

Minutes - 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, B M Luff, P C P Youngblutt.

Also present were Mr Mike Rayner (Acting General Manager/Director Engineering Services), Mr David Broyd (Director Development Services), Mr Don Buckley (Director Environment & Community Services), Mr Geoff Edwards (Manager Environment & Health Services) Mr Ian Carpenter (Director Corporate Services), Mr Brian Donaghy (Manager Administration Services/Public Officer) and Mrs Kerrie McConnell (Minutes Secretary).

Cr Luff was not present at the commencement of the meeting.

Mr Don Buckley was not present at the commencement of the meeting and Mr Geoff Edwards attended.

The meeting opened with a Prayer by Council's Chaplain, Reverend Ian Hartland.

***"Trust in the LORD with all your heart
and lean not on your own understanding;
in all your ways acknowledge Him,
and He will direct your paths.***

Do not be wise in your own eyes;

Fear the LORD and shun evil.

(Proverbs 3:5-7)

Lord God, grant us wisdom and grace as we meet in Council today to consider the matters before us. We look to You for guidance that we may make the right decisions to enrich the life of our Shire and its people.

Help us to listen to all those whom we represent and not be swayed by the noise or threats of some. Give us boldness and courage to stand for what is right and to withstand that which is wrong. Father, by Your grace, enable us to be people of integrity in all that we do.

We pray for one another and ask Your blessing upon each other. We pray for our Mayor, Lynne, as she gives leadership in our Shire. Give her every gift and grace which she needs.

Almighty God, let Your Holy Spirit brood over this chamber and let Your peace be upon us. These our prayers we ask in the Name of Jesus Christ our Lord. Amen."

CONFIRMATION OF MINUTES

154

Cr Boyd

Cr Carroll

RESOLVED that the Minutes of the Ordinary Meeting held 2 August 2000 be confirmed as an accurate record of the proceedings of that Meeting.

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Voting - Unanimous

ABSENT

Councillors W M Marshall, W J Polglase.

Councillor Cr Marshall was granted Leave of Absence by Council at its Meeting on 19 July 2000 Minute No 100.

Councillor Cr Polglase has informed the General Manager that his absence is due to being out of the area.

155

Cr Brinsmead

Cr Youngblutt

RESOLVED that the apology of Cr Polglase be accepted.

Voting - Unanimous

Australian Property Institute (API) Excellence in Property Awards

Agenda 21

Mr Rance Salan, Council's Agenda 21 Coordinator, addressed Council and presented to the Mayor the Excellence in Property Community Award for the 'Smart House' project which was received at an Australian Property Institute (API) awards ceremony in Sydney on Friday, 4 August 2000. Over 500 property professionals attended the ceremony. Mr Salan thanked Council for the opportunity to attend.

Filming and Recording of Council Meeting – Casuarina Beach Agenda Items

DA1180/382 Pt5

156

Cr Brinsmead

Cr Youngblutt

RESOLVED that Hatchling Productions (film-maker) be authorised to film and record the agenda items relating to Casuarina Beach.

Voting For

Cr Beck
Cr Boyd
Cr Brinsmead
Cr Carroll
Cr James
Cr Youngblutt

Voting Against

Cr Davidson
Cr Lawrie

ATTENDANCE AT MEETING

Cr Luff attended the meeting at 3.10pm.

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SUSPENSION OF STANDING ORDERS

157

Cr Boyd

Cr Carroll

RESOLVED that standing orders be suspended to deal with Items 3, 8 and 11 of the Agenda.

Voting For

Cr Beck

Cr Boyd

Cr Carroll

Cr Davidson

Cr James

Cr Lawrie

Cr Luff

Voting Against

Cr Brinsmead

Cr Youngblutt

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

3. Coolangatta Airport Draft Master Plan

Airport – Runway Extensions

158

Cr James

Cr Boyd

RESOLVED that the Federal Minister for Transport be informed that:-

1. Tweed Shire Council opposes the Fresh Master Plan for Coolangatta Airport to the extent that the Plan proposes the extension of runway and surrounding operational areas beyond the airport land and onto a reserve for public recreation (Lot 319).
2. The reason for opposition is the combination of adverse effects on the natural environment, public open space and the amenity of residents in the flight path.

159

Cr Luff

Cr Boyd

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

Voting – Unanimous

160

Cr Brinsmead

Cr Youngblutt

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

Voting – Unanimous

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Cr Youngblutt

Cr Luff

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

Voting - Unanimous

AMENDMENT

Cr Davidson

Cr Youngblutt

PROPOSED that:-

1. As Council is not the determining authority for development applications for the airport and Council accepts the determination is to be made by the Minister for Transport and Regional Development in regard of the Master Plan submitted by Gold Coast Airport Ltd.
2. Council redevelops planning strategies in conformity with the determination made by the Minister for Transport and Regional Development.

162

Cr James

Cr Boyd

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

Voting - Unanimous

PROCEDURAL MOTION

163

Cr Boyd

Cr Carroll

RESOLVED that the motion be put.

Voting For

Cr Beck
Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Lawrie
Cr Luff

Voting Against

Cr Brinsmead
Cr Youngblutt

The Amendment was **Lost**

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Voting For

Cr Beck
Cr Brinsmead
Cr Davidson
Cr Youngblutt

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Lawrie
Cr Luff
Cr Marshall
Cr Polglase

The Motion was **Carried**

Voting For

Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Lawrie
Cr Luff

Voting Against

Cr Beck
Cr Brinsmead
Cr Youngblutt

A RESCISSION MOTION HAS BEEN RECEIVED FROM CRS BECK, BRINMEAD AND YOUNGBLUTT ON ITEM 3.

TEMPORARY ABSENCE FROM MEETING

GC6/1/2 Pt1

Cr Boyd left the meeting at 4.00pm.

- 8. Proposed 94 Lot Subdivision at Lot 1 DP 811425, Lot 7 DP 1014470, Lot 6 DP1014470 and Lot 5 DP 1014470 Coast Road, South Kingscliff - Casuarina Beach Stage 6 (DA 0681/2000DA)**

DA1180/382 Pt5

164

Cr Brinsmead

Cr Youngblutt

RESOLVED that Development Application No. 0681/2000DA for a 94 lot subdivision of Lot 1 DP 811425, Lot 7 DP 1014470, Lot 6 DP1014470 and Lot 5 DP 1014470 Coast Road, South Kingscliff (Casuarina Beach Stage 6) be approved subject to 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 Fire Management Plan is to be submitted and approved by Council. The plan shall address potential environmental impacts, including impacts on threatened species.
2. A detailed plan of landscaping is to be submitted and approved by Council prior to the issue of a Construction Certificate. All landscaping work is to be completed in

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- accordance with the approved plans. The detailed landscaping plan shall include a list of species, which ensure no potential for seed transfer to Lot 500, which would conflict with the propagation and maintenance of species, specified in the Dune Management Plan and Lot 500 Management Plan.
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, prior to issue of the Construction Certificate. The applicant shall submit evidence to Council that the traffic control plan has been prepared by an authorised person. All works are to comply with the Occupational 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. 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.
 5. The Stage 6 application is to be consistent with the lot boundaries of open space lots 8, 9, 13 & 14 in DP 1014470.
 6. Notwithstanding any other condition of this consent, a construction certificate for bulk earthworks may be issued and the carrying out of bulk earthworks may be commenced prior to the issue of a construction certificate for all subdivision works subject to compliance with the following conditions:- 3, 4, 14, 15, 16, 17, 18, 21, 24, 25, 27, 34 (relating to bulk earthworks only), 35 (relating to bulk earthworks only), 36, 47 (viii), (xii), (xiv), 52, 54, 55, 56, 58, 59, 60, 61, 62(d), (ii), (iii), (iv), (v), (vi), (vii), 64, 73, 74, 75, 76, 78, 79, 80, 84.

GENERAL

7. Prior to the issue of a Subdivision Certificate pursuant to this consent ALL works bonded pursuant to Consent S96/135 for Stage 1 shall be completed to the satisfaction of Council.
8. Construction of each section of walkway / cycleway immediately east of any management lot shall be completed prior to the release of the linen plan for subdivision of the respective management lot.
9. The design of the walkway shall be integrated with any adjacent proposed car parking areas and beach access points and shall extend for the full frontage of the land including, where necessary, within the Crown Foreshore Reserve subject to the approval of the Reserves Trust.

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10. This consent does not give approval to proposed Stage 6b, which shall be subject to a fresh development application.
11. A total of 75 public parking spaces are to be provided along the eastern side of proposed road 11, in accordance with the Stage 6 concept master plan. The subject parking spaces are to be designed and constructed in accordance with Council's Development Control Plan No. 2 – Site Access & Parking Code.
12. Submission of separate development application/s for further development of the proposed residue lot and medium density allotments (proposed lots 113, 169, 171, 172, 173, 174, 175, 176 & 177).
13. The Architectural Design Regulations shall not be included in any legal document to be administered by Council. NOTE: Some aspects of the ADR such as setbacks, fencing etc will need to be incorporated into a DCP for control by Council. Accordingly, DCP 11 – Kings Beach will need to be amended to incorporate the following conditions;
 - (i) The minimum setback from the street front boundary to the wall of a dwelling is to be not less than six (6) metres.

The minimum setback from the street front boundary to the wall of a single garage is to be not less than 5.4 metres and not less than 5 metres to the wall of a double garage.

Special design elements such as verandahs, entrances and the like constructed of open design shall be setback a minimum of 3 metres from the front street boundary.
 - (ii) The minimum side boundary setback for any dwelling shall be not less than 900mm to the wall and not less than 675mm to the outer most projection of the eave.
 - (iii) The minimum setback from a secondary street boundary of a corner lot to the wall of a dwelling is to be not less than 3 metres.
 - (iv) For beachfront lots, the rear building line is the boundary line between the 2(e) and 7(f) zones. No structures are permitted within the 7(f) zone.
 - (v) All fencing east of the 7(f) and 2(e) zone boundary shall be a maximum height of not more than 1.2 metres.

The above conditions (i)-(v) can be varied by Council subject to the merits of each development application.
14. The development shall be completed in general accordance with Figures E403, E404 and E405 prepared by Cardno MBK and dated May 2000, except where varied by these conditions.
15. 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.

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16. No soil, sand, gravel, clay or other material shall be disposed of off the site without the approval of Council.
17. 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 Council prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
18. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.
19. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No DA2000/681 have been complied with.
20. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:
 - i. Easements for sewer, water supply and stormwater drainage over ALL services on private property.
 - ii. A restriction as to user requiring that all roofwater from dwellings shall be discharged to an approved infiltration pit located on the subject property. The infiltration pit shall be approved by the Principal Certifying Authority.

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.
21. 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.
22. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with AS1428-1993 Parts 1 to 4 - Design for Access and Mobility.
23. 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.

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24. 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 Council.

The sign is to remain in place until the Subdivision Certificate is issued.

25. It shall be the responsibility of the applicant to ensure that at all times the 'Optus Cable', which traverses the subject site, is protected from construction damage.

The applicant must identify the location of the cable prior to the commencement of construction. The cover over the cable shall not be permanently increased or decreased without the consent of the owner of the cable.

26. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.

27. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the Director, Development Services PRIOR to the issue of a Subdivision Certificate. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.

28. In accordance with Section 109F(i) 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.

Open Space

Casual Open Space

29. The cycleway / walkway corridor shall be landscaped and fenced in accordance with plans to be submitted and approved before work commences.
30. Dedication, at no cost, to Council of the local parks (proposed lots 170, 179 & 180). These parks are to be suitably embellished including but not limited to filling, topsoiling, grading, seeding, planting, installation of seating and play ground equipment and shade cover. Details to be submitted with the Construction Certificate application to the satisfaction of Council. The embellishment works shall be completed prior to release of the linen plan.

Active Open Space

31. Prior to the release of the Stage 6a linen plans, the applicant shall embellish the active open space Stage 1 Management Lot 10 DP 1014470 to the satisfaction of Council in accordance with detailed plans to be submitted and approved with the Construction

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Certificate application. Such embellishment shall be in accordance with S.94 Plan No. 19, including, but not limited to:-

- (a) Being capable of use as playing fields (i.e. level of acceptable geometric shape and drained).
- (b) Top dressing, seeded and landscaped, including irrigation facilities.
- (c) Council will also require provision of an amenities block for the structured open space area, with appropriate vehicular parking and pedestrian access.

CONTRIBUTIONS

32. (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.

Stage 6A

- a. Tweed Road Contribution Plan:

93 lots @ \$2394 per lot \$222,642.00

Local Contribution

93 lots @ \$554 per lot \$51,522.00

A credit for local contribution will apply in relation to works on these intersections, pursuant to the stage 2, 3 & 4 consents.

S94 Plan No. 4 (Version 4.0)

(Duranbah/Cabarita/Kings Forest Development - Residential)

If any available credits are not consumed by the Stage 2 Consent No. K99/1360, Stage 3 Consent No. K99/1733, or Stage 4 Consent No. K99/1732, Council will apply credits towards this contribution in relation to the amount that is determined as credit pursuant to Condition 12(a)(i) of the Stage 1 Consent S96/135 and Section 94 Plan No. 4.

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Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 4.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

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

where:

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

and:

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

Dist. average haulage distance of product on Shire roads

(trip one way)

$\text{\$Unit}$ the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.5

b. Street Trees: 93 lots @ \$42.90 per lot \$3,989.70

S94 Plan No. 6

c. Shirewide Library Facilities:

93 lots @ \$300 per lot \$27,900.00

S94 Plan No. 11

d. Eviron Cemetery/Crematorium Facilities:

93 lots @ \$126 per lot \$11,718.00

S94 Plan No. 13

e. Bus Shelters: 93 lots @ \$23 per lot \$2,139.00

S94 Plan No. 12

f. Emergency Facilities (Surf Lifesaving)

93 lots @ \$250 per lot \$23,250.00

S94 Plan No. 16

g. Extensions to Council Administration Offices

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& Technical Support Facilities

93 lots @ \$344.81 per lot \$32,067.33

S94 Plan No. 18

h. Structured Open Space 93 lots @ \$640 per lot \$59,520.00

S94 Plan No. 19

NB: The works required by Condition No. 31 shall be credited against this contribution for an approved amount in accordance with the provisions of Section 94 Plan No. 19

i. Cycleways 93 lots @ \$160 per lot \$14,880.00

S94 Plan No. 22

NB. Contribution to be credited against cost of works in condition No. 49.

j. Community Facilities: 93 lots @ \$497 per lot \$46,221.00

S94 Plan No. 19

33. 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 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:

Stage 6A

Water: 93 lots @ \$3590 per lot \$333,870.00

Local Section 64 Water Supply levy 93 lots @ \$205 per lot \$19,065.00

Sewer: 93 lots @ \$2970 per lot \$276,210.00

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.

