue of “stop work notice”

a fine under the provisions of the Protection of the Environment Operations Act 1997

notice to comply pending reinspection of the site.

Standard responses to Non Compliance

The following responses are required by the developer to non complying monitoring test results:

Indicator	Response	Comments
Suspended Solids (NFR) >50mg/litre	Identify if non compliance is due to storm event greater than design storm of control devices. If so accept non compliance. If not then:- If possible stop discharge and store runoff on site Use flocculation agents to lower NFR or Pump contaminated water over grassed filter strips or buffer areas to lower NFR Identify (by inspection and/or analysis) if non compliance is due to damage of ineffectiveness of erosion and sediment control devices. Repair or redesign/replace if necessary (or required by Council) to ensure future compliance.	Non compliance may occur, by design, in > 3month ARI event

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- B. Leda be requested to lodge Section 96 applications to allow Council to modify development consents S94/194 and S97/54 such that connection of Cobaki Parkway to Piggabeen Road does not occur until the Tugun Bypass and Interchange are operational.
- C. That draft amendments be prepared to Development Control Plan No 17 - Cobaki Lakes be amended where appropriate to reflect the outcome of this report as follows:
- (i) Cobaki Parkway shall not be connected to Piggabeen road until the proposed Tugun Bypass and Boyd Street interchange are opened to traffic;
 - (ii) To secure the ultimate connection of Cobaki Parkway to Piggabeen Road the developer shall:
 - (a) dedicate that section of Cobaki Parkway between Piggabeen Road and Roundabout 4 (Sandridge Roundabout) as public road reserve at no cost to Council. The alignment and width of the proposed road reserve shall be approved by the Director of Engineering Services; and
 - (b) bond the connection of the Cobaki Parkway between Piggabeen Road and Roundabout 4 (Sandridge Roundabout) on any future subdivision approvals for Cobaki Lakes, which issue prior to opening of the interchange with the Tugun Bypass.

Voting For

Cr Beck
Cr Boyd
Cr Brinsmead
Cr Carroll
Cr Davidson
Cr Lawrie
Cr Marshall
Cr Polglase
Cr Youngblutt

Voting Against

Cr James

3. Request to Rezone Parts of the Cobaki Lakes Site

DA3880/90 Pt 1

1323

Cr Polglase
Cr Marshall

RESOLVED that :-

1. In accordance with Section 54 of the Environmental Planning & Assessment Act, 1979 Council prepares a draft Local Environmental Plan generally in accordance with Figure 1. This generally involves rezoning approximately 53.36ha of 2(c) Urban Expansion to Environmental Protection and 6(c) Recreation (Special Purposes), and rezoning approximately 14.97ha of 6(c) land to 2(c) Urban Expansion, subject to concurrence of the Director of National Parks & Wildlife Service in relation to DA3880/60 and consent subsequently being issued.

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2. The Director-General of Urban Affairs and Planning be requested to waive the requirement for a Local Environmental Study as the proposed rezoning is considered to be of a relatively minor nature and adequate environmental analysis is already documented.
3. Draft amendments be prepared to Development Control Plan No 17 to reflect the draft amendments to the Local Environmental Plan explained in Part 1 above to enable concurrent preparation, assessment, exhibition and decision making with the draft LEP amendment.
4. The proponent be advised that:-
 - i. Council's adopted Strategic Planning Works Program would preclude Council staff from currently dealing with the Draft Local Environmental Plan and Development Control Plan amendments.
 - ii. To facilitate earlier processing the applicant is invited to meet the cost of engaging a consultant to prepare the draft Local Environmental Plan and Development Control Plan amendments - such Consultant to be engaged and managed by Council.

Voting - Unanimous

4. Draft Development Control Plan No 39 - Energy Smart Homes Policy GT1/DCP/37 Pt1

1324

Cr Boyd

Cr James

RESOLVED that Council:-

1. Pursuant to Section 20 of the Environmental Planning and Assessment Regulation 1994, approves the amended version of Draft Development Control Plan No 39 - Energy Smart Homes Policy;
2. Advises the Sustainable Energy Development Authority (SEDA) that the Policy has been adopted, to ensure that residents and developers within Tweed Shire become eligible for the \$500 solar water heater discount; and
3. Gives public notice of its decision and Tweed Shire residents and developers are now eligible for the \$500 solar hot water heater discount.

Voting For

Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Lawrie
Cr Marshall
Cr Youngblutt

Voting Against

Cr Beck
Cr Brinsmead
Cr Polglase

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5. Proposed Convenience Store at Lot 1 DP 623438, No 69 Simpson Drive, Bilambil Heights

DA5050/790 Pt1

1325

Cr Polglase

Cr Boyd

RESOLVED that the Development Application submitted by Earl Peppin for the establishment of a convenience store within an existing building at Lot 1 DP 623438 Simpson Drive, Bilambil Heights, be approved subject to the following conditions:

GENERAL

1. The development shall be completed in general accordance with Plan No 1 prepared by Earl Peppin and dated 2 March 2000, except where varied by these conditions.
2. **PRIOR** to issuing a Construction Certificate, engineering plans for non-public Civil Works involving, roads, drainage, water supply and sewerage shall be lodged with Council. Council will not "approve" the plans, however they will be checked in terms of access arrangements and service connection points.
3. Advertising structures/signs to be the subject of a separate development application, where statutorily required.
4. No items or goods are to be stored or displayed outside the confines of the premises.
5. 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.
6. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".
7. The premises is to be treated on a regular basis by a licensed Pest Controller for cockroach and other vermin.

FOOD PREMISES (BUILDING)

8. Any premises used for the storage, preparation or sale of food are to comply with the relevant provisions of the Food Act, 1989. Details of fittings and equipment are to be submitted to the Principal Certifying Authority prior to installation.
9. Shop fitters are to liaise with the Principal Certifying Authority prior to fitting out of shop.
10. Premises to comply with Council's adopted code for the construction of food premises.
11. The preparation and cooking of food for sale to the public is not to be conducted within the premises without first obtaining the relevant Council approvals.

ENVIRONMENT PROTECTION

12. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.

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13. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
14. The burning of builders waste on site by open fire is prohibited.

PLUMBING AND DRAINAGE

15. A permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
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. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.

Voting For

Cr Beck
Cr Boyd
Cr Brinsmead
Cr Davidson
Cr James
Cr Lawrie
Cr Marshall
Cr Polglase
Cr Youngblutt

Voting Against

Cr Carroll

6. Proposed Motel, Lot 1 Section 1 DP 9025, 158 Kennedy Drive, Tweed Heads West

DA2830/1690 Pt1

1326

**Cr Polglase
Cr Marshall**

RESOLVED that recommendation (has to be brought over and reformatted)

That Development Application K99/1847 for the erection of a motel at Lot 1 Section 1 DP 9025 and Lot 1 DP 779842 No 158 Kennedy Drive, Tweed Heads West be approved subject to the following conditions:

PREREQUISITES THAT MUST BE SATISFIED BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

1. (i) Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Clause 79H of the Environmental Planning and Assessment Regulations, 1994, a Construction Certificate shall **NOT** be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall **NOT** be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the

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Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

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

(ii) GST

1.1 In this Clause 1:

"GST means any tax, impost or duty, including any goods and services, consumption, value added or similar tax applying on goods, services or other things introduced by the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)* and associated legislation (as amended), or under legislation passed by a State or Territory Parliament which is charged or levied on goods, services or other things.

1.2 Any monetary contributions and levies payable or imposed as a condition of this contributions plan pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979 (NSW)* (as amended), and all other moneys payable by and on behalf of the applicant are exclusive of GST.

1.3 Any non-monetary contribution or levy payable or imposed as a condition of this contributions plan pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979 (NSW)* (as amended), including, but not limited to, the dedication or transfer of land to the Council or the transfer of some other asset to the Council, whether in tangible or intangible form, and all other non-monetary contributions payable by and on behalf of the applicant are also exclusive of GST.

1.4 Liability for GST (payable in respect of any taxable supply under this contributions plan whether monetary or non-monetary) is additional. It is payable by the applicant to the Council at the same time as all and any contributions, levies and other moneys are payable under this contributions plan and development consent.

1.5 In respect of any non-monetary contribution or levy referred to in clause 1.3 above, the GST payable shall be calculated as follows:

GST payable = The GST inclusive market price of the asset x $\frac{1}{11}$.

1.6 The Council will issue to the applicant, within twenty one (21) days of a request from the applicant, a tax invoice for the monies paid or the assets transferred by the applicant adjusted by the rate of the GST in accordance with the requirements of the relevant legislation.

a. Tweed Road Contribution Plan: \$3755.00
S94 Plan No. 4 (Version 4.0)
Tweed Heads (commercial)

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- | | | |
|----|---|-----------|
| b. | Open Space (Casual):
S94 Plan No. 5 | \$1518.00 |
| c. | Open Space (Structured):
S94 Plan No. 5 | \$3984.00 |
| d. | Emergency Facilities (Surf Lifesaving)
S94 Plan No. 16 | \$747.70 |
| e. | Extensions to Council Administration Offices
& Technical Support Facilities
S94 Plan No. 18 | \$6795.19 |
| f. | Cycleways
S94 Plan No. 22 | \$1700.00 |
2. A **certificate of compliance** (CC) under Part 3 Division 2 of the Water Supply Authorities Act 1987 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.
- Pursuant to Clause 79H of the Environmental Planning and Assessment Regulations, 1994, a Construction Certificate shall **NOT** be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.
- Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall **NOT** be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.
- Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:
- GST**
- 1.1 In this Clause 1:
- "GST means any tax, impost or duty, including any goods and services, consumption, value added or similar tax applying on goods, services or other things introduced by the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)* and associated legislation (as amended), or under legislation passed by a State or Territory Parliament which is charged or levied on goods, services or other things.
- 1.2 Any monetary contributions and levies payable or imposed as a condition of this contributions plan pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979 (NSW)* (as amended), and all other moneys payable by and on behalf of the applicant are exclusive of GST.
- 1.3 Any non-monetary contribution or levy payable or imposed as a condition of this contributions plan pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979 (NSW)* (as amended), including, but not limited to, the dedication or transfer of land to the Council or the transfer of some other asset to the Council, whether in tangible or

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intangible form, and all other non-monetary contributions payable by and on behalf of the applicant are also exclusive of GST.

1.4 Liability for GST (payable in respect of any taxable supply under this contributions plan whether monetary or non-monetary) is additional. It is payable by the applicant to the Council at the same time as all and any contributions, levies and other moneys are payable under this contributions plan and development consent.

1.5 In respect of any non-monetary contribution or levy referred to in clause 1.3 above, the GST payable shall be calculated as follows:

GST payable = The GST inclusive market price of the asset x $\frac{1}{11}$.

1.6 The Council will issue to the applicant, within twenty one (21) days of a request from the applicant, a tax invoice for the monies paid or the assets transferred by the applicant adjusted by the rate of the GST in accordance with the requirements of the relevant legislation.

Water:	\$30438.00
Sewer:	\$25098.00

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

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

3. A detailed plan of landscaping is to be submitted and approved by Council's Director, Development Services prior to the issue of a Construction Certificate. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building. The plans are to particularly address the creek embankment.
4. The applicant is to meet the cost of providing the additional work for signalling the access to the site opposite Gray Street when Council proceeds with the signal installation. A bank guarantee of \$15,000 is to be provided as security for these works. The bank guarantee is to be lodged with Council prior to release of a Construction Certificate for the development.
5. Engineering plans are to be submitted to, and approved by, the Director Development Services prior to release of the construction certificate of the proposed earthworks, including the amount of fill, retaining of fill, grading to the Terranora Inlet, and sediment and erosion control.