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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

34. Prior to commencement of work pursuant to this consent a Construction Certificate shall be obtained for the works proposed and required by this consent.

The following information must accompany applications for a construction certificate for 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)

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.

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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.

35. 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.
36. 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 of \$10,000.

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 Council.

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

37. Prior to registration of the plan of subdivision, a Subdivision Certificate shall be obtained.
- (i) The following information must accompany an application:
 - a) Original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees of \$115 per lot
Stage 6A- 97 lots @ \$115/lot = \$11,155.00.
 - b) Relevant development consent or complying development certificate
 - c) Detailed subdivision engineering plans endorsed with a construction certificate (where applicable)
 - d) 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)

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- e) A certificate of compliance from the relevant water supply authority (where applicable)
- f) 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
- g) For subdivision involving subdivision works evidence that:
 - (i) the work has been completed, or
 - (ii) 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
 - (iii) security given to the consent authority with respect to the completion of the work
- h) 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.

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

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- (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

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- 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".

39. Prior to the issue of a Subdivision Certificate, Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual.

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 Council carries out works on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed plans.

40. 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.

41. (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.

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

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- i. 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.
 - ii. That the pavement materials used comply with the specifications in RTA Form 3051 (June 1998)
 - iii. That the pavement layers have been compacted to RTA specifications.
 - iv. That site fill areas have been compacted to the specified standard.
 - v. That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
 - vi. That pavement testing has been completed in accordance with Table 8.1 of AS 3798-1996.
43. All lots must be graded and trimmed to prevent the ponding of surface water. Additionally, all lots must be adequately vegetated and action must be taken to prevent erosion from wind and/or water to the satisfaction of Council.
44. 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.

ROADS/STREETS

45. Submission of documentary evidence that adequate vehicular access in accordance with Council's 'Access to Property' pamphlet, can be provided to each lot.
46. 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 No. 15 AND the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.
47. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-
- i. Construction of the roads in the subdivision shall be generally in accordance with Cardno MBK Figures E423 and E423A, except where varied by the table below, and where varied by these conditions.
 - ii. Road cross sections employing "roll over" kerbing with a minimum of 0.9m abutting grass filter verge containing street lighting and street trees, to discourage parking on the footpath.
 - iii. A native tree planting schedule for each of the roads in the table below showing the location and species of each street tree, clear of driveways and sight lines.
 - iv. Proposed traffic calming devices must comply with the relevant Australian Standard and the NSW Roads and Traffic Authority technical direction for raised

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platforms. Detailed design plans shall be submitted with the construction certificate application.

- v. Drainage inlets are to be relocated to avoid conflict with pram ramps for cycleway/walkways.
- vi. Roundabouts shall be constructed at the following intersections in accordance with Austroads Pt.6 – Roundabouts;

Road No. 1 and Road No. 7 – Outside circulating diameter to be 30.0m

Road No. 10 and Road No. 7 – Outside circulating diameter to be 28.0m

Road No. 3 and Road No. 5 – Outside circulating diameter to be 28.0m

- vii. The engineering plan shall provide for bus shelters on Road No. 7 and Road No. 11. The location of these bus shelters shall be determined after consultation by the applicant with the bus operators. The type and style of the bus shelters shall be approved by Council prior to installation and shall be clearly identified on the engineering plans lodged with the Construction Certificate.
- viii. The Casuarina Beach developer shall be responsible for 50% only of the costs, of the construction of the road and will bond 120% of that 50%.
- ix. A roundabout shall be constructed at the intersection of the existing Coast Road and the newly constructed Crown road reserve in accordance with Austroads Pt.6 – Roundabouts. The outside circulating diameter shall be 28.0m.
- x. The future connection point for the realignment of the Coast Road shall be Catherine Street.
- xi. Road 4 shall be cul-de-sac at either end where it abuts Road 11 and the Crown Reserve Road on the northern boundary of the land. Road 11 shall not be connected to Road 2 and appropriate landscape barriers shall be placed near the alignment of Road 2 and Road 11. A pedestrian access at the alignment of Road 2 and Road 11 and at the alignment of Road 4 and Road 11 shall be provided. Pedestrian access only shall be provided at the alignment of Road 4 and the Crown Reserve Road on the northern boundary of the land subject of this application.
- xii. The bulk earthworks and engineering plans shall ensure the continuity of the existing realigned Coast Road is maintained at all times.
- xiii. Notwithstanding any steps within the Road Reserve boundary, the minimum road pavement and footway widths shall be maintained for the full length of all roads and shall be in accordance with the table below.

Figure	Road Number	Min. Road Reserve	Min. Carriageway Width	Min. Footway Width
E423	1	20.0m	9.0m	5.5m (paved footways widths 2.5m north side and 1.5m south)

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Figure	Road Number	Min. Road Reserve	Min. Carriageway Width	Min. Footway Width
				side)
E423A	3	20.0m	9.0m	5.5m (paved footway width 1.2m both sides)
E423A	5	16.0m	7.5m	4.25m (single paved footway width 1.2m)
E423A	6	14.0m	7.5m	3.25m
E423	7	20.0m	11.0m	4.5m (paved footway widths 2.5m on eastern side & 1.5m on the western side)
E423	8	16.0m	7.5m	4.25m(paved footway widths 1.2m both sides)
E423	9	14.0m	7.5m	3.25m(single paved footway 1.2m wide)
E423	10	20.0m	2x5.5m plus 2.0m medium	3.5m(paved footway width 1.5m both sides)
E423/E423A	11 ch 0.0 - 130.0 & ch 480 - 612	18.0m	11.0m	3.5m(paved footway width 1.5m both sides)
E423/E423A	11 ch 140 - 480	16.0m	9.0m	3.5m(paved footway width 1.5m both sides)
E423A	12	14.0m	7.5m	3.25m(single paved footway 1.2m)
E423A	13	20.0m	9.0m	5.5m(paved footway width 1.2m both sides)

48. All permanent cul-de-sacs shall be constructed with kerb radius of 9.0m and a minimum footway width of 3.0m.
49. i. All cycleway, walkways and coastal walkway/cycleways shall be designed in accordance with Austroads Guide to Traffic Engineering Practice Part 14 and AMCORD provisions for single and shared footway/cycleway (Element 1.4 and PND17), and construction in accordance with engineering plans and specifications which accompany the construction certificate application which shall be approved by the Director, Development Services.
- ii. Pursuant to Section 94 Plan No. 19 and to be consistent with Condition 39(a)-(e) of Development Consent S96/135 issued by the Land and Environment Court on 16 December, 1998, the applicant shall construct all cycleways, walkways and coastal walkways/cycleways applicable to Stage 6 as shown on Map 5 contained within Section 94 Plan No. 19.

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- iii. Alternatively, the developer may, in the case of residential frontage footpaths, 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.
 - iv. 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.
50. Pram ramps are to be constructed at road intersections in accordance with Council's Plan No. A4-96 to the satisfaction of Council.

DRAINAGE/FLOODING

51. All fill of new residential lots is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided 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.
52. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped with the exception of infiltration basins.
53. All roofwater from dwellings shall be discharged to infiltration pits located on each subject allotment. The design of the infiltration pits shall be submitted with the Application for the dwelling and approved by the Certifying Authority.
54. All proposed building pads are to be above the Q100 design flood level, including provision for any localised overland flow, such that at least 300mm freeboard is provided to the satisfaction of the Director Development Services.
55. 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.
56. 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 Geotechnical Engineer certifying that the filling operations comply with AS3798-1996.
57. 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.

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All costs associated with the CCTV inspection and repairs shall be borne by the applicants.

58. All stormwater discharged from the site including dewatering discharge is to be directed to a sediment pond/infiltration basins prior to final discharge into any waterway. The sediment ponds or other approved devices are to be maintained in good condition until the maintenance bond is released.
59. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

60. (a) For the purpose of this condition "trunk drainage" shall be defined as:
- (i) The "trunk drainage" defined in the consent conditions of DAK99/1733 (Casuarina Beach Stage 3, being the drain along the coastal frontage of Stage 3 to the south east corner of proposed lot 82 in Stage 3 and the east/west continuation of this drain, downstream to Controlled Outlet No. 11 as generally located on Cardno MBK Figure E216 Rev B. The ultimate point of discharge for this part of the development shall be Controlled Outlet No. 11.)
 - (ii) The drainage paths between the east draining stormwater outlets from proposed stage 6 and the coastal frontage drain included in (i) above.
 - (iii) No stormwater runoff shall be discharged to the west of the realigned Coast Road, other than from half the width of road 3, 7 & 13.
- (b) The ultimate lawful point of discharge for east flowing stormwater runoff from this application shall be controlled outlet No. 11.
- (c) Trunk drainage shall be designed to convey Q100 stormwater discharge. The trunk drainage shall be constructed and the land (containing the drain) dedicated to Council or easements created. In the section between proposed lot 70 of stage 3 and Controlled Outlet No. 11, the land to be dedicated (or easement) shall include the drain and provision for maintenance vehicle access, the maintenance vehicle access shall be constructed to all weather, two wheel drive standard.
- (d) The trunk drainage along the coastal boundary, and elsewhere, shall be designed to accommodate Q100 (no infiltration) flows with a minimum 300mm freeboard. Separate approval is required for any drainage along the coastal boundary that requires filling or any other ancillary works on adjacent land. Where consistent

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with other land use requirements, grassed swale drainage is to be used in preference to pipes or hard lined channels. In designated public open space areas, open drains will only be permitted if the resultant landform is satisfactory to Council for open space purposes.

61. The subject land shall be shaped in general accordance with Cardno MBK. Revised Final Levels – 6a, as attached to the letter from Cardno MBK dated 25 July 2000 as limited by Figure E426 “Bulk Earthworks” except as follows;

- (i) The levels adjacent to the Crown Road at the northern end of the subdivision shall not vary from the existing levels by more than approximately 500mm (the Crown road on the northern boundary may be converted to public road, formed and drained to achieve this) and;
- (ii) Where the proposed levels are inconsistent with existing levels on adjacent land, retaining walls (and any necessary ancillary or drainage works) shall be provided on the lot boundaries to ensure the land shaping has no adverse affect on adjoining land. Plans and specifications of the retaining walls and ancillary works and the written approval of the adjacent landowner shall be submitted with the construction certificate application.

NB. As an alternative, the applicant may submit a proposal with the construction certificate application for simultaneous reshaping and draining of both the subject land and adjacent land. Such a proposal must be authorised by all affected land owners and indemnify Council from any action resulting from the execution of the proposal or any landforming activity that may adversely affect adjoining land.

- (iii) Provision shall be made to ensure surface runoff does not discharge onto lot 500 or other adjoining land, except where required by Condition 48(viii).
- (iv) Provision shall be made to accept up to Q100 natural or existing surface runoff from adjacent land that discharges onto the subject land.

62. Permanent Stormwater Quality Treatment

(A) Stormwater Quality Objectives

Permanent stormwater quality treatment shall comply with “Tweed Urban Stormwater Quality Management Plan” (adopted by Council 19 April 2000) section 5.5.3 “Stormwater Objectives During the Post Construction or Occupational Phase of Development” . New development is required to comply with table 5.4 and demonstrate compliance by modelling in accordance with section 5.5.4 of the Plan:

Section 5.5.5 of the plan further advises that treatment is in accordance with the “deemed to comply” provisions of Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality is deemed to comply with the objectives in 5.5.3”.

“Table 5.4 Stormwater Treatment Objectives for Post Construction (Occupational) Phase of Development

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Pollutant			
Nutrients	Maximum permissible load that may be discharged kg/ha/year		
	Average year (1719mm)	Wet Year (2185mm)	Dry Year (929mm)
Suspended solids (SS)	300	400	120
Total Phosphorus (TP)	0.8	1.1	0.35
Total Nitrogen (TN)	4.5	6	1.5
Litter	Retention 70% of annual litter load greater than 5mm		
Coarse sediment	Retention of 90% of annual load of sediment coarser than 0.125 mm		
Oil and grease (hydrocarbons)	<10 mg/litre in flows up to 40% of Q1 peak."		

Note: The Water Quality Management and Monitoring Program contained in Cardno MBK letter of 21 February 2000 containing proposals for Water Quality Management generally achieves the above objectives.

(B) Water Sensitive Design

Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse. These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients, and provide for appropriate operation, cleaning and maintenance of water quality control devices.

(C) Infiltration

- i. Infiltration areas are to be sized with a safety factor of 2 (this is to allow for long term deterioration in infiltration rate).
- ii. Runoff entering infiltration trenches/basins shall be pre-treated to remove sediment and gross pollutants.
- iii. The infiltration rate for infiltration devices shall be determined as follows
 - (i) Conduct percolation tests on the site in accordance with Appendix B of A.S. 1547-1994 - Disposal Systems for Effluent from Domestic Premises.
 - (ii) If the above calculation yields a result <6m/day, this rate may be used for design.

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- (iii) If the result is $>6\text{m/day}$, the rate for design may not exceed 6m/day unless this rate is confirmed by independently determining the coefficient of permeability of the soil in accordance with AS 1289.6.7.3. Notwithstanding these tests, the maximum infiltration rate that may be used for design and sizing purposes is 12m/day

(D) Specific Requirements

Permanent stormwater quality devices are to be designed in accordance with these conditions and "Tweed Urban Stormwater Quality Management Plan" Appendix E – Tweed Shire Council, Aus-pec D7 – Stormwater Quality, and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate Application.

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

- (i) Roof drainage. All future roof drainage is to be discharged to infiltration trenches located on each contributing allotment or on other land appropriately title burdened to the contributing allotment. Infiltration trenches shall be designed in accordance with the following criteria:
- As a minimum requirement, trenches are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) and infiltrate this storm within a 24-hour period, with a safety factor of 2, before surcharging occurs.
 - Surcharge overflow from the infiltration area to the street gutter, interallotment or public drainage system must occur by visible surface flow.
 - Runoff is to be pre treated to remove contaminants prior to entry into the absorption areas (to maximise life of absorption areas between major cleaning/maintenance overhauls).
 - If the site is under strata or community title, the strata/community title plan is to ensure that the absorption areas are contained within common areas that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
- (ii) 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

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 $>5\%$)

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- (iii) Oil/Grit Separators (ref 4.7), permanent pool 30m³ per impervious hectare, with 50-70% of this volume in first chamber (or alternative devices approved by Council) are to be provided in the underground road/hardstand stormwater drainage systems to remove sediment, litter and oil/grease prior to discharge onto the coastal drain/infiltration area.
 - (iv) Infiltration basins (ref 5.6) shall be provided for west flowing runoff prior to discharge from outlets on residue lot 113. The applicant shall ensure infiltration of runoff from all contributing stormwater for flows of up to 40% of ultimate Q_{1 year}. Infiltration basin sizing shall be determined on a catchment basis. For the purpose of this consent a "catchment" shall be the total area draining controlled outlet No. 11. The infiltration basins shall be contained within reserves to be dedicated to Council. As an interim measure the infiltration basins for west flowing runoff may be located in easements, pending finalisation of the layout for all of stage 1 management lots 6 and 7. The basins may only be contained within designated public open space areas, if the resultant landform is satisfactory to the Director of Environment and Community Services.
 - (v) Infiltration basins are to consist of raw dune sand with an minimal vegetation cover of endemic dune grasses. No topsoil, mulch or other vegetative matter is to be used on infiltration basin surfaces and no establishment, operation or maintenance procedures are permitted that may reduce surface permeability.
63. Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with the *"Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan *"Tweed Shire Council Aus-Spec D7 - Stormwater Quality"* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond has been released.
64. This condition refers to proposed lots 169,171,172,173,174, 175,176, 177 and 178.
- Prior to the issue of any Subdivision Certificate the following shall be required;
- (i) Sufficient permanent infrastructure must be constructed in the subdivision that creates these 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 the boundaries of these lots or runs adjacent to their boundaries must be constructed in the subdivision that creates the lots.
 - (ii) These lots shall be provided with interim and ultimate drainage inlets on the lots or at lot boundaries. The interim period is defined as that time between the creation of the lot and the development of the lots. The lots shall be shaped to ensure all interim Q5 concentrated drainage and surface runoff from slopes longer

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than 40m is discharged to these inlets. Provision shall be made outside the lots for acceptance and transport of ultimate and interim Q100 flows from the lots.

- (iii) Where infrastructure required to serve a future development lot, passes through another lot, easements in favour of Council shall be granted over the infrastructure (and necessary access roads to such infrastructure).
- (iv) Any public utilities currently located in these lots are to be either relocated to public land or easements created over the existing alignments

SERVICES

Sewer

- 65. The applicant shall lodge detailed engineering plans with the construction certificate application for the Sewerage Reticulation and Pumping System.
- 66. i. 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.

- ii. Any Sewerage Works required by the Stage 1 Consent S96/135 which have been bonded shall be completed to the satisfaction of the Director of Engineering Services PRIOR to release of the linen plan.

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.

- 67. Prior to final acceptance of the Sewer system and release of the maintenance bond a CCTV inspection of the sewer pipes will be required to demonstrate that the standard of the sewer system is acceptable to Council.

All costs associated with the CCTV inspection and repairs shall be borne by the applicants.

Water

- 68. 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.

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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.

69. The applicant shall lodge with the Construction Certificate application for stage 6A a detailed demand analysis for the proposed pipe network, which clearly shows that peak demand and fire fighting requirements are satisfied.
70. (i) The existing 250dia. water main as shown on Figure E422 shall be upgraded to a 450dia water main generally in accordance with the Statement of Evidence Report on Water Supply Infrastructure prepared by P.N. Casey and dated September 1998.
 - (ii) No individual house connections shall be allowed to this 450dia trunk main. A separate reticulation water main suitably sized shall be required to service allotments.
 - (iii) At least one (1) week prior to the decommissioning of the 250dia water main and the commissioning of the 450dia water main, the applicant shall notify all affected residents of the disruption to their water supply. The Director Engineering Services shall approve the notification program. Council shall supervise all works at the applicant's expense.

Telephone

71. The production of written evidence from Telstra Australia certifying that satisfactory arrangements have been made for the provision of underground telephone supply, prior to issue of a Subdivision Certificate.

Electricity

72. i. The production of written evidence from NorthPower certifying that reticulation of underground electricity has been completed; and
 - ii. Prior to the issue of a Subdivision Certificate, the reticulation to include the provision of fully installed electric street and parkland pathway lights to the relevant Australian standard. Such lights are to be capable of being energised following a formal request by Council. The proposed location and style of lighting standards (clear of other public utilities, private accesses and street trees) are to be submitted with the Construction Certificate Application.

ENVIRONMENT PROTECTION

73. 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.
74. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
75. 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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76. 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.
77. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17^o 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 native species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
 - 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.
78. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
79. 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.
80. Construction site work including the entering and leaving of vehicles is to be restricted to between 6.00 am and 8.00 pm Monday to Saturday and no work on Sundays, providing that no residential premises are adjacent to the site, in which case, construction times are to be restricted to 7.00am to 7.00pm Monday to Saturday.
81. 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.

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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.

82. The following restrictions apply to dog and cat ownership and control on all residential lots:-

- A. i. Owners of dogs within the development shall have their yards fenced so as to securely contain a maximum of one (1) dog per allotment and the ownership of cats within the development shall be restricted to one de-sexed cat per allotment and such cats shall be restrained within the house or a secure night cage between the hours of 6.00pm and 6.00am.
- ii. No dog shall be registered without the construction of a dog-proof compound which must be approved by Council and the relevant fee paid by the applicant.
- iii. No owner can retrieve a dog that has been impounded unless they can demonstrate to Council they have a secure compound.

These ownership and control requirements shall be reinforced by a Restrictions as to User under Section 88B of the Conveyancing Act, 1919-1964.

A Section 88B Instrument creating the restriction as to user shall contain a provision enabling the restriction to be revoked, varied and modified only with the consent of Council.

- B. The applicant shall prepare a list of non-endemic garden plants that have a reputation for becoming environmental weeds on coastal sands on the Tweed. The list is to be approved by the Council granting delegated authority to the Director Environment & Community Services. The growing of plants in the list shall be prohibited on the subject land by way of a Restriction as to User under Section 88B of the Conveyancing Act.

A Section 88B Instrument creating the restriction as to user shall contain a provision enabling the restriction to be revoked, varied or modified only with the consent of Council.

83. 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 Council.

84. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.

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85.
 - i. Submission of documentary evidence that Part V Approval has been obtained for those works to be undertaken in accordance with the Dune Management Plan and Lot 500 Management Plan required by Consent S96/135 issued by the Land and Environment Court on 10 December, 1998.
 - ii. The Dune Management Plan and Lot 500 Management Plan prepared by Aspect North and dated 29 May 2000 shall be implemented in accordance with any Part V Approval obtained pursuant to Condition 87(i) to the satisfaction of Council.
86. In accordance with Condition 34 of Consent S96/135 for Stage 1, prior to issuing a Construction Certificate for development of any management lot, all existing bitou bush plants shall be removed from that lot and the resultant disturbed areas shall be treated to suppress dust nuisance and soil erosion pending any development thereof.
87. PRIOR to any work commencing pursuant to this consent, a suitable fence shall be erected on the alignment of the eastern extremity of the approved work to ensure that no unauthorised works or disturbance occur within Lot 500.
88. The applicant shall add to the submitted Acid Sulfate Soil Management Plan (page 8), the following requirement:- *'Council will be informed within 7 days of any non-compliant results, particularly in relation to exceedances of the nominated range for each water quality parameter'*.
89. In accordance with the provisions of condition 41(d) of Consent S96/135 for Stage 1 and as required by the National Parks and Wildlife Service in their letters dated 24 May, 2000 and 1 August 2000, the following requirements shall be complied with:-
 - i. Drainage swales/open space corridors rising east/west shall be replanted with suitable indigenous vegetation sourced locally to assist the east/west dispersal of wildlife.
 - ii. A minimum of 300 Banksias are to be planted in each development lot in areas of public and private open space. These trees may include large (greater than 10cm DBH) individuals translocated from areas where their clearing is essential for the development design. These trees should be located in clumps and as far away from urban areas and lighting as possible.
 - iii. All large mature Banksias, up to a maximum of 30 per management lot, in public or private open space, drainage swales etc, are to be marked and retained unless their removal is approved by Council in order to satisfy its requirements for open space and/or the proponents design of the development. Where such a tree is removed, a tree of similar size shall replace it, taken from an area where it would otherwise be lost, and translocated into an unconstrained area of the lot.
 - iv. The proponent shall monitor and maintain as necessary any translocated trees for a period of one year from the date of consent in order to promote their survival.
 - v. In respect of the north-western area, as identified in the Gunninah report and pursuant to the requirements of the National Parks & Wildlife Service, clearing is to be deferred for a period of four (4) years from 1 July 1999, or an alternative

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biological timeframe to be agreed between the applicant, NPWS and Tweed Shire Council.

- vi. In respect of the commercial area, clearing may commence within four years from 1 June 1999 in accordance with an agreed biological timeframe provided that adequate mitigation measures can be demonstrated to NPWS and Tweed Shire Council.
90. Compliance with the following condition imposed by the Department of Urban Affairs and Planning in granting concurrence to development in the 7(f) zone as follows:-
- a. The proposal shall not provide for beach access for vehicles or pedestrians from either the carpark or from the public walkway / cycleway, unless such access is consistent with a management plan which covers the public foreshore areas and is agreed to by both the Council and the Department of Land & Water Conservation.

Cr Youngblutt

Cr Lawrie

RESOLVED that an extension of 5 minutes be granted to Cr Brinsmead.

Voting - Unanimous

AMENDMENT

Cr Luff

Cr James

PROPOSED that Development Application No. 0681/2000DA for a 94 lot subdivision of Lot 1 DP 811425, Lot 7 DP 1014470, Lot 6 DP1014470 and Lot 5 DP 1014470 Coast Road, South Kingscliff (Casuarina Beach Stage 6) be approved subject to 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 Fire Management Plan is to be submitted and approved by Council. The plan shall address potential environmental impacts, including impacts on threatened species.
2. A detailed plan of landscaping is to be submitted and approved by Council prior to the issue of a Construction Certificate. All landscaping work is to be completed in accordance with the approved plans. The detailed landscaping plan shall include a list of species, which ensure no potential for seed transfer to Lot 500, which would conflict with the propagation and maintenance of species, specified in the Dune Management Plan and Lot 500 Management Plan.
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, prior to issue of the Construction Certificate. The applicant shall submit evidence to Council that the traffic control plan has been prepared by an authorised person. All works are to comply with

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- the Occupational 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. 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.
 5. The Stage 6 application is to be consistent with the lot boundaries of open space lots 8, 9, 13 & 14 in DP 1014470.
 6. Notwithstanding any other condition of this consent, a construction certificate for bulk earthworks may be issued and the carrying out of bulk earthworks may be commenced prior to the issue of a construction certificate for all subdivision works subject to compliance with the following conditions:- 3, 4, 14, 15, 16, 17, 18, 21, 24, 25, 27, 34 (relating to bulk earthworks only), 35 (relating to bulk earthworks only), 36, 47 (viii), (xii), (xiv), 52, 54, 55, 56, 58, 59, 60, 61, 62(d), (ii), (iii), (iv), (v), (vi), (vii), 64, 73, 74, 75, 76, 78, 79, 80, 84.

GENERAL

7. Prior to the issue of a Subdivision Certificate pursuant to this consent ALL works bonded pursuant to Consent S96/135 for Stage 1 shall be completed to the satisfaction of Council.
8. Construction of each section of walkway / cycleway immediately east of any management lot shall be completed prior to the release of the linen plan for subdivision of the respective management lot.
9. The design of the walkway shall be integrated with any adjacent proposed car parking areas and beach access points and shall extend for the full frontage of the land including, where necessary, within the Crown Foreshore Reserve subject to the approval of the Reserves Trust.
10. This consent does not give approval to proposed Stage 6b, which shall be subject to a fresh development application.
11. A total of 75 public parking spaces are to be provided along the eastern side of proposed road 11, in accordance with the Stage 6 concept master plan. The subject parking spaces are to be designed and constructed in accordance with Council's Development Control Plan No. 2 – Site Access & Parking Code.
12. Submission of separate development application/s for further development of the proposed residue lot and medium density allotments (proposed lots 113, 169, 171, 172, 173, 174, 175, 176 & 177).

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13. The Architectural Design Regulations shall not be included in any legal document to be administered by Council. NOTE: Some aspects of the ADR such as setbacks, fencing etc will need to be incorporated into a DCP for control by Council. Accordingly, DCP 11 – Kings Beach will need to be amended to incorporate the following conditions;

- (i) The minimum setback from the street front boundary to the wall of a dwelling is to be not less than six (6) metres.

The minimum setback from the street front boundary to the wall of a single garage is to be not less than 5.4 metres and not less than 5 metres to the wall of a double garage.

Special design elements such as verandahs, entrances and the like constructed of open design shall be setback a minimum of 3 metres from the front street boundary.

- (ii) The minimum side boundary setback for any dwelling shall be not less than 900mm to the wall and not less than 675mm to the outer most projection of the eave.
- (iii) The minimum setback from a secondary street boundary of a corner lot to the wall of a dwelling is to be not less than 3 metres.
- (iv) For beachfront lots, the rear building line is the boundary line between the 2(e) and 7(f) zones. No structures are permitted within the 7(f) zone.
- (v) All fencing east of the 7(f) and 2(e) zone boundary shall be a maximum height of not more than 1.2 metres.

The above conditions (i)-(v) can be varied by Council subject to the merits of each development application.

14. The development shall be completed in general accordance with Figures E403, E404 and E405 prepared by Cardno MBK and dated May 2000, except where varied by these conditions.
15. 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.
16. No soil, sand, gravel, clay or other material shall be disposed of off the site without the approval of Council.
17. 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 Council prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
18. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.
19. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No DA2000/681 have been complied with.

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20. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:
- i. Easements for sewer, water supply and stormwater drainage over ALL services on private property.
 - ii. A restriction as to user requiring that all roofwater from dwellings shall be discharged to an approved infiltration pit located on the subject property. The infiltration pit shall be approved by the Principal Certifying Authority.