GENERAL

6. The development shall be completed in general accordance with Plans No SK1C/2A prepared by D Carlile and dated 12/99, except where varied by these conditions.
7. The provision of 34 off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.

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- 8 The lots are to be consolidated into one (1) lot under one (1) title. The plan of consolidation shall be registered with the Lands Titles Office prior to any use or occupation of the development pursuant to this approval.
9. Advertising structures/signs to be the subject of a separate development application, where statutorily required.
10. The development is to be carried out in accordance with the requirements of Report 99-2902 by Ron Rumble Pty Ltd regarding the Control of Aircraft Noise Intrusion.
11. 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.
- 12 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.
13. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve.
14. 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.
15. In the event that Council is not utilised as the inspection/Certifying authority, 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 the following:
 - i. All required erosion and sedimentation control devices have been installed and are operational.

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- ii. Required toilet facilities have been provided on the site in accordance with Section 78i of the Environmental Planning & Assessment Amendment Regulations 1998.
 - iii. A sign has been erected on the site in accordance with Section 78H of the Environmental Planning & Assessment Amendment Regulations 1998.
 - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
 - v. That the licensee has complied with the provisions of Section 78c of the Environmental Planning and Assessment Amendment Regulations 1998.
16. 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.
 17. The dining facilities are to be for motel guests use only and are not to be opened to the general public.
 18. Separate development approval is required for the swimming pool and a permit under Section 3A of the Rivers and Foreshores Improvement Act 1948 is to be obtained from the Department of Land and Water Conservation.

PRESCRIBED (BUILDING)

19. 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.
20. A sign must be erected on the site in a prominent, visible position stating:
 - a. that unauthorised entry to the work site is prohibited; and
 - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
21. 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.
22. 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

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- relevant construction certificate or complying development certificate was made).
23. The erection of a building in accordance with a development consent must not be commenced until:
- a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
 - b. the person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority; and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.
24. 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.

ENGINEERING (BUILDING)

25. 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.

DISABLED (BUILDING)

26. 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 required that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.
27. Access to the building for disabled persons shall be provided and constructed in accordance with the requirements of Part D3 of the Building Code of Australia and Australian Standard AS 1428.1.

FOOD PREMISES (BUILDING)

28. Any premises used for the storage, preparation or sale of food are to comply with the relevant provisions of the Food Act, 1989. Details of fittings and equipment are to be submitted to the Principal Certifying Authority prior to installation.
29. Premises to comply with Council's adopted code for the construction of food premises.

ROADS/STREETS

30. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where

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required and paving of the driveway across the footpath to the front alignment to the satisfaction of the Director, Engineering Services. Twenty four (24) hours notice is to be given to Council's Engineering Services Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction. Paving bricks are not acceptable unless laid on a 100mm thick concrete base.

31. A concrete ribbon footpath 1.2 metres wide and 75 millimetres thick is to be constructed on a compacted base along the entire frontage of the site to Kennedy Drive. The compacted base is to achieve 95% of maximum dry density determined in accordance with AS1289 5.4.1 for a minimum 100mm depth. A full depth construction joint is to be provided at 6.0 metre intervals and 20 millimetre deep groove joints provided every 1.5 metres, the balance area to be graded to the kerb and turfed. The footpath is to have a 3% crossfall which must be attained at each side boundary. This may result in work to be undertaken on the footpath at adjoining properties which must not exceed 1:14 and must be reinstated with turf. The footpaving is to be located 800 millimetres from the property boundary. An inspection of the formwork is to be arranged with Council's Engineering Services Division prior to concrete being placed.
32. The driveway is to be constructed six metres wide at the property boundary and nine metres wide at the kerb line with a uniform taper if a splay is specified.

DRAINAGE/FLOODING

33. All roof waters and water from open car park areas to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2-1998. **Note** All roof water must be connected to an interallotment drainage system where available.
34. An easement for drainage is to be created over the site of the existing 750mm dia stormwater pipeline through the site.
35. The 750mm dia drainage pipeline is to be replaced by a 900mm dia rubber ring concrete pipeline, concrete encased under any buildings. Detailed design plans are to be submitted for approval by the Director of Engineering Services prior to issue of a construction certificate.
36. Permanent and temporary (ie. during construction) erosion and sedimentation control measures shall be designed and constructed in accordance with the requirements of the publication, "Managing Urban Stormwater - Soils and Construction" 3rd Edition Aug 1998 prepared by the Department of Housing, NSW Government.
 - (i) The sedimentation and erosion control management plan shall be implemented until the defects liability bond is released or until Council is satisfied full vegetation cover has been achieved.

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- (ii) The Supervising Engineer shall make on site inspections at regular intervals sufficient to ensure that the sedimentation and erosion control management plan is being implemented.
 - (iii) Additional inspections are also required by the Supervising Engineer after each storm event to ensure:-
 - new/additional sedimentation and erosion control devices are installed, where the performance is inadequate
 - any erosion control devices that have been damaged/degraded are promptly rectified
 - any sediment is cleaned up especially that which has left the site or is deposited on public land or deposited in waterways.
37. Stormwater from parking areas, driveways and other hard stand areas. The following measures are required (references in brackets refer to sections on devices in EPA publication "Managing Urban Stormwater - Treatment Techniques". All devices are to be designed and sized in accordance with this manual unless otherwise directed by this condition).
- (a) Litter baskets or pits (ref 4.1) or litter racks (ref 4.2) are to be installed to ensure all gross pollutants and litter are screened from stormwater discharge.
 - (b) Porous pavements (ref 5.7) are to be used, where possible, to maximise infiltration.
 - (c) Where possible, stormwater is to be disposed of by infiltration (ref 5.5).
 - (d) For remaining stormwater, oil and sediment is to be removed by means of:
 - Oil/Grit Separator (ref 4.7), permanent pool 30m³ per impervious hectare with 50% - 70% of this volume in first pool; or
 - Filter strips (ref 5.1) providing 9 minute average residence time; or
 - Proprietary devices that have performances equivalent to the above.
38. The applicant to obtain all necessary statutory approvals for extending or modifying pipe drainage into Terranora Inlet (NSW Fisheries).
39. 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.
40. Building materials used below Council's minimum floor level of RL 2.95m AHD must not be susceptible to water damage.
41. Subject to the requirements of Northpower, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should be suitably treated to withstand continuous submergence in water.
42. No filling to is be placed hydraulically within twenty metres (20m) of any boundary that abuts private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.
No filling of any description is to be deposited, or remain deposited, within adjacent properties.