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.

21. 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.
22. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with AS1428-1993 Parts 1 to 4 - Design for Access and Mobility.
23. 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.
24. 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 Council.
- The sign is to remain in place until the Subdivision Certificate is issued.
25. It shall be the responsibility of the applicant to ensure that at all times the 'Optus Cable', which traverses the subject site, is protected from construction damage.

The applicant must identify the location of the cable prior to the commencement of construction. The cover over the cable shall not be permanently increased or decreased without the consent of the owner of the cable.

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26. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.
27. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the Director, Development Services PRIOR to the issue of a Subdivision Certificate. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.
28. In accordance with Section 109F(i) 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.

Open Space

Casual Open Space

29. The cycleway / walkway corridor shall be landscaped and fenced in accordance with plans to be submitted and approved before work commences.
30. Dedication, at no cost, to Council of the local parks (proposed lots 170, 179 & 180). These parks are to be suitably embellished including but not limited to filling, topsoiling, grading, seeding, planting, installation of seating and play ground equipment and shade cover. Details to be submitted with the Construction Certificate application to the satisfaction of Council. The embellishment works shall be completed prior to release of the linen plan.

Active Open Space

31. Prior to the release of the Stage 6a linen plans, the applicant shall embellish the active open space Stage 1 Management Lot 10 DP 1014470 to the satisfaction of Council in accordance with detailed plans to be submitted and approved with the Construction Certificate application. Such embellishment shall be in accordance with S.94 Plan No. 19, including, but not limited to:-
 - (a) Being capable of use as playing fields (i.e. level of acceptable geometric shape and drained).
 - (b) Top dressing, seeded and landscaped, including irrigation facilities.
 - (c) Council will also require provision of an amenities block for the structured open space area, with appropriate vehicular parking and pedestrian access.

CONTRIBUTIONS

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32. (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.

Stage 6A

- a. Tweed Road Contribution Plan:

93 lots @ \$2394 per lot \$222,642.00

Local Contribution

93 lots @ \$554 per lot \$51,522.00

A credit for local contribution will apply in relation to works on these intersections, pursuant to the stage 2, 3 & 4 consents.

S94 Plan No. 4 (Version 4.0)

(Duranbah/Cabarita/Kings Forest Development - Residential)

If any available credits are not consumed by the Stage 2 Consent No. K99/1360, Stage 3 Consent No. K99/1733, or Stage 4 Consent No. K99/1732, Council will apply credits towards this contribution in relation to the amount that is determined as credit pursuant to Condition 12(a)(i) of the Stage 1 Consent S96/135 and Section 94 Plan No. 4.

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 4.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

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

where:

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

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and:

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

Dist. average haulage distance of product on Shire roads

(trip one way)

\$Unit the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.5

b. Street Trees: 93 lots @ \$42.90 per lot \$3,989.70

S94 Plan No. 6

c. Shirewide Library Facilities:

93 lots @ \$300 per lot \$27,900.00

S94 Plan No. 11

d. Eviron Cemetery/Crematorium Facilities:

93 lots @ \$126 per lot \$11,718.00

S94 Plan No. 13

e. Bus Shelters: 93 lots @ \$23 per lot \$2,139.00

S94 Plan No. 12

f. Emergency Facilities (Surf Lifesaving)

93 lots @ \$250 per lot \$23,250.00

S94 Plan No. 16

g. Extensions to Council Administration Offices

& Technical Support Facilities

93 lots @ \$344.81 per lot \$32,067.33

S94 Plan No. 18

h. Structured Open Space 93 lots @ \$640 per lot \$59,520.00

S94 Plan No. 19

NB: The works required by Condition No. 31 shall be credited against this contribution for an approved amount in accordance with the provisions of Section 94 Plan No. 19

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- i. Cycleways 93 lots @ \$160 per lot \$14,880.00

S94 Plan No. 22

NB. Contribution to be credited against cost of works in condition No. 49.

- j. Community Facilities: 93 lots @ \$497 per lot \$46,221.00

S94 Plan No. 19

33. 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 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:

Stage 6A

Water: 93 lots @ \$3590 per lot \$333,870.00

Local Section 64 Water Supply levy 93 lots @ \$205 per lot \$19,065.00

Sewer: 93 lots @ \$2970 per lot \$276,210.00

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

34. Prior to commencement of work pursuant to this consent a Construction Certificate shall be obtained for the works proposed and required by this consent.

The following information must accompany applications for a construction certificate for subdivision work.

(i) Subdivision Work

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

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- 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)

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.

35. 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

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- (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.
36. 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 of \$10,000.
- 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 Council.
- The bond will be refunded, if not expended, when the final Subdivision Certificate is issued.
37. Prior to registration of the plan of subdivision, a Subdivision Certificate shall be obtained.
- (i) The following information must accompany an application:
- a) Original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees of \$115 per lot

Stage 6A- 97 lots @ \$115/lot = \$11,155.00.
 - b) Relevant development consent or complying development certificate
 - c) Detailed subdivision engineering plans endorsed with a construction certificate (where applicable)
 - d) 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)
 - e) A certificate of compliance from the relevant water supply authority (where applicable)
 - f) 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
 - g) For subdivision involving subdivision works evidence that:
 - (i) the work has been completed, or
 - (ii) 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
 - (iii) security given to the consent authority with respect to the completion of the work

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- h) 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.

38. 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/vacuum pots
- (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 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

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- 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".
39. Prior to the issue of a Subdivision Certificate, Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual.

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

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- (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 Council carries out works on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed plans.

40. 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.

41. (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.

42. Before the commencement of the relevant stages of road construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.
- i. 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.
 - ii. That the pavement materials used comply with the specifications in RTA Form 3051 (June 1998)
 - iii. That the pavement layers have been compacted to RTA specifications.
 - iv. That site fill areas have been compacted to the specified standard.
 - v. That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
 - vi. That pavement testing has been completed in accordance with Table 8.1 of AS 3798-1996.

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43. All lots must be graded and trimmed to prevent the ponding of surface water. Additionally, all lots must be adequately vegetated and action must be taken to prevent erosion from wind and/or water to the satisfaction of Council.
44. 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.

ROADS/STREETS

45. Submission of documentary evidence that adequate vehicular access in accordance with Council's 'Access to Property' pamphlet, can be provided to each lot.
46. 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 No. 15 AND the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.
47. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-
 - i. Construction of the roads in the subdivision shall be generally in accordance with Cardno MBK Figures E423 and E423A, except where varied by the table below, and where varied by these conditions.
 - ii. Road cross sections employing "roll over" kerbing with a minimum of 0.9m abutting grass filter verge containing street lighting and street trees, to discourage parking on the footpath.
 - iii. A native tree planting schedule for each of the roads in the table below showing the location and species of each street tree, clear of driveways and sight lines.
 - iv. Proposed traffic calming devices must comply with the relevant Australian Standard and the NSW Roads and Traffic Authority technical direction for raised platforms. Detailed design plans shall be submitted with the construction certificate application.
 - v. Drainage inlets are to be relocated to avoid conflict with pram ramps for cycleway/walkways.
 - vi. Roundabouts shall be constructed at the following intersections in accordance with Austroads Pt.6 – Roundabouts;

Road No. 1 and Road No. 7 – Outside circulating diameter to be 30.0m

Road No. 10 and Road No. 7 – Outside circulating diameter to be 28.0m

Road No. 3 and Road No. 5 – Outside circulating diameter to be 28.0m
 - vii. The engineering plan shall provide for bus shelters on Road No. 7 and Road No. 11. The location of these bus shelters shall be determined after consultation by the applicant with the bus operators. The type and style of the bus shelters shall be

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approved by Council prior to installation and shall be clearly identified on the engineering plans lodged with the Construction Certificate.

- viii. The crown road reserve along the northern boundary shall be constructed in two (2) sections. On the western section, from the intersection with Catherine Street in an easterly direction, to a point where a minimum of 50 on-street car parking spaces are provided west of lot 500, the road shall have a 7.5m asphaltic concrete pavement, roll over kerb on both sides, and a 1.2m wide concrete footpath on the southern side. For the remainder of its length, sufficient to accommodate 50 parking spaces, the road shall consist of a 13.0m wide pavement, consisting of two (2) x 3.75m traffic lanes, and a 5.5m parking bay. A concrete footpath 1.2m wide will be provided on the southern side of the road reserve, and roll over kerb shall be provided on both sides. The overall roadworks shall extend from the western boundary of lot 500 to the intersection with Catherine Street. Where necessary, the earthworks shall be permitted to batter down into adjoining allotments in Seaside City. The batter slope shall not exceed 1 in 4, and shall be suitably stabilised using vegetation and or other engineering means to prevent erosion. The Construction Certificate application shall provide details of proposed drainage discharge to the north of the crown road reserve, including a lawful point of discharge, and the written consent of affected owners.
- ix. A roundabout shall be constructed at the intersection of the existing Coast Road and the newly constructed Crown road reserve in accordance with Austroads Pt.6 – Roundabouts. The outside circulating diameter shall be 28.0m.
- x. The future connection point for the realignment of the Coast Road shall be Catherine Street.
- xi. Roads 4 and 11 & 2 and 11 shall be through roads and the constructed pavement for Road No. 11 shall be connected at the same level to the constructed pavements of Road No. 4 and Road No. 2. There shall be a pedestrian link between Road 6 and the east / west Crown Road.
- xii. Road 4 and the constructed east west Crown Road (to be constructed pursuant to condition 48 (viii)), shall be continuous.
- xiii. Intersection treatment to the satisfaction of the Director Engineering Services shall be provided at the intersection of Road No. 4 and the Crown road reserve. This treatment shall ensure the safety of motorists given the non-conforming intersection spacing between Road No. 4 and a future road in Seaside City.
- xiv. The bulk earthworks and engineering plans shall ensure the continuity of the existing realigned Coast Road is maintained at all times.
- xv. Notwithstanding any steps within the Road Reserve boundary, the minimum road pavement and footway widths shall be maintained for the full length of all roads and shall be in accordance with the table below.

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Figure	Road Number	Min. Road Reserve	Min. Carriageway Width	Min. Footway Width
E423	1	20.0m	9.0m	5.5m (paved footways widths 2.5m north side and 1.5m south side)
E423A	3	20.0m	9.0m	5.5m (paved footway width 1.2m both sides)
E423A	5	16.0m	7.5m	4.25m (single paved footway width 1.2m)
E423A	6	14.0m	7.5m	3.25m
E423	7	20.0m	11.0m	4.5m (paved footway widths 2.5m on eastern side & 1.5m on the western side)
E423	8	16.0m	7.5m	4.25m(paved footway widths 1.2m both sides)
E423	9	14.0m	7.5m	3.25m(single paved footway 1.2m wide)
E423	10	20.0m	2x5.5m plus 2.0m medium	3.5m(paved footway width 1.5m both sides)
E423/E423A	11 ch 0.0 - 130.0 & ch 480 - 612	18.0m	11.0m	3.5m(paved footway width 1.5m both sides)
E423/E423A	11 ch 140 - 480	16.0m	9.0m	3.5m(paved footway width 1.5m both sides)
E423A	12	14.0m	7.5m	3.25m(single paved footway 1.2m)
E423A	13	20.0m	9.0m	5.5m(paved footway width 1.2m both sides)

48. All permanent cul-de-sacs shall be constructed with kerb radius of 9.0m and a minimum footway width of 3.0m.
49. i. All cycleway, walkways and coastal walkway/cycleways shall be designed in accordance with Austroads Guide to Traffic Engineering Practice Part 14 and AMCORD provisions for single and shared footway/cycleway (Element 1.4 and PND17), and construction in accordance with engineering plans and specifications which accompany the construction certificate application which shall be approved by the Director, Development Services.
- ii. Pursuant to Section 94 Plan No. 19 and to be consistent with Condition 39(a)-(e) of Development Consent S96/135 issued by the Land and Environment Court on 16 December, 1998, the applicant shall construct all cycleways, walkways and

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coastal walkways/cycleways applicable to Stage 6 as shown on Map 5 contained within Section 94 Plan No. 19.

- iii. Alternatively, the developer may, in the case of residential frontage footpaths, 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.
 - iv. 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.
50. Pram ramps are to be constructed at road intersections in accordance with Council's Plan No. A4-96 to the satisfaction of Council.

DRAINAGE/FLOODING

51. All fill of new residential lots is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided 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.
52. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped with the exception of infiltration basins.
53. All roofwater from dwellings shall be discharged to infiltration pits located on each subject allotment. The design of the infiltration pits shall be submitted with the Application for the dwelling and approved by the Certifying Authority.
54. All proposed building pads are to be above the Q100 design flood level, including provision for any localised overland flow, such that at least 300mm freeboard is provided to the satisfaction of the Director Development Services.
55. 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.
56. 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 Geotechnical Engineer certifying that the filling operations comply with AS3798-1996.

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57. 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.

All costs associated with the CCTV inspection and repairs shall be borne by the applicants.

58. All stormwater discharged from the site including dewatering discharge is to be directed to a sediment pond/infiltration basins prior to final discharge into any waterway. The sediment ponds or other approved devices are to be maintained in good condition until the maintenance bond is released.

59. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

60. (a) For the purpose of this condition “trunk drainage” shall be defined as:
- (i) The “trunk drainage” defined in the consent conditions of DAK99/1733 (Casuarina Beach Stage 3, being the drain along the coastal frontage of Stage 3 to the south east corner of proposed lot 82 in Stage 3 and the east/west continuation of this drain, downstream to Controlled Outlet No. 11 as generally located on Cardno MBK Figure E216 Rev B. The ultimate point of discharge for this part of the development shall be Controlled Outlet No. 11.)
 - (ii) The drainage paths between the east draining stormwater outlets from proposed stage 6 and the coastal frontage drain included in (i) above.
 - (iii) No stormwater runoff shall be discharged to the west of the realigned Coast Road, other than from half the width of road 3, 7 & 13.
- (b) The ultimate lawful point of discharge for east flowing stormwater runoff from this application shall be controlled outlet No. 11.
- (c) Trunk drainage shall be designed to convey Q100 stormwater discharge. The trunk drainage shall be constructed and the land (containing the drain) dedicated to Council or easements created. In the section between proposed lot 70 of stage 3 and Controlled Outlet No. 11, the land to be dedicated (or easement) shall include the drain and provision for maintenance vehicle access, the maintenance vehicle access shall be constructed to all weather, two wheel drive standard.