Minutes - Ordinary Meeting of Tweed Shire Council

43. The land to be filled to the level of the road centre line in front of the site. Adjacent properties shall be preserved from ponding of stormwater and or nuisance from discharge of stormwater off the site.
44. All fill is to be graded so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted with the Construction Certificate. Drainage must be installed and operational prior to commencement of any building work.
All fill or cut batters shall be contained wholly within the subject land.

ENVIRONMENT PROTECTION

45. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
46. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
47. 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.
48. Prior to commencement of building works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority. Erosion and sedimentation control devices should be installed in accordance with the publication "Managing Urban Stormwater Soils and Construction" prepared by the NSW Department of Housing. All erosion and sedimentation control shall be maintained throughout the period of construction.
49. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed.
50. The creek embankment is not to be affected by the development, and is to be retained in its present condition. No work is to occur within 3m of the current high water mark, apart from landscaping.

PLUMBING AND DRAINAGE

51. 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 brick work or any wall sheeting;
 - c external drainage prior to backfilling.
 - d completion of work.
52. A. A permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.

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53. 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.
54. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
55. The Council approved wet area flashing installer is to supply to the Principal Certifying Authority certification that all wet area flashings have been installed in accordance with the Manufacturer's Specifications, detailing the rooms or areas involved and the date of installation. **Note:** Only Council approved installers may carry out this work and reference must be made to Council to confirm that such installers are Council approved.
56. Impervious floors, properly graded and drained are to be provided to all wet areas.
57. 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.
58. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
59. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council for approval an application for a Trade Waste Licence.
60. Back flow prevention devices shall be installed where ever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1-1990 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.
61. 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.
62. The finished floor level of the building should finish not less than 225mm above finished ground level.

ENVIRONMENT AND HEALTH

63. All filter fences erected around the fill area are to be installed in accordance with the publication "Managing Stormwater Soils and Construction" prepared by the NSW Department of Housing and shall consist of geo-fabric material, eg Siltspot, or other material acceptable to the Director Environment and Community Services other than hessian.

Voting - Unanimous

7. Review of Zoning for "Seaside City"

GT1/DCP/41

1327

Cr Polglase
Cr Marshall

RESOLVED that Council amends Tweed Local Environment Plan 1987 and draft Tweed Local Environmental Plan 1998 so that the zoning of "Seaside City"

Minutes - Ordinary Meeting of Tweed Shire Council

shown on the Figure (Page No 201 to this Business Paper) is changed from 2(t) Tourism and 2(f) Tourism respectively to 2(e) Residential/Tourism.

AMENDMENT

Cr Boyd
Cr James

PROPOSED that this item be deferred to be the subject of a Council Workshop, particularly with regard to the effects on the Section 94 Contributions Plan.

The Amendment was **Lost**

Voting For	Voting Against
Cr Boyd	Cr Beck
Cr Carroll	Cr Brinsmead
Cr James	Cr Davidson
	Cr Lawrie
	Cr Marshall
	Cr Polglase
	Cr Youngblutt

The Motion was **Carried**

Voting For	Voting Against
Cr Beck	Cr Boyd
Cr Brinsmead	Cr Carroll
Cr Lawrie	Cr Davidson
Cr Marshall	Cr James
Cr Polglase	
Cr Youngblutt	

7a. Proposed Six (6) Lot Subdivision, Associated Road and Infrastructure as Staged Development Based on Masterplan for Future Tourist Resort Complex, at Lots 194, 301 and 312 DP755701 Coast Road, South Kingscliff

DA1180/10 Pt2 K99/1755

Cr Boyd
Cr James

PROPOSED that Council receives and notes the matters raised in this report.

AMENDMENT NO 1

1328
Cr Polglase
Cr Beck

RESOLVED that:

1. The report be received and noted.

Minutes - Ordinary Meeting of Tweed Shire Council

2. A report be brought forward, at Council's Meeting to be held 5 April 2000, with conditions to allow Council to give consideration to approval.

1329

Cr Carroll
Cr James

RESOLVED that an extension of 2 minutes be granted to Cr Boyd.

Voting - Unanimous

Amendment No 1 was **Carried**

Voting For

Cr Beck
Cr Brinsmead
Cr Carroll
Cr Davidson
Cr Lawrie
Cr Marshall
Cr Polglase
Cr Youngblutt

Voting Against

Cr Boyd
Cr James

AMENDMENT 2

Cr Brinsmead

Cr Youngblutt

PROPOSED that:

1. The report be received and noted.
2. A report be brought forward on 22 March 2000, with conditions to allow Council to give consideration to approval.