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- (d) The trunk drainage along the coastal boundary, and elsewhere, shall be designed to accommodate Q100 (no infiltration) flows with a minimum 300mm freeboard. Separate approval is required for any drainage along the coastal boundary that requires filling or any other ancillary works on adjacent land. Where consistent with other land use requirements, grassed swale drainage is to be used in preference to pipes or hard lined channels. In designated public open space areas, open drains will only be permitted if the resultant landform is satisfactory to Council for open space purposes.
61. The subject land shall be shaped in general accordance with Cardno MBK. Revised Final Levels – 6a, as attached to the letter from Cardno MBK dated 25 July 2000 as limited by Figure E426 “Bulk Earthworks” except as follows;
- (i) The levels adjacent to the Crown Road at the northern end of the subdivision shall not vary from the existing levels by more than approximately 500mm (the Crown road on the northern boundary may be converted to public road, formed and drained to achieve this) and;
- (ii) Where the proposed levels are inconsistent with existing levels on adjacent land, retaining walls (and any necessary ancillary or drainage works) shall be provided on the lot boundaries to ensure the land shaping has no adverse affect on adjoining land. Plans and specifications of the retaining walls and ancillary works and the written approval of the adjacent landowner shall be submitted with the construction certificate application.
- NB. As an alternative, the applicant may submit a proposal with the construction certificate application for simultaneous reshaping and draining of both the subject land and adjacent land. Such a proposal must be authorised by all affected land owners and indemnify Council from any action resulting from the execution of the proposal or any landforming activity that may adversely affect adjoining land.
- (iii) Provision shall be made to ensure surface runoff does not discharge onto lot 500 or other adjoining land, except where required by Condition 48(viii).
- (iv) Provision shall be made to accept up to Q100 natural or existing surface runoff from adjacent land that discharges onto the subject land.

62. Permanent Stormwater Quality Treatment

(A) Stormwater Quality Objectives

Permanent stormwater quality treatment shall comply with “Tweed Urban Stormwater Quality Management Plan” (adopted by Council 19 April 2000) section 5.5.3 “Stormwater Objectives During the Post Construction or Occupational Phase of Development” . New development is required to comply with table 5.4 and demonstrate compliance by modelling in accordance with section 5.5.4 of the Plan:

Section 5.5.5 of the plan further advises that treatment is in accordance with the “deemed to comply” provisions of Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality is deemed to comply with the objectives in 5.5.3”.

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“Table 5.4 Stormwater Treatment Objectives for Post Construction (Occupational) Phase of Development

Pollutant			
Nutrients	Maximum permissible load that may be discharged kg/ha/year		
	Average year (1719mm)	Wet Year (2185mm)	Dry Year (929mm)
Suspended solids (SS)	300	400	120
Total Phosphorus (TP)	0.8	1.1	0.35
Total Nitrogen (TN)	4.5	6	1.5
Litter	Retention 70% of annual litter load greater than 5mm		
Coarse sediment	Retention of 90% of annual load of sediment coarser than 0.125 mm		
Oil and grease (hydrocarbons)	<10 mg/litre in flows up to 40% of Q1 peak.”		

Note: The Water Quality Management and Monitoring Program contained in Cardno MBK letter of 21 February 2000 containing proposals for Water Quality Management generally achieves the above objectives.

(B) Water Sensitive Design

Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse. These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients, and provide for appropriate operation, cleaning and maintenance of water quality control devices.

(C) Infiltration

- i. Infiltration areas are to be sized with a safety factor of 2 (this is to allow for long term deterioration in infiltration rate).
- ii. Runoff entering infiltration trenches/basins shall be pre-treated to remove sediment and gross pollutants.
- iii. The infiltration rate for infiltration devices shall be determined as follows
 - (i) Conduct percolation tests on the site in accordance with Appendix B of A.S. 1547-1994 - Disposal Systems for Effluent from Domestic Premises.

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- (ii) If the above calculation yields a result $<6\text{m/day}$, this rate may be used for design.
- (iii) If the result is $>6\text{m/day}$, the rate for design may not exceed 6m/day unless this rate is confirmed by independently determining the coefficient of permeability of the soil in accordance with AS 1289.6.7.3. Notwithstanding these tests, the maximum infiltration rate that may be used for design and sizing purposes is 12m/day

(D) Specific Requirements

Permanent stormwater quality devices are to be designed in accordance with these conditions and "Tweed Urban Stormwater Quality Management Plan" Appendix E – Tweed Shire Council, Aus-pec D7 – Stormwater Quality, and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate Application.

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

- (i) Roof drainage. All future roof drainage is to be discharged to infiltration trenches located on each contributing allotment or on other land appropriately title burdened to the contributing allotment. Infiltration trenches shall be designed in accordance with the following criteria:
 - As a minimum requirement, trenches are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) and infiltrate this storm within a 24 hour period, with a safety factor of 2, before surcharging occurs.
 - Surge overflow from the infiltration area to the street gutter, interallotment or public drainage system must occur by visible surface flow.
 - Runoff is to be pre treated to remove contaminants prior to entry into the absorption areas (to maximise life of absorption areas between major cleaning/maintenance overhauls).
 - If the site is under strata or community title, the strata/community title plan is to ensure that the absorption areas are contained within common areas that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
- (ii) 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

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

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- on roads serving small lots with numerous driveways
 - where gradients are <1% or >5%)
- (iii) Oil/Grit Separators (ref 4.7), permanent pool 30m³ per impervious hectare, with 50-70% of this volume in first chamber (or alternative devices approved by Council) are to be provided in the underground road/hardstand stormwater drainage systems to remove sediment, litter and oil/grease prior to discharge onto the coastal drain/infiltration area.
- (iv) Infiltration basins (ref 5.6) shall be provided for west flowing runoff prior to discharge from outlets on residue lot 113. The applicant shall ensure infiltration of runoff from all contributing stormwater for flows of up to 40% of ultimate Q_{1 year}. Infiltration basin sizing shall be determined on a catchment basis. For the purpose of this consent a “catchment” shall be the total area draining controlled outlet No. 11. The infiltration basins shall be contained within reserves to be dedicated to Council. As an interim measure the infiltration basins for west flowing runoff may be located in easements, pending finalisation of the layout for all of stage 1 management lots 6 and 7. The basins may only be contained within designated public open space areas, if the resultant landform is satisfactory to the Director of Environment and Community Services.
- (v) Infiltration basins are to consist of raw dune sand with an minimal vegetation cover of endemic dune grasses. No topsoil, mulch or other vegetative matter is to be used on infiltration basin surfaces and no establishment, operation or maintenance procedures are permitted that may reduce surface permeability.
63. Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with the “*Tweed Urban Stormwater Quality Management Plan*” (adopted by Council 19 April 2000) section 5.5.2 “Stormwater Objectives During the Construction Phase of New Development”. This section requires all new development to comply with Appendix E of the Plan “*Tweed Shire Council Aus-Spec D7 - Stormwater Quality*” and its Annexure A - “Code of Practice for Soil and Water Management on Construction Works”. Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond has been released.
64. This condition refers to proposed lots 169,171,172,173,174, 175,176, 177 and 178.
- Prior to the issue of any Subdivision Certificate the following shall be required;
- (i) Sufficient permanent infrastructure must be constructed in the subdivision that creates these 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 the boundaries of these lots or runs adjacent to their boundaries must be constructed in the subdivision that creates the lots.

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- (ii) These lots shall be provided with interim and ultimate drainage inlets on the lots or at lot boundaries. The interim period is defined as that time between the creation of the lot and the development of the lots. The 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 lots for acceptance and transport of ultimate and interim Q100 flows from the lots.
- (iii) Where infrastructure required to serve a future development lot, passes through another lot, easements in favour of Council shall be granted over the infrastructure (and necessary access roads to such infrastructure).
- (iv) Any public utilities currently located in these lots are to be either relocated to public land or easements created over the existing alignments

SERVICES

Sewer

65. The applicant shall lodge detailed engineering plans with the construction certificate application for the Sewerage Reticulation and Pumping System.

66. i. 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.

ii. Any Sewerage Works required by the Stage 1 Consent S96/135 which have been bonded shall be completed to the satisfaction of the Director of Engineering Services PRIOR to release of the linen plan.

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.

67. Prior to final acceptance of the Sewer system and release of the maintenance bond a CCTV inspection of the sewer pipes will be required to demonstrate that the standard of the sewer system is acceptable to Council.

All costs associated with the CCTV inspection and repairs shall be borne by the applicants.

Water

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68. 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.

69. The applicant shall lodge with the Construction Certificate application for stage 6A a detailed demand analysis for the proposed pipe network, which clearly shows that peak demand and fire fighting requirements are satisfied.
70. (i) The existing 250dia. water main as shown on Figure E422 shall be upgraded to a 450dia water main generally in accordance with the Statement of Evidence Report on Water Supply Infrastructure prepared by P.N. Casey and dated September 1998.
- (ii) No individual house connections shall be allowed to this 450dia trunk main. A separate reticulation water main suitably sized shall be required to service allotments.
- (iii) At least one (1) week prior to the decommissioning of the 250dia water main and the commissioning of the 450dia water main, the applicant shall notify all affected residents of the disruption to their water supply. The Director Engineering Services shall approve the notification program. Council shall supervise all works at the applicant's expense.

Telephone

71. The production of written evidence from Telstra Australia certifying that satisfactory arrangements have been made for the provision of underground telephone supply, prior to issue of a Subdivision Certificate.

Electricity

72. i. The production of written evidence from NorthPower certifying that reticulation of underground electricity has been completed; and
- ii. Prior to the issue of a Subdivision Certificate, the reticulation to include the provision of fully installed electric street and parkland pathway lights to the relevant Australian standard. Such lights are to be capable of being energised following a formal request by Council. The proposed location and style of lighting standards (clear of other public utilities, private accesses and street trees) are to be submitted with the Construction Certificate Application.

ENVIRONMENT PROTECTION

73. 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.

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74. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
75. 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.
76. 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.
77. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17^o 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 native species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
 - 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.
78. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
 79. 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.
 80. Construction site work including the entering and leaving of vehicles is to be restricted to between 6.00 am and 8.00 pm Monday to Saturday and no work on Sundays, providing that no residential premises are adjacent to the site, in which case, construction times are to be restricted to 7.00am to 7.00pm Monday to Saturday.

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81. 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.

82. The following restrictions apply to dog and cat ownership and control on all residential lots:-

A. i. Owners of dogs within the development shall have their yards fenced so as to securely contain a maximum of one (1) dog per allotment and the ownership of cats within the development shall be restricted to one de-sexed cat per allotment and such cats shall be restrained within the house or a secure night cage between the hours of 6.00pm and 6.00am.

ii. No dog shall be registered without the construction of a dog-proof compound which must be approved by Council and the relevant fee paid by the applicant.

iii. No owner can retrieve a dog that has been impounded unless they can demonstrate to Council they have a secure compound.

These ownership and control requirements shall be reinforced by a Restrictions as to User under Section 88B of the Conveyancing Act, 1919-1964.

A Section 88B Instrument creating the restriction as to user shall contain a provision enabling the restriction to be revoked, varied and modified only with the consent of Council.

B. The applicant shall prepare a list of non-endemic garden plants that have a reputation for becoming environmental weeds on coastal sands on the Tweed. The list is to be approved by the Council granting delegated authority to the Director Environment & Community Services. The growing of plants in the list shall be prohibited on the subject land by way of a Restriction as to User under Section 88B of the Conveyancing Act.

A Section 88B Instrument creating the restriction as to user shall contain a provision enabling the restriction to be revoked, varied or modified only with the consent of Council.

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83. 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 Council.
84. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
85. i. Submission of documentary evidence that Part V Approval has been obtained for those works to be undertaken in accordance with the Dune Management Plan and Lot 500 Management Plan required by Consent S96/135 issued by the Land and Environment Court on 10 December, 1998.
- ii. The Dune Management Plan and Lot 500 Management Plan prepared by Aspect North and dated 29 May 2000 shall be implemented in accordance with any Part V Approval obtained pursuant to Condition 87(i) to the satisfaction of Council.
86. In accordance with Condition 34 of Consent S96/135 for Stage 1, prior to issuing a Construction Certificate for development of any management lot, all existing bitou bush plants shall be removed from that lot and the resultant disturbed areas shall be treated to suppress dust nuisance and soil erosion pending any development thereof.
87. PRIOR to any work commencing pursuant to this consent, a suitable fence shall be erected on the alignment of the eastern extremity of the approved work to ensure that no unauthorised works or disturbance occur within Lot 500.
88. The applicant shall add to the submitted Acid Sulfate Soil Management Plan (page 8), the following requirement:- *'Council will be informed within 7 days of any non-compliant results, particularly in relation to exceedances of the nominated range for each water quality parameter'*.
89. In accordance with the provisions of condition 41(d) of Consent S96/135 for Stage 1 and as required by the National Parks and Wildlife Service in their letters dated 24 May, 2000 and 1 August 2000, the following requirements shall be complied with:-
- i. Drainage swales/open space corridors rising east/west shall be replanted with suitable indigenous vegetation sourced locally to assist the east/west dispersal of wildlife.
- ii. A minimum of 300 Banksias are to be planted in each development lot in areas of public and private open space. These trees may include large (greater than 10cm DBH) individuals translocated from areas where their clearing is essential for the development design. These trees should be located in clumps and as far away from urban areas and lighting as possible.
- iii. All large mature Banksias, up to a maximum of 30 per management lot, in public or private open space, drainage swales etc, are to be marked and retained unless their removal is approved by Council in order to satisfy its requirements for open space and/or the proponents design of the development. Where such a tree is removed, a tree of similar size shall replace it, taken from an area where it would otherwise be lost, and translocated into an unconstrained area of the lot.

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- iv. The proponent shall monitor and maintain as necessary any translocated trees for a period of one year from the date of consent in order to promote their survival.
 - v. In respect of the north-western area, as identified in the Gunninah report and pursuant to the requirements of the National Parks & Wildlife Service, clearing is to be deferred for a period of four (4) years from 1 July 1999, or an alternative biological timeframe to be agreed between the applicant, NPWS and Tweed Shire Council.
 - vi. In respect of the commercial area, clearing may commence within four years from 1 June 1999 in accordance with an agreed biological timeframe provided that adequate mitigation measures can be demonstrated to NPWS and Tweed Shire Council.
90. Compliance with the following condition imposed by the Department of Urban Affairs and Planning in granting concurrence to development in the 7(f) zone as follows:-
- a. The proposal shall not provide for beach access for vehicles or pedestrians from either the carpark or from the public walkway / cycleway, unless such access is consistent with a management plan which covers the public foreshore areas and is agreed to by both the Council and the Department of Land & Water Conservation.

Cr Luff

Cr Carroll

RESOLVED that an extension of 5 minutes be granted to Cr James.

Voting - Unanimous

165

Cr James

Cr Davidson

RESOLVED that an extension of 1 minute be granted to Cr Luff.

Voting - Unanimous

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

Voting For

Cr Carroll
Cr Davidson
Cr James
Cr Luff

Voting Against

Cr Beck
Cr Brinsmead
Cr Lawrie
Cr Youngblutt

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

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Voting For

Cr Beck
Cr Brinsmead
Cr Lawrie
Cr Youngblutt

Voting Against

Cr Carroll
Cr Davidson
Cr James
Cr Luff

A RESCISSION MOTION HAS BEEN RECEIVED FROM CRS JAMES, LUFF AND BOYD ON ITEM 8.

11. Proposed 45 Lot Subdivision of Lot 4 DP 1014470, Coast Road, South Kingscliff - Casuarina Beach Stage 5 (DA 0680/2000DA)

DA1180/385 Pt5

166

Cr James
Cr Luff

RESOLVED that Development Application 0680/2000DA for a 45 lot subdivision at Lot 4 DP 1014470 (Casuarina Beach Stage 5) be approved subject to 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 Fire Management Plan is to be submitted and approved by Council. The plan shall address potential environmental impacts, including impacts on threatened species.
2. A detailed plan of landscaping is to be submitted and approved by Council prior to the issue of a Construction Certificate. All landscaping work is to be completed in accordance with the approved plans. The detailed landscaping plan shall include a list of species, which ensure no potential for seed transfer to Lot 500, which would conflict with the propagation and maintenance of species, specified in the Dune Management Plan and Lot 500 Management Plan.
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, prior to issue of the Construction Certificate. The applicant shall submit evidence to Council that the traffic control plan has been prepared by an authorised person. All works are to comply with the Occupational 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. 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

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- b. AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
5. The Stage 5 application is to be consistent with the lot boundaries of those allotments identified for open space, being Lots 9, 10 in DP 1014470.
6. Notwithstanding any other condition of this consent, a construction certificate for bulk earthworks may be issued and the carrying out of bulk earthworks may be commenced prior to the issue of a construction certificate for all subdivision works subject to compliance with the following conditions:- 3, 4, 11, 12, 13, 14, 15, 18, 21, 22, 23, 24, 29 (relating to bulk earthworks only), 30 (relating to bulk earthworks only), 31, 46, 49, 50, 51, 53, 54, 55, 56, 57(d)(ii)(iv)(v)(vi)(vii), 58, 59, 68, 69, 70, 71, 72, 73, 74, 75, 76 and 81.

GENERAL

7. Any application for further development upon proposed lot 146 shall be accompanied by details of acoustical treatment in relation to Coast Road and Road No. 1 (as shown on Cardno MBK figure No. 307).
8. Prior to the issue of a Subdivision Certificate pursuant to this consent ALL works bonded pursuant to Consent S96/135 for Stage 1 shall be completed to the satisfaction of Council.
9. Submission of separate development application/s for further development of the proposed residue lots 144, 145 and 146.
10. The Architectural Design Regulations shall not be included in any legal document to be administered by Council. NOTE: Some aspects of the ADR such as setbacks, fencing etc will need to be incorporated into a DCP for control by Council. Accordingly, DCP 11 – Kings Beach will need to be amended to incorporate the following conditions;
 - (i) The minimum setback from the street front boundary to the wall of a dwelling is to be not less than six (6) metres.

The minimum setback from the street front boundary to the wall of a single garage is to be not less than 5.4 metres and not less than 5 metres to the wall of a double garage.

Special design elements such as verandahs, entrances and the like constructed of open design shall be setback a minimum of 3 metres from the front street boundary.
 - (ii) The minimum side boundary setback for any dwelling shall be not less than 900mm to the wall and not less than 675mm to the outer most projection of the eave.
 - (iii) The minimum setback from a secondary street boundary of a corner lot to the wall of a dwelling is to be not less than 3 metres.

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- (iv) For beachfront lots, the rear building line is the boundary line between the 2(e) and 7(f) zones. No structures are permitted within the 7(f) zone.
- (v) All fencing east of the 7(f) and 2(e) zone boundary shall be a maximum height of not more than 1.2 metres.

The above conditions (i)-(v) can be varied by Council subject to the merits of each development application.

11. The development shall be completed in general accordance with Figures E303 and E304 prepared by Cardno MBK and dated May 2000, except where varied by these conditions.
12. 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.
13. No soil, sand, gravel, clay or other material shall be disposed of off the site without the approval of Council.
14. 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 Council prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
15. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.
16. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No DA2000/680 have been complied with.
17. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:
 - i. Easements for sewer, water supply and stormwater drainage over ALL services on private property.
 - ii. A restriction as to user requiring that all roofwater from dwellings shall be discharged to an approved infiltration pit located on the subject property. The infiltration pit shall be approved by the Principal Certifying Authority.

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.

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18. 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.
19. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with AS1428-1993 Parts 1 to 4 - Design for Access and Mobility.
20. 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.
21. 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 Council.

The sign is to remain in place until the Subdivision Certificate is issued.

22. It shall be the responsibility of the applicant to ensure that at all times the 'Optus Cable', which traverses the subject site, is protected from construction damage.

The applicant must identify the location of the cable prior to the commencement of construction. The cover over the cable shall not be permanently increased or decreased without the consent of the owner of the cable.

23. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.
24. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the Director, Development Services PRIOR to the issue of a Subdivision Certificate. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.
25. In accordance with Section 109F(i) 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.

OPEN SPACE

26. Dedication, at no cost, to Council of the proposed park (un-numbered) and those areas identified as 'Future Public Reserve' on Plan No. E304. These areas are to be suitably

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embellished including but not limited to filling, topsoiling, grading, seeding, planting, installation of seating and play ground equipment and shade cover.

Those areas identified as 'future public reserve' shall also provide for cycleway / walkway facilities in accordance with the concept master plan.

Details of embellishment to be submitted with the Construction Certificate application to the satisfaction of Council. The embellishment works (inclusive of the cycleway / walkway) shall be completed prior to release of the linen plan.

CONTRIBUTIONS

27. (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, Tumbulgun Road, Murwillumbah and Brett Street, Tweed Heads.

Stage 5

- a. Tweed Road Contribution Plan:

44 lots @ \$2394 per lot \$105,336.00

Local Contribution

44 lots @ \$554.00 per lot \$24,376.00

A credit for the Local Contribution will apply to any works undertaken on these intersections pursuant to the stage 2, 3 and 4 consents

S94 Plan No. 4 (Version 4.0)

(Duranbah/Cabarita/Kings Forest Development - Residential)

If any available credits are not consumed by the Stage 2 Consent No. K99/1360, Stage 3 Consent No. K99/1733, or Stage 4 Consent No. K99/1732 Council will apply credits towards this contribution in relation to the amount that is determined as credit pursuant to Condition 12(a)(i) of the Stage 1 Consent S96/135 and Section 94 Plan No. 4.

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Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 4.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

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

where:

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

and:

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

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

$\text{\$Unit}$ the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.5

- b. Street Trees: 44 lots @ \$42.90 per lot \$1,887.60
S94 Plan No. 6
- c. Shirewide Library Facilities:
44 lots @ \$300 per lot \$13,200.00
S94 Plan No. 11
- d. Eviron Cemetery/Crematorium Facilities:
44 lots @ \$126 per lot \$5,544.00
S94 Plan No. 13
- e. Bus Shelters: 44 lots @ \$23 per lot \$1,012.00
S94 Plan No. 12
- f. Emergency Facilities (Surf Lifesaving):
44 lots @ \$250 per lot \$11,000.00
S94 Plan No. 16
- g. Extensions to Council Administration Offices:

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& Technical Support Facilities

44 lots @ \$344.81 per lot \$15,171.64

S94 Plan No. 18

h. Structured Open Space:

44 lots @ \$640.00 per lot \$28,160.00

S94 Plan No. 19

Note: credits will apply for any structured open works undertaken pursuant to Stages 2, 3, 4 & 6 and in accordance with the provisions of Section 94 Plan No. 19

i. Cycleways: 44 lots @ \$160 per lot \$7,040.00

S94 Plan No. 22

NB. Contribution to be credited against cost of works in condition No. 44(ii).

j. Community Facilities: 44 lots @ \$497 per lot \$21,868.00

S94 Plan No. 19

28. 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 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:

Stage 5

Water: 44 lots @ \$3590 per lot \$157,960.00

Local Section 64 Water Supply levy \$9,020.00

44 lots @ \$205 per lot

Sewer: 44 lots @ \$2970 per lot \$130,680.00

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.

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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

29. Prior to commencement of work pursuant to this consent a Construction Certificate shall be obtained for the works proposed and required by this consent.

The following information must accompany applications for a construction certificate for subdivision work.

(a) Subdivision Work

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

- (i) copies of compliance certificates relied upon
- (ii) 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)

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.

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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.

30. 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.

31. 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 of \$10,000.

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 Council.

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

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

- (i) The following information must accompany an application:
 - (a) original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees of \$115 per lot

Stage 5- 47 lots @ \$115/lot = \$5,405.00.

- Relevant development consent or complying development certificate
- detailed subdivision engineering plans endorsed with a construction certificate (where applicable)
- 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)

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- 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.

33. 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/vacuum pots
 - (v) Compliance Certificate - Drainage

Note:

- i. 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 sought has been completed in accordance with the terms of the

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development consent, the construction certificate, DCP16 - Subdivision Manual and good Engineering Practice.

- ii. 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

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- 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.

- iii. 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".
34. Prior to the issue of a Subdivision Certificate, Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual.

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 Council carries out works on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed plans.

35. 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.

36. (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.

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37. Before the commencement of the relevant stages of road construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.
- i. 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.
 - ii. That the pavement materials used comply with the specifications in RTA Form 3051 (June 1998)
 - iii. That the pavement layers have been compacted to RTA specifications.
 - iv. That site fill areas have been compacted to the specified standard.
 - v. That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
 - vi. That pavement testing has been completed in accordance with Table 8.1 of AS 3798-1996.
38. All lots must be graded and trimmed to prevent the ponding of surface water. Additionally, all lots must be adequately vegetated and action must be taken to prevent erosion from wind and/or water to the satisfaction of Council.
39. 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.

ROADS/STREETS

40. Submission of documentary evidence that adequate vehicular access in accordance with Council's "Access to Property" pamphlet can be provided to each lot.
41. All proposed road/streets (including road No. 1), drainage and associated works within the subdivision shall be designed and constructed in accordance with the development consent plans referred to in Condition No. 11 AND the relevant provisions of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.
42. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-
- i. Construction of the roads in the subdivision shall be generally in accordance with Cardno MBK Figures E320, except where varied by the table below, and where varied by these conditions.
 - ii. Road cross sections employing "roll over" kerbing with a minimum of 0.9m abutting grass filter verge containing street lighting and street trees, to discourage parking on the footpath.
 - iii. A native tree planting schedule for each of the roads in the table below showing the location and species of each street tree, clear of driveways and sight lines.

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- iv. Proposed traffic calming devices must comply with the relevant Australian Standard and the NSW Roads and Traffic Authority technical direction for raised platforms. Detailed design plans shall be submitted with the construction certificate application.
- v. Drainage inlets are to be relocated to avoid conflict with pram ramps for cycleway/walkways.
- vi. Roads 2 and 7 shall be through roads and the constructed pavement shall be connected at the same level via a roundabout.
- vii Roundabouts shall be constructed at the following intersections in accordance with Austroads Pt.6 – Roundabouts;

Road No. 2 and Road No. 7 – Outside circulating diameter to be a minimum of 28.0m
- viii. Provision shall be made in the engineering plans for one (1) Bus shelter on Road No. 2. The location of this bus shelter shall be determined after consultation by the applicant with the bus operators. The type and style of the bus shelter shall be approved by Council prior to installation and shall be clearly identified on the engineering plans lodged with the Construction Certificate.
- ix. Notwithstanding any steps within the Road Reserve boundary, the minimum road pavement and footway widths shall be maintained for the full length of all roads and shall be in accordance with the table below.
- x. The intersection of Road No. 1 and the new Coast Road shall be constructed to a Type C standard including channelisation, line marking and street lighting in accordance with Austroads Part 5, 'Intersections at Grade'.

Figure	Road Number	Min. Road Reserve	Min. Carriage way Width	Min. Footway Width
E320	2	20.0m	11.0m	4.5m (paved footway width 1.2m both side)
E320	6	18.0m	9.0m	4.5m (paved footway width 1.2m both sides)
E320	7	14.0m	7.5m	3.25m (single paved footway width 1.2m)
E320	8	14.0m	7.5m	3.25m(single paved footway width 1.2m)
E320	9	14.0m	7.5m	3.25m(single paved footway width 1.2m)

- 43. All permanent culs-de-sac shall be constructed with kerb radius of 9.0m and a minimum footway width of 3.0m.

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44.
 - i. All cycleway, walkways and coastal walkway/cycleways shall be designed in accordance with Austroads Guide to Traffic Engineering Practice Part 14 and AMCORD provisions for single and shared footway/cycleway (Element 1.4 and PND17), and construction in accordance with engineering plans and specifications which accompany the construction certificate application which shall be approved by the Director, Development Services.
 - ii. Pursuant to Section 94 Plan No. 19 and Condition 39(a)-(e) of Development Consent S96/135 issued by the Land and Environment Court on 16 December, 1998, the applicant shall construct all cycleways, walkways and coastal walkways/cycleways applicable to Stage 5 as shown on Map 5 contained within Section 94 Plan No. 19.
 - iii. Alternatively, the developer may, in the case of residential frontage footpaths, 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.
 - iv. 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.
45. Pram ramps are to be constructed at road intersections in accordance with Council's Plan No. A4-96 to the satisfaction of Council.