Amendment No 2 was **Lost**

Voting For

Cr Beck
Cr Brinsmead
Cr Marshall
Cr Youngblutt

Voting Against

Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Lawrie
Cr Polglase

Amendment No 1 on becoming the Motion was **Carried**

Minutes - Ordinary Meeting of Tweed Shire Council

Voting For	Voting Against
Cr Beck	Cr Boyd
Cr Brinsmead	Cr James
Cr Carroll	
Cr Davidson	
Cr Lawrie	
Cr Marshall	
Cr Polglase	
Cr Youngblutt	

REPORTS FROM DIRECTOR CORPORATE SERVICES

8. Second Round Donations - 1999/2000

Council Donations

1330

Cr Marshall

Cr Youngblutt **RESOLVED** that the following donations be voted in the 1999/2000 years' budget:-

Classification	Applicant	Donation Requested (\$)
2. Community	Australian Seabird Rescue	500
3. Community	Australian Volunteer Coast Guard Association	1000
17. Community	Tweed River Valley Fellowship Carer Support Group	750
19. School	Twin Towns Playgroup	1500
20. Community	St John Ambulance - Kingscliff	415
27. Community	Crystal Creek Hall	1200
29. Community	Tweed Heads Veterans Cultural Group	500

AMENDMENT NO 1

Cr Beck

Cr Lawrie

PROPOSED that no further donations be allocated for the current year.

TEMPORARY ABSENCE FROM MEETING

GC6/1/2 Pt1

Cr Brinsmead left the meeting.

Amendment No 1 was **Lost**

Minutes - Ordinary Meeting of Tweed Shire Council

Voting For

Cr Beck
Cr Lawrie

Voting Against

Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Marshall
Cr Polglase
Cr Youngblutt

AMENDMENT NO 2

Cr Boyd
Cr Carroll

PROPOSED that the following donations be voted in the 1999/2000 years' budget:-

Classification	Applicant	Donation Requested
2. Community	Australian Seabird Rescue	500
3. Community	Australian Volunteer Coast Guard Association	500
6. Sport	Gold Coast Tweed District Ladies Bowling Association Inc.	500
7. Sport	Gold Coast-Tweed District Bowls Association	1000
13. Music	Tweed Valley Jazz Club	250
17. Community	Tweed River Valley Fellowship Carer Support Group	750
20. Community	St John Ambulance - Kingscliff	1800
29. Community Community	Tweed Heads Veterans Cultural Group TAFE College, Kingscliff	500 65

The Amendment was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr James

Voting Against

Cr Beck
Cr Davidson
Cr Lawrie
Cr Marshall
Cr Polglase
Cr Youngblutt

The Motion was **Carried**

Minutes - Ordinary Meeting of Tweed Shire Council

Voting For	Voting Against
Cr Beck	Cr Boyd
Cr Carroll	
Cr Davidson	
Cr James	
Cr Lawrie	
Cr Marshall	
Cr Polglase	
Cr Youngblutt	

9. Festivals Policy - Second Round - 1999/2000

Council Donations

1331

Cr Boyd

Cr Marshall

RESOLVED that the applicant be advised that there are no funds available.

Voting - Unanimous

RETURN TO MEETING

GC6/1/2 Pt1

Cr Brinsmead returned to the meeting.

10. Institute of Municipal Management (IMM) Forum - 5 June 2000 Professional Associations - IMM, Shires Association of NSW - Conference

1332

Cr Marshall

Cr Davidson

RESOLVED that Crs Beck, Davidson and Luff be authorised to attend the Institute of Municipal Management (IMM) Forum on Monday, 5 June 2000 at the Sydney Convention and Exhibition Centre, Darling Harbour.

Voting - Unanimous

11. Transfer of Lot 1 DP 1005421, The Sails on Greenbank Development Site, The Anchorage Islands, Tweed Heads

DA4492/155 Pt1

Cr Marshall

Cr Davidson

PROPOSED that :-

1. Lot 1 in Community Plan DP 1005421 be transferred to Lend Lease Residential Pty Ltd.
2. All necessary documents be completed under the Common Seal of Council.

AMENDMENT

1333

Cr Lawrie

Minutes - Ordinary Meeting of Tweed Shire Council

Cr Youngblutt **RESOLVED** that this item be deferred until the obligations of Lend Lease, if any, that remain be addressed and be the subject of a further report.

The Amendment was **Carried**

Voting For	Voting Against
Cr Beck	Cr Boyd
Cr Brinsmead	Cr Carroll
Cr Davidson	Cr James
Cr Lawrie	
Cr Marshall	
Cr Polglase	
Cr Youngblutt	

The Amendment on becoming the Motion was **Carried**

Voting For	Voting Against
Cr Beck	Cr Boyd
Cr Brinsmead	Cr Carroll
Cr Lawrie	Cr Davidson
Cr Marshall	Cr James
Cr Polglase	
Cr Youngblutt	

12. Local Government Voluntary Structural Reform Committee Voluntary Structural Reform

1334

Cr Polglase
Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

13. Tweed Economic Development Corporation (TEDC) Monthly Report - January to February 2000

TEDC

1335

Cr Polglase
Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

Minutes - Ordinary Meeting of Tweed Shire Council

14. Delegation of Powers to the Far North Coast County Council for Noxious Weed Control

FNCCC

1336

Cr Polglase

Cr Marshall

RESOLVED that :-

1. Council delegates its functions as a Local Authority for noxious weed control under the Noxious Weeds Act 1993 to the Far North Coast County Council for the term of this Council; and
2. This delegation to continue for one year after that term or until such time as it is revoked or re-delegated.

Voting - Unanimous

15. Local Government and Shires Association - 2000/2001 State Budget Submission

Local Government Shires Association

1337

Cr Polglase

Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

16. Monthly Investment Report for Period Ending 29 February 2000
Monthly Investment Report

1338

Cr Polglase

Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

17. Tweed and Coolangatta Tourism Incorporated (TACTIC) Monthly Performance Report - January 2000

TACTIC

1339

Cr Polglase

Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

Minutes - Ordinary Meeting of Tweed Shire Council

REPORTS FROM DIRECTOR ENGINEERING SERVICES

18. Street Lighting Policy

Street Lighting - Annual Program

1340

Cr Polglase
Cr Marshall

RESOLVED that the Council Street Lighting Policy be amended to "The minimum standard adopted by Council satisfies the Standards Association of Australia Pedestrian Area (Category P4) Lighting Code".