DRAINAGE/FLOODING

46. All fill of new residential lots is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided 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.
47. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped with the exception of infiltration basins.
48. All roofwater from dwellings shall be discharged to infiltration pits located on each subject allotment. The design of the infiltration pits shall be submitted with the Application for the dwelling and approved by the Certifying Authority.
49. All proposed building pads are to be above the Q100 design flood level, including provision for any localised overland flow, such that at least 300mm freeboard is provided to the satisfaction of the Director Development Services.
50. 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

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the specified density ratio as monitored in Table 5.1 - Guidelines for Minimum Relative Compaction.

51. 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. A certificate shall accompany the geotechnical report from a registered Geotechnical Engineer, certifying that the filling operations comply with AS3798-1996.
52. 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.

All costs associated with the CCTV inspection and repairs shall be borne by the applicants.

53. All stormwater discharged from the site including dewatering discharge is to be directed to a sediment pond/infiltration basins prior to final discharge into any waterway. The sediment ponds or other approved devices are to be maintained in good condition until the maintenance bond is released.
54. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

55. **Drainage**

- (a) For the purposes of this condition “trunk drainage” shall be defined as
 - i. the drain from the outlet of the pipe adjacent to proposed Lot 139 to controlled outlet No. 11, and
 - ii. the drain from the rear of proposed Lots 140 – 143 to controlled outlet No. 7.
- (b) Trunk drainage shall be designed to convey Q100 stormwater discharge. The trunk drainage shall be constructed and the land (containing the drain) dedicated to Council. The land to be dedicated shall include the drain and provision for maintenance vehicle access, the maintenance vehicle access shall be constructed to an all weather, two wheel drive standard.

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- (c) Where consistent with other land use requirements, grassed swale drainage is to be used in preference to pipes or hard lined channels. In designated public open space areas, open drains will only be permitted if the resultant landform is satisfactory to Council for open space purposes.
- (d) Drainage across proposed stage 1 active open space management Lot 10 shall be confined to the southern boundary and shall be underground and sized to accommodate Q100 flows from stage 5. This drain shall discharge to the Coast Road table drain. The applicant may propose an alternative system, which does not compromise the open space use of lot 10 and is approved by Council.

56. Landform

The subject land shall be shaped in general accordance with Cardno MBK Figure E306 "Finished Surface Plan" as limited by Figure E322 "Bulk Earthworks" and:

- (a) Provision shall be made to ensure surface runoff does not discharge onto adjoining land.
- (b) Provision shall be made to accept up to Q100 natural or existing surface runoff from adjacent land that discharges onto the subject land.
- (c) Where the proposed levels are inconsistent with existing levels on adjacent land, retaining walls and any necessary ancillary or drainage works shall be provided on the lot boundaries to ensure the land shaping has no adverse affect on adjacent land. Plans and specifications of the retaining walls and ancillary works and the written consent of the adjacent landowner shall be submitted with the construction certificate application.

NB. As an alternative, the applicant may submit a proposal with the construction certificate application for simultaneous reshaping of both the subject land and adjacent land. Such a proposal must be authorised by all affected land owners and indemnify Council from any action resulting from the execution of the proposal or any land forming activity that may adversely affect adjoining land.

57. Permanent Stormwater Quality Treatment

(A) Stormwater Quality Objectives

Permanent stormwater quality treatment shall comply with "Tweed Urban Stormwater Quality Management Plan" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development". New development is required to comply with table 5.4 and demonstrate compliance by modelling in accordance with section 5.5.4 of the Plan:

Section 5.5.5 of the plan further advises that treatment is in accordance with the "deemed to comply" provisions of Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality is deemed to comply with the objectives in 5.5.3".

"Table 5.4 Stormwater Treatment Objectives for Post Construction (Occupational) Phase of Development

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Pollutant			
Nutrients	Maximum permissible load that may be discharged kg/ha/year		
	Average year (1719mm)	Wet Year (2185mm)	Dry Year (929mm)
Suspended solids (SS)	300	400	120
Total Phosphorus (TP)	0.8	1.1	0.35
Total Nitrogen (TN)	4.5	6	1.5
Litter	Retention 70% of annual litter load greater than 5mm		
Coarse sediment	Retention of 90% of annual load of sediment coarser than 0.125 mm		
Oil and grease (hydrocarbons)	<10 mg/litre in flows up to 40% of Q1 peak."		

Note: The Water Quality Management and Monitoring Program contained in Cardno MBK letter of 21 February 2000 containing proposals for Water Quality Management generally achieves the above objectives.

(B) Water Sensitive Design

Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse. These features can be complemented by site management practices, which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.

(C) Infiltration

- i. Infiltration areas are to be sized with a safety factor of 2 (this is to allow for long term deterioration in infiltration rate).
- ii. Runoff entering infiltration trenches/basins shall be pre-treated to remove sediment and gross pollutants.
- iii. The infiltration rate for infiltration devices shall be determined as follows
 - Conduct percolation tests on the site in accordance with Appendix B of A.S. 1547-1994. Disposal Systems for Effluent from Domestic Premises.
 - If the above calculation yields a result <6m/day, this rate may be used for design.

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- If the result is $>6\text{m/day}$, the rate for design may not exceed 6m/day unless this rate is confirmed by independently determining the coefficient of permeability of the soil in accordance with AS 1289.6.7.3. Notwithstanding these tests, the maximum infiltration rate that may be used for design and sizing purposes is 12m/day

(D) Specific Requirements

Permanent stormwater quality devices are to be designed in accordance with these conditions and “Tweed Urban Stormwater Quality Management Plan” Appendix E – Tweed Shire Council, Aus-spec D7 – Stormwater Quality, and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate Application.

Unless stated otherwise, references in brackets refer to sections on devices in NS W EPA publication “Managing Urban Stormwater - Treatment Techniques, November 1997”.

- (i) Roof drainage. All future roof drainage is to be discharged to infiltration trenches located on each contributing allotment or on other land appropriately title burdened to the contributing allotment. Infiltration trenches shall be designed in accordance with the following criteria:
 - As a minimum requirement, trenches are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) and infiltrate this storm within a 24 hour period, with a safety factor of 2, before surcharging occurs
 - Surcharge overflow from the infiltration area to the street gutter, interallotment or public drainage system must occur by visible surface flow.
 - Runoff is to be pre treated to remove contaminants prior to entry into the absorption areas (to maximise life of absorption areas between major cleaning/maintenance overhauls).
 - If the site is under strata or community title, the strata/community title plan is to ensure that the absorption areas are contained within common areas that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
- (ii) 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.

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 $>5\%$)

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- (iii) Oil/Grit Separators (ref 4.7), permanent pool 30m³ per impervious hectare, with 50-70% of this volume in first chamber (or alternative devices approved by Council) are to be provided in the underground road/hardstand stormwater drainage systems to remove sediment, litter and oil/grease prior to discharge onto the swale drain in the future reserve west of proposed lot 139.
 - (iv) Infiltration basins (ref 5.6) shall be provided prior to Controlled Outlet No 11 to infiltrate runoff from stormwater flows of up to 40% of ultimate Q 1 year. Infiltration basin sizing shall be determined on a catchment basis. The "catchment" shall be the total area draining controlled outlet to No. 11.
 - (v) Infiltration basins (ref 5.6) shall be provided prior to Controlled Outlet No 7 to infiltrate runoff from stormwater flows of up to 40% of ultimate Q 1 year. Infiltration basin sizing shall be determined on a catchment basis. The "catchment" shall be the total area draining controlled outlet to No. 7.
 - (vi) The infiltration basins shall be contained within reserves to be dedicated to Council. As an interim measure the infiltration basins for west flowing runoff may be located in easements. The basins may only be contained within designated public open space areas, if the resultant landform is satisfactory to the Director of Environment and Community Services.
 - (vii) Infiltration basins are to consist of raw dune sand with a minimal vegetation cover of endemic dune grasses. No topsoil, mulch or other vegetative matter is to be used on infiltration basin surfaces and no establishment, operation or maintenance procedures are permitted that may reduce surface permeability.
58. Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with the *"Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan *"Tweed Shire Council Aus-Spec D7 - Stormwater Quality"* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond has been released.
59. This condition refers to proposed lots 144, 145 and 146.
- Prior to the issue of any Subdivision Certificate the following shall be required;
- (a) Sufficient permanent infrastructure must be constructed in the subdivision that creates these 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 the boundaries of these lots or runs adjacent to their boundaries must be constructed in the subdivision that creates the lots.

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- (b) These lots shall be provided with interim and ultimate drainage inlets on the lots or at lot boundaries. The interim period is defined as that time between the creation of the lot and the development of the lots. The 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 lots for acceptance and transport of ultimate and interim Q100 flows from the lots.
- (c) Where infrastructure required to serve a future development lot, passes through another lot, easements in favour of Council shall be granted over the infrastructure (and necessary access roads to such infrastructure).
- (d) Any public utilities currently located in these lots are to be either relocated to public land or easements created over the existing alignments

SERVICES

Sewer

- 60. The applicant shall lodge detailed engineering plans with the construction certificate application for the Sewerage Reticulation and Pumping System.
- 61. (i) 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.

- (ii) Any Sewerage Works required by the Stage 1 Consent S96/135 which have been bonded shall be completed to the satisfaction of the Director of Engineering Services PRIOR to release of the linen plan.

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.

- 62. Prior to final acceptance of the Sewer system and release of the maintenance bond a CCTV inspection of the sewer pipes will be required to demonstrate that the standard of the sewer system is acceptable to Council.

All costs associated with the CCTV inspection and repairs shall be borne by the applicants.

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Water

63. 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.

64. The applicant shall lodge with the Construction Certificate application for stage 5 a detailed demand analysis for the proposed pipe network which clearly shows that peak demand and fire fighting requirements are satisfied.
65. The abandoned 250dia. water main which traverses stage 5 must be removed prior to the issue of the Subdivision Certificate.

Telephone

66. The production of written evidence from Telstra Australia certifying that satisfactory arrangements have been made for the provision of underground telephone supply, prior to issue of a Subdivision Certificate.

Electricity

67. (i) The production of written evidence from NorthPower certifying that reticulation of underground electricity has been completed; and
- (ii) Prior to the issue of a Subdivision Certificate, the reticulation to include the provision of fully installed electric street and parkland pathway lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council, the proposed location and style of lighting standards (clear of other public utilities, private accesses and street trees) to be submitted with the Construction Certificate Application.

ENVIRONMENT PROTECTION

68. 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.
69. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
70. 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.
71. 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.

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72. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17° 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 native species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
 - (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.
73. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
74. 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.
75. Construction site work including the entering and leaving of vehicles is to be restricted to between 6.00 am and 8.00 pm Monday to Saturday and no work on Sundays, providing that no residential premises are adjacent to the site, in which case construction times are to be limited to 7.00am to 7.00pm Monday to Saturday.
76. 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.

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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.

77. The following restrictions apply to dog and cat ownership and control on all residential lots:-

- A. i. Owners of dogs within the development shall have their yards fenced so as to securely contain a maximum of one (1) dog per allotment and the ownership of cats within the development shall be restricted to one de-sexed cat per allotment and such cats shall be restrained within the house or a secure night cage between the hours of 6.00pm and 6.00am.
- ii. No dog shall be registered without the construction of a dog-proof compound which must be approved by Council and the relevant fee paid by the applicant.
- iii. No owner can retrieve a dog that has been impounded unless they can demonstrate to Council they have a secure compound.

These ownership and control requirements shall be reinforced by a Restrictions as to User under Section 88B of the Conveyancing Act, 1919-1964.

A Section 88B Instrument creating the restriction as to user shall contain a provision enabling the restriction to be revoked, varied and modified only with the consent of Council.

B. The applicant shall prepare a list of non-endemic garden plants that have a reputation for becoming environmental weeds on coastal sands on the Tweed. The list is to be approved by the Council granting delegated authority to the Director Environment & Community Services. The growing of plants in the list shall be prohibited on the subject land by way of a Restriction as to User under Section 88B of the Conveyancing Act.

A Section 88B Instrument creating the restriction as to user shall contain a provision enabling the restriction to be revoked, varied or modified only with the consent of Council.

78. 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 Council.

79. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.

80. In accordance with Condition 34 of Consent S96/135 for Stage 1, prior to issuing a Construction Certificate for development of any management lot, all existing bitou bush plants shall be removed from that lot and the resultant disturbed areas shall be treated to suppress dust nuisance and soil erosion pending any development thereof.

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81. PRIOR to any work commencing pursuant to this consent, a suitable fence shall be erected on the alignment of the eastern extremity of the approved work to ensure that no unauthorised works or disturbance occur within Lot 500.
82. The applicant shall add to the submitted Acid Sulfate Soil Management Plan (page 8), the following requirement:- *'Council will be informed within 7 days of any non-compliant results, particularly in relation to exceedances of the nominated range for each water quality parameter'*.
83. In accordance with the provisions of condition 41(d) of Consent S96/135 for Stage 1 and as required by the National Parks and Wildlife Service in their letter dated 24 May, 2000 and 1 August 2000, the following requirements shall be complied with:-
 - i. Drainage swales/open space corridors rising east/west shall be replanted with suitable indigenous vegetation sourced locally to assist the east/west dispersal of wildlife.
 - ii. A minimum of 300 Banksias are to be planted in each development lot in areas of public and private open space. These trees may include large (greater than 10cm DBH) individuals translocated from areas where their clearing is essential for the development design. These trees should be located in clumps and as far away from urban areas and lighting as possible.
 - iii. All large mature Banksias, up to a maximum of 30 per management lot, in public or private open space, drainage swales etc, are to be marked and retained unless their removal is approved by Council in order to satisfy its requirements for open space and/or the proponents design of the development. Where such a tree is removed, a tree of similar size shall replace it, taken from an area where it would otherwise be lost, and translocated into an unconstrained area of the lot.
 - iv. The proponent shall monitor and maintain as necessary any translocated trees for a period of one year from the date of consent in order to promote their survival.
 - v. In respect of the commercial area, clearing may commence within four years from 1 June 1999 in accordance with an agreed biological timeframe provided that adequate mitigation measures can be demonstrated to NPWS and Tweed Shire Council.

Voting - Unanimous

RESUMPTION OF STANDING ORDERS

167

Cr Carroll

Cr Lawrie

RESOLVED that Standing Orders be resumed.