Voting - Unanimous

19. Classification of Land as Operational - Proposed Drainage Reserve within Lot 1 DP 607299 - Parkes Drive, Tweed Heads West

GS4/96/49 Pt 2& PF4140/260

1341

Cr Polglase
Cr Marshall

RESOLVED that the proposed Lot 2 within the subdivision of Lot 1 DP 607299 to be dedicated as Drainage Reserve be classified as Operational under the provisions of the Local Government Act, 1993.

Voting - Unanimous

ADJOURNMENT OF MEETING

GC6/4

Adjournment for dinner at 6.30pm.

RESUMPTION OF MEETING

GC6/4

The Meeting resumed at 7.37pm.

20. New Water Management Legislation for New South Wales

Water Management - Planning

1342

Cr Lawrie
Cr Davidson

RESOLVED that Council:

1. Makes urgent representations to the Minister in regard to the establishment of a single Tweed Valley committee as a consolidation of existing committees.
2. Express its concern at the short time frame in which to make submissions given the potential significant of the legislation on the Tweed community.
3. Advises the Department of Land & Water Conservation of its inability to assess the impact of much of the legislation given the lack of detail within the discussion document.

Minutes - Ordinary Meeting of Tweed Shire Council

4. Acknowledges the importance of allocating a share of river flow to meet environmental objectives.
5. Opposes the limiting of town water to an arbitrary 2% growth factor.
6. Recommends the adoption of the principle of linking future demand for town water within the context of regional and local environmental planning.
7. Requests to be consulted during the development of regulations in regard to effluent credits.
8. Seeks clarification in relation to management protocols to be applied to off river storages similar to Clarrie Hall Dam.
9. Acknowledges in principle support to the concept of water trading pending further implementation details.
10. Seeks clarification of the Government's intention in relation to inter-valley and interstate trading.
11. Send letters to the Minister and the Premier regarding Council's concerns on the new legislation.

Voting - Unanimous

1343

Cr Boyd

Cr Carroll

RESOLVED that Council makes representations to the Minister through the Local Member for Tweed Shire Council representation on the Far North Coast Water Management Committee.

Voting - Unanimous

21. IPWEA Conference and Floodplain Management Conference Floodplain - Annual Conference

1344

Cr Boyd

Cr Lawrie

RESOLVED that :-

1. This report be received and noted.
2. Interested Councillors nominate to the Manager Administration Unit, Mr Brian Donaghy.

Voting - Unanimous

22. Local Government and Shires Association - Discussion Paper on Road Funding

**Road - Construction Program,
Roads - Maintenance Program, Government Grants - Road**

1345

Cr Boyd

Cr Davidson

RESOLVED that Council advise the Local Government and Shires Association of its in principle support to the strategy outlined in the discussion paper.

Minutes - Ordinary Meeting of Tweed Shire Council

Voting - Unanimous

23. Tweed Heads Main Street

Street Scaping - Tweed Heads

1346

Cr Boyd

Cr Lawrie

RESOLVED that the Bay Street Trader be advised that unfortunately funds are not available at present for completion of the work but their request will be considered in future budget considerations and that further discussions will be undertaken with the Chamber of Commerce.

Voting - Unanimous

24. Banora Pt - Tweed Heads Sewerage Catchment Effluent Disposal Strategy

Sewerage Treatment - Banora Point, Sewerage Treatment - Tweed Heads

1347

Cr Marshall

Cr Davidson

RESOLVED that Council, in the first instance, seeks Environment Protection Authority (EPA) approval of a strategy to increase the licensed discharges at the existing outfalls to 75,000ep for Banora Point and 12,000ep for Tweed Heads, with significantly enhanced effluent quality.

Voting - Unanimous

25. Proposed Road Closure & Purchase Adjacent to Lot 1317 DP 1005077, Birkdale Court, Banora Point

DA0554/205 Pt1

1348

Cr Boyd

Cr Polglase

RESOLVED that Council approves the application to close and purchase part of Birkdale Court, Banora Point adjacent to Lot 1317 DP 1005077 provided that:-

1. The applicants bear all legal and survey costs involved,
2. The purchase price is calculated on a pro-rata basis of the current Valuer General's Office valuation,
3. The closed road title is consolidated with the adjacent land, and
4. All necessary documentation be executed under the Common Seal of Council.

Voting - Unanimous

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- 26. Supply of Three (3) only Crew Cab Tipping Trucks with Rear Lifter and Tow-Bar - Precis of Confidential Item**
Plant & Motor Vehicle - Purchase

1349

Cr Boyd

Cr Polglase

RESOLVED that this item be considered in the Confidential Agenda.

Voting - Unanimous

- 27. Tender EC99162 - Linemarking - Precis of Confidential Item**
Traffic - Linemarking, Contracts - Road/Drainage

1350

Cr Boyd

Cr Polglase

RESOLVED that this item be dealt with under the Confidential Agenda.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

- 28. Proposed Cemeteries and Burial Policy**
Cemeteries Burial Policy - General

Cr Boyd

Cr James

PROPOSED that the draft Cemeteries and Burial Policy be advertised for a minimum period of 28 days seeking submission for further consideration by Council.

AMENDMENT 1

Cr Beck

Cr Brinsmead

PROPOSED that the draft Cemeteries and Burial Policy be advertised for a minimum period of 28 days seeking submission for further consideration by Council with the following amendment:-

- 1.7 first paragraph amend to allow artificial flowers to be placed within lawn cemeteries.
- Delete at 1.7 paragraph 4.

Amendment 1 was **Lost**

Minutes - Ordinary Meeting of Tweed Shire Council

Voting For

Cr Beck
Cr Brinsmead

Voting Against

Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Lawrie
Cr Marshall
Cr Polglase
Cr Youngblutt

AMENDMENT 2

1351

Cr Marshall

Cr Brinsmead

RESOLVED that the draft Cemeteries and Burial Policy be advertised for a minimum period of 28 days seeking submission for further consideration by Council with the following amendment:-

1.7 First Paragraph amended to read:-

Artificial flowers are permitted to be placed within lawn cemeteries

The Amendment was **Carried** on the casting vote of the Mayor.

Voting For

Cr Beck
Cr Brinsmead
Cr Davidson
Cr Marshall
Cr Youngblutt

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Lawrie
Cr Polglase

The Amendment on becoming the Motion was **Carried** on the casting vote of the Mayor.

Voting For

Cr Beck
Cr Brinsmead
Cr Davidson
Cr Marshall
Cr Youngblutt

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Lawrie
Cr Polglase

Minutes - Ordinary Meeting of Tweed Shire Council

29. Proposed Embellishment of Cudgen Heights Estate Stage 3 (Development Consent S93/96)

GS4/93/76 Pt3

1352

Cr Polglase
Cr Carroll

RESOLVED that in relation to the embellishment of the Public Reserve (Lot 199 DP 803329).

- A playground area (approximately 900m² in area) be located at the south eastern section of the reserve. This area to be levelled and embellished with play equipment (including shade, soft-fall and fencing as required), seating, shade and a drinking fountain.
- A meandering footpath/cycleway from the playground west through the reserve to Crescent street be provided. This area to be levelled and grassed with seating and shade trees provided.
- The treed area adjacent to Bowen Way to remain with supplementary wetland tree species plantings. This area to be delineated from the above area by a post and rail fence.
- A turf batter from Bowen Way at a slope no greater than 1:5
- In accordance with condition 28 the embellishment plans are to incorporate the rehabilitation measures contained in Section 3.5(e) of the "Preliminary Flora and Fauna Assessment" prepared by James Warren dated December 1993.

Voting - Unanimous

30. Norries Headland

Parks - Hastings Point Headland

1353

Cr Davidson
Cr Marshall

RESOLVED that Council adopts the amended Norries Headland improvement Plan with works programs as set out in this report.

Voting - Unanimous

31. Shade and Facilities in Council Reserve Lot 138 DP 801668 Banora Point

2221.265/Playground Equipment

1354

Cr Marshall
Cr Carroll

RESOLVED that Council votes the expenditure of up to \$15,000 from the Section 94 Contributions Plan No 1 for the provision of shade over play equipment, seating, a table, shelter and a water fountain in the Council Reserve being Lot 138 DP 801668 Banora Point.

Voting - Unanimous

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32. Proposal to Establish an Alcohol - Free Zone Around the Tweed Heads Civic Centre

PF4030/383 Pt5

1355

Cr Boyd
Cr Carroll

RESOLVED that :-

1. Council places on exhibition and notifies prescribed interested parties of a proposal to establish an alcohol-free zone to include the road and carparks associated with the Tweed Heads and Murwillumbah Civic Centres.
2. Prior to any notification and exhibition of the proposal to establish the alcohol-free zone, Council consults with the local police patrol commander regarding the proposal.
3. Council delegates to the Director Environment & Community Services, the authority pursuant to councils powers under the provisions of Section 645 of the Local Government Act 1993 regarding the suspension or cancellation of an alcohol-free zone.
4. Council allocates the amount of \$2,000.00 (Two Thousand Dollars) for the notifications and the provisions of signage associated with the establishment of the alcohol-free zone at Councils next budget review.

Voting - Unanimous

REPORTS FROM SUB-COMMITTEES

1. Minutes of the Sports Advisory Committee Meeting held 15 February 2000

Sports Advisory Committee

3. Murwillumbah Hockey Club - Hot Water Service

Sports Advisory Committee

1356

Cr Polglase
Cr Marshall

RESOLVED that Council reimburses the Murwillumbah Hockey Club for the costs of installation and supply of a new hot water system from the Sportsfield Assets Reserve Funds to the amount of \$550.00.

Voting - Unanimous

4. GST and Sportsfields

GST, Sports Advisory Committee

1357

Cr Polglase
Cr Marshall

RESOLVED the request be declined.

Minutes - Ordinary Meeting of Tweed Shire Council

Voting - Unanimous

5. Murwillumbah Saints Soccer Club

Rab Jones Oval, Sports Advisory Committee

1358

Cr Polglase
Cr Marshall

RESOLVED that Council reimburses the Murwillumbah Saints Soccer Club for the costs of electrical works on the flood lights at Rabjones Oval/Les Cave fields from the Sportsfield Assets Reserve Funds to the amount of \$200.

Voting - Unanimous

1359

Cr Polglase
Cr Marshall

RESOLVED that the balance of the Minutes of the Sports Advisory Committee Meeting be adopted.

Voting - Unanimous

2. Minutes of the Companion Animal Committee Meeting held Monday 6 March 2000

Companion Animals

4. Off Leash Exercise Areas

Companion Animals

1360

Cr Polglase
Cr Marshall

RESOLVED that Council approve the following areas to be placed on public exhibition as potential off leash dog exercise areas.:

1. Corowa Park - Corner of Chinderah Road and Terrace Street, Chinderah
2. Turnock Park - Corner of Chinderah Road and Wommin Bay Road, Chinderah
3. The riverbank reserve at the end of Old Ferry Road, Oxley Cove
4. The reserve on the corner of Naponyah Road and Bilambil Road, Terranora
5. Ducats Park - Ducat Street, West Tweed
6. The treed area within Arkinstall Park, South Tweed
7. The unnamed reserve on the corner of Darlington Drive and Amaroo Drive, Banora Point
8. The unnamed reserve at the bottom of Bushland Drive, Banora Point

Voting - Unanimous

1361

Cr Marshall
Cr Youngblutt

RESOLVED that the balance of the Minutes of the Companion Animal Committee Meeting be adopted.

Minutes - Ordinary Meeting of Tweed Shire Council

Voting - Unanimous

OUTSTANDING INSPECTIONS

GC6/13 Pt4

Nil

ORDERS OF THE DAY

1. Notice of Motion - Cr Boyd General Fund

Budget, Rates Levying, Notice of Motion

Cr Boyd
Cr Carroll

PROPOSED that the Manager Financial Services supplies Councillors with the total amount, which would have been lost to the General Fund, if rates in that fund had not been increased over the last eight (8) budgets.

The Motion was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr Davidson
Cr James

Voting Against

Cr Beck
Cr Brinsmead
Cr Lawrie
Cr Marshall
Cr Polglase
Cr Youngblutt

2. Notice of Motion - Cr Boyd Proposed Rates Increase - Roads

Rates, Levying, Budget, Notice of Motion

This item was withdrawn.

3. Notice of Motion - Cr Boyd Financial Indicators

Budget, Financial Reporting, Notice of Motion

1362
Cr Boyd
Cr Carroll

RESOLVED that Councillors be supplied with a copy of the Financial Indicators compiled by the Manager Financial Services, Mr Norvill.

Voting - Unanimous

Minutes - Ordinary Meeting of Tweed Shire Council

4. Notice of Motion - Cr James Review of Payment/Collection Options

Accounts - Master Card/Credit Card

1363

Cr James
Cr Carroll

RESOLVED that Resolution C126 of 2 February 2000 in relation to methods of payment accepted by Council in the year 2000/2001 be amended by making payment involving debit card available for all invoices greater than \$20.

Voting - Unanimous

4a. Notice of Rescission - Cr Beck, Cr Marshall and Cr Lawrie Tweed Local Environmental Plan 1987 Proposed Amendment Lot 215 DP755701, Duranbah Road, Duranbah

GT1/LEP/1998 Pt5

1364

Cr Marshall
Cr Lawrie

RESOLVED that Council resolution at Minute No 1350 in relation to Item 12c of the Meeting held 1 March 2000 being:-

".....that the proponent be informed that Council declines to prepare a draft Local Environmental Plan to rezone Lot 215 DP755701 to 2(c) Residential (Urban Expansion).

be rescinded."

Voting For

Cr Beck
Cr Brinsmead
Cr Davidson
Cr Lawrie
Cr Marshall
Cr Polglase
Cr Youngblutt

Voting Against

Cr Carroll
Cr James

1365

Cr Beck
Cr Youngblutt

RESOLVED that:-

1. Council requests the Director Development Services to prepare a report for the Council meeting on 5 April 2000 advising on Council's policies and whether a draft LEP should be initiated for this land;
2. The proponent be informed of this, and subject to the outcome of 1. Requested by the next Meeting to undertake to pay the necessary rezoning fee, and fund a consultant to undertake the necessary work should Council resolve to initiate a rezoning.

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Voting For

Cr Beck
Cr Brinsmead
Cr Davidson
Cr Lawrie
Cr Marshall
Cr Polglase
Cr Youngblutt

Voting Against

Cr Carroll
Cr James

QUESTION TIME

Kingscliff Businessmen's Association Breakfast

GS4/96/135 Pt12

Cr Boyd

Advised that he had been advised that the Mayor, Cr Beck, at a meeting of the Kingscliff Businessmen's Association breakfast on Tuesday morning, indicated that she was considering requesting the Premier to remove the responsibility for planning of land owned by Lenen from the Director Development Services and for this to be carried out by the State and asked whether this advice is correct.

The Mayor responded that this action is always an option but at this point of time, there is no need to call up that option?

Meeting Protocol

GS4/96/135 Pt12

Cr James

Asked that when the Mayor invites herself and Cr Brinsmead to meetings between senior management and Lenen or their consultants, could she send an invitation to all Councillors?

The Mayor responded that she had not invited herself but had been invited to attend.

Consultant's Report - Kingscliff Sewage Treatment Works

Sewerage-Kingscliff

Cr Beck

Enquired when will the consultant to the Steering Committee for the Kingscliff Sewage Treatment Works be bringing forward the report.

The Director Engineering Services responded that the Consultant's report would be tabled at the Workshop to be held on 29 March 2000.

TEMPORARY ABSENCE FROM MEETING

GC6/1/2 Pt1

Cr Brinsmead left the meeting.

ITEMS NOT ON THE AGENDA

Minutes - Ordinary Meeting of Tweed Shire Council

Northern Community Economic Development Forum

Streetscaping-Murwillumbah

Cr Polglase tabled a letter received from NSW Department of State and Regional Development issuing an invitation to attend the Northern Community Economic Development Forum to be held on 3-4 May 2000 in Yamba.

1366

Cr Boyd

Cr Carroll

RESOLVED that Cr Polglase and Cr Davidson represents Council at the Northern Community Economic Forum on 3 May 2000 in Yamba.

Voting - Unanimous

Remuneration Tribunal Submission

Councillors-fees

The General Manager tabled advice from the Premier's Department inviting Council's representatives to visit Sydney to discuss its submission to the Tribunal. Council declined the invitation.

COMMITTEE OF THE WHOLE

GC6/16 Pt2

1367

Cr Boyd

Cr Marshall

RESOLVED that Council resolves itself into a Confidential Committee of the Whole.

Voting - Unanimous

The General Manager reported that the Confidential Committee of the Whole had excluded the press and public from the whole of the Committee Meeting because, in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest, by reason of the confidential nature of the business to be transacted, and made the following recommendations to Council:-

1368

Cr James

Cr Boyd

RESOLVED that the report and recommendations of the Confidential Committee of the Whole be adopted.

Voting - Unanimous

There being no further business the Meeting terminated at 9.30pm.



Minutes of Meeting Confirmed by Council

Minutes - Ordinary Meeting of Tweed Shire Council

at Meeting held

I hereby certify that I have authorised the affixing of my
electronic signature to the previous pages numbered 1 to 79 of these Minutes

Chairman