Voting - Unanimous

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SUSPENSION OF STANDING ORDERS

168

Cr Carroll

Cr Luff

RESOLVED that standing orders be suspended to deal with Items 36 and 27 of the Agenda.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

36. Counterpoint Concerts

Youth Matters

169

Cr Luff

Cr Lawrie

RESOLVED that this report be received and noted.

Voting - Unanimous

27. Point Danger Signage (Cook's Point Danger)

Geographical Names Board

Cr James

Cr Luff

PROPOSED that this item be deferred.

AMENDMENT

170

Cr Brinsmead

Cr Beck

RESOLVED that:-

1. The current plaques be removed.
2. A plaque be placed at Point Danger in accordance with the resolution of the Gold Coast City Council:-

"In 1970 the Geographical Names Board of NSW agreed with some historical reviewers who claimed that the headland presently known as Point Danger was not the Point Danger first named by Captain James Cook in May 1770. They contended that Cook's Point Danger was the headland which is now known as Fingal Head which is immediately South of the mouth of the Tweed River.

However, the Geographical Names Board of New South Wales issued this Report 22 October 1998:

"The Board examined the data recorded on Cook's voyage and all submissions made on the location of Cook's Point Danger.

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The Board acknowledged that there are differences of opinion on the interpretation of a descriptive account made some 228 years ago. However, the Board unanimously concluded that the point of land, at present named Point Danger, was the feature named and mapped by James Cook as Point Danger in May 1770."

171

Cr Youngblutt

Cr Lawrie

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

Voting - Unanimous

ATTENDANCE AT MEETING

Mr Don Buckley attended the meeting at 5.30pm and Mr Geoff Edwards left.

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

Voting For

Cr Beck
Cr Brinsmead
Cr Lawrie
Cr Youngblutt

Voting Against

Cr Carroll
Cr Davidson
Cr James
Cr Luff

The Motion was **Carried**

Voting For

Cr Beck
Cr Brinsmead
Cr Davidson
Cr Lawrie
Cr Youngblutt

Voting Against

Cr Carroll
Cr James
Cr Luff

A RESCISSION MOTION HAS BEEN RECEIVED FROM CRS JAMES, LUFF AND BOYD ON ITEM 27.

RESUMPTION OF STANDING ORDERS

172

Cr Carroll

Cr James

RESOLVED that Standing Orders be resumed.

Voting - Unanimous

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DISCLOSURE OF INTEREST

Nil

ITEMS TO BE MOVED TO OR FROM CONFIDENTIAL

Nil

SCHEDULE OF OUTSTANDING RESOLUTIONS

173

Cr Luff

Cr Davidson

RESOLVED that this report be received and noted.

Voting - Unanimous

MAYORAL MINUTE

Nil

ITEMS DEFERRED

3. **Proposed Consolidation and Boundary Reconfiguration of Lots 5 - 9 Section 4 DP 9025 and Lot 1 DP 779976 Gray Street, Tweed Heads West**

DA2300/150 Pt1

174

Cr Luff

Cr James

RESOLVED that :-

- A. The development application submitted by McLauchlan Surveying Pty Ltd for a consolidation and boundary reconfiguration at Lots 5-9 Section 4 DP 9025 and Lot 1 DP 779976 Gray Street, Tweed Heads West be refused for the following reasons:-
1. Pursuant to Clause 32 (3) of Tweed Local Environmental Plan 2000 consent must not be granted to a subdivision for residential purposes within the 25 or higher ANEF contour.
 2. The proposal is contrary to the public interest.
 3. The application is not supported by a preliminary soil assessment to ascertain the presence or absence of acid sulfate soils, as required by Clause 35 of Tweed Local Environmental Plan 2000.
 4. The subject land contains a large amount of unauthorised fill material which consists of builders waste. This type of fill material is considered to be inappropriate as potential foundation material for any future building work.
 5. A contamination report in accordance with Council Policy has not been submitted.

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- B. The owner be requested to remove all unauthorised filling from the site (to an approved location) and rehabilitate the site to the satisfaction of Council within 90 days failing which Council will commence proceedings in the Land and Environment Court to remedy a breach of the Environmental Planning and Assessment Act.

Voting For

Cr Carroll
Cr Davidson
Cr James
Cr Lawrie
Cr Luff

Voting Against

Cr Beck
Cr Brinsmead
Cr Youngblutt

24. Joeys Pouch Educational Childcare Centre

PF5840/9010 Pt2, Pre school – Joeys Pouch

175

Cr Davidson

Cr Luff

RESOLVED that this item be dealt with at Item 32 of the Agenda. (Refer Minute No 207).

Voting - Unanimous

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

- 1. Section 94 Contribution Plan No 16 - Emergency Facilities (Surf Lifesaving) - Amendment to the Contribution Plan.**

GT1/S94/16

176

Cr James

Cr Davidson

RESOLVED that:-

1. Council prepares a Draft Amendment to Contribution Plan No.16 to include the following:
 - Additional equipment totalling \$135,600 to service the Casuarina Beach area.
 - Construction of a new surf lifesaving clubhouse (estimated cost \$500,000).
 - An increase in the total cost of the Emergency Facilities (Surf Lifesaving) program.
 - A decrease in the occupancy rate for residential development.
 - An extension in the life of the Plan to 2006.
2. The draft amendment be exhibited in accordance with the Environmental Planning and Assessment Act 1994.

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Voting - Unanimous

2. **Proposed Extractive Industry at Lot 10 DP 258122, Lot 8 DP 872441 and Lot 1 DP 232745 Quarry Road/Lundberg Drive/Wardrop Valley Road, Murwillumbah**
DA3120/85 Pt3

177

Cr Luff

Cr Lawrie

RESOLVED that the development application lodged by Tweed Shire Council for an extractive industry at Lot 10 DP 258122, Lot 8 DP 872441 and Lot 1 DP 232745 Quarry Road/Lundberg Drive/Wardrop Valley Road, Murwillumbah be approved by way of a “deferred commencement” consent subject to the following conditions:-

“DEFERRED COMMENCEMENT”

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

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule “A”, the consent shall become operative and take effect from the date of notification under Section 67 of the Environmental Planning and Assessment Regulations subject to the conditions set out in Schedule “B”.

Schedule “A”

Conditions imposed pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 and Section 67 of the Regulations as amended.

1. The submission of an amended Environmental Management Plan to the satisfaction of the Director, Development Services incorporating the following matters:-
 - * the concentration limits, monitoring of concentration of pollutants, noise limits and noise compliance reporting included in the Environment Protection Authority’s “General Terms of Approval”.
 - * A comprehensive Soil and Water Management Plan approved by the Environment Protection Authority and the Department of Land and Water Conservation.
 - * A detailed Site Rehabilitation Plan incorporating the timing/staging of vegetation removal and the sequence and timing of rehabilitation work.
 - * A requirement that site rehabilitation and landscaping works include the following:-
 - perennial grasses (eg. Couch and carpet grass), are to be included in the seed mix and legumes are not to be included.
 - all seeding is to be carried out on the same day as the topsoil is respread.

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- only appropriate local native species are to be planted and wattles and banksias are to be excluded.

Schedule "B"

Note: This part of the consent will not become operable until Council advises that the matters contained in Schedule A are satisfied.

GENERAL

1. The development shall be completed in general accordance with the Environmental Impact Statement prepared by Gary Shiels and Associates and dated March 2000, and the accompanying plans (incorporating Drawing No. 99212/1A, 99212/2A, 99212/3A, 99212/4A prepared by Brian Mackney and Associates and amended Figures 3 and 10), except where varied by these conditions.
2. Compliance with all requirements of the amended Environmental Management Plan required by Schedule A of this consent. Any alterations or amendments to the plan of management are to be approved by the Director, Development Services.
3. Consent is given to extract a maximum of 83,000m³ (in situ) of material per year. Records are to be kept verifying the amount extracted each year.
4. No drilling, blasting or crushing is to occur on the site.
5. The extraction area is to be defined on the ground by the establishment of permanent survey marks located and shown on a plan by a registered surveyor and submitted to Council prior to commencement of any work.
6. 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.
7. 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.
8. Should operations uncover evidence of Aboriginal Heritage of the area, all work is to cease immediately and the National Parks and Wildlife Service and the Tweed Byron Aboriginal Land Council are to be notified. No work is to recommence until the National Parks and Wildlife Service permits such work to continue.
9. Progressive development of the site must provide lawful points of discharge.
10. An environment protection licence under the Protection of the Environment Operations Act, 1997 is to be obtained from the Environment Protection Authority prior to the commencement of any works.
11. Compliance with all requirements of the General Terms of Approval issued by the Environment Protection Authority which specifically include.

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GENERAL TERMS OF APPROVAL

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

The development application Development Application DA3120/85 Pt2 submitted to Tweed Shire Council on 28 January 2000;

The Environmental Impact Statement for an "Extractive Industry at Quarry Road and Wardrop Valley Road, Murwillumbah" dated March 2000 relating to the development; and all additional documents supplied to the EPA in relation to the development.

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act, 1997 having regard to the matters in s.83 of that Act.

Limit conditions

L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act, 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act, 1997 must be complied with in and in connection with the carrying out of the development.

L2. Concentration limits

L2.1 For each discharge point or utilisation area specified in the table/s below, the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentrations limits specified for that pollutant in the table.

L2.2 Where a pH quality limit is specified in the Table, the specified percentage of samples must be within the specified ranges.

L2.3 To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.

Discharge from sedimentation pond Water and Land

Pollutant	Units of measure	50% concentration limit	90% concentration limit	3DGM concentration limit	100% concentration limit
NFR	mg/L			-	50
pH					6.5-8.5

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L4. Waste

- L4.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act, 1997.
- L4.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act, 1997.

L5. Noise limits

- L5.1 Noise from the premises must not exceed:

* an L_{A10} (15 minute) noise emission criterion of 43 dB(A) (7am to 6pm) Monday to Friday

- L5.2 Noise from the premises is to be measured at any residence to determine compliance with this condition.

Definition

L_{A10} (15 minute) is the sound pressure level that is exceeded for 10% of the time when measured over a 15 minute period.

Note: Noise measurement

For the purpose of noise measures required for this condition, the L_{A10} noise level must be measured or computed at any residence over a period of 15 minutes using "FAST" response on the sound level meter.

For the purposes of the noise criteria for this condition, 5dBA must be added to the measured level if the noise is substantially tonal or impulsive in character. The location or point of impact can be different for each development, for example, at the closest residential receiver or at the closest boundary of the development. Measurement locations can be:

1 metre from the façade of the residence for night time assessment;

at the residential boundary;

30 metres from the residence (rural situations) where boundary is more than 30 metres from residence.

- L5.3 The noise emission limits identified in **L5.1** apply for prevailing meteorological conditions (winds up to 3m/s), except under conditions of temperature inversions. Noise impacts that may be enhanced by temperature inversions must be addressed by:

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Documenting noise complaints received to identify any higher level of impacts or patterns of temperature inversions;

Where levels of noise complaints indicate a higher level of impact then actions to quantify and ameliorate any enhanced impacts under temperature inversions conditions should be developed and implemented.

Hours of operation

L5.4 All construction work at the premises must only be conducted between Monday to Friday between the hours of 7.00am and 6.00pm and 7.00am to 1.00pm Saturdays.

L5.5 The hours of operation specified in conditions L5.4 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

Operating conditions

O1. Dust

O1.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O1.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

O1.3 An onsite water cart will be used at all times to minimise dust.

O2. Stormwater/sediment control

O2.1 The operator of the quarry must prepare a comprehensive Soil and Water Management Plan before extraction begins and must implement the plan during extraction activities.

O3. Noise Compliance

O3.1 A noise compliance report must be conducted within one week of the commencement of operations and every twelve months thereafter.

Monitoring and recording conditions

M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operation Act, 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

M1.2 All records required to be kept by the licence must be:

In a legible form, or in a form that can readily be reduced to a legible form;

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Kept for at least 4 years after the monitoring or event to which they relate took place; and

Produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

The time(s) at which the sample was collected;

The point at which the sample was taken; and

The name of the person who collected the sample.

M2. Requirement to monitor concentration of pollutants discharged

M2.1 For each monitoring/discharge point or utilisation area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

Discharge from Sedimentation Pond Water and Land

Pollutant	Units of measure	Frequency	Sampling Method
NFR	Mg/L	Monthly during times of discharge	Grab sample

M3. Testing methods – concentration limits

M3.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by the EPA’s general terms of approval, or a licence under the Protection of the Environment Operations Act, 1997 in relation to the development or in order to comply with a relevant local calculation protocol must be done in accordance with:

Any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or

If no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or

If no such requirement is imposed by or under the POEO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case

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may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The Clean Air (Plant and Equipment) Regulation 1997 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

- M3. Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by condition **M2** must be done in accordance with:

The Approved Methods Publication; or

If there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act, 1997 in relation to the development or the relevant load calculation protocol, a method approved by the EPA in writing before any tests are conducted.

Unless otherwise expressly provided in the licence.

Reporting conditions

- R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act, 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharge), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

ROADS/STREETS

12. Detailed engineering plans for an Austroads Guide to Traffic Engineering Practice Part 5 Type B left and right turn treatment at both intersections with Wardrop Valley Road are to be submitted and approved by the Director of Engineering Services, prior to any work commencing or the quarry operating. The minimum sight distance is to be 115 metres or 175 metres desirable including all signage and linemarking. The intersections are to be constructed in accordance with the approved plans prior to the commencement of quarry operations.
13. All access roads from Wardrop Valley Road are to be sealed for 30 metres from the edge of the seal into the site and are to be 7.0 metres wide at the property boundary and 13.0 metres wide at the edge of the seal. Any gate or grid on the access road is to be recessed a minimum 20 metres.
14. Wheel wash or shakedown grids are to be provided on all access driveways.

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15. Wardrop Valley Road is to be upgraded to a Tweed Shire Council Class 'E' standard as shown on Council Plan A2-36 from the southern most access to the urban cross section standard in the industrial area, prior to commencement of quarry operations.
16. Hinged truck warning signs are to be provided on Wardrop Valley Road.

ENVIRONMENT PROTECTION

17. Equipment is to be operated behind an acoustic barrier that is a minimum height of 3 metres above the height of the highest noise source and intervenes between working areas and residences in Wardrop Valley Road.
18. All trucks involved with haulage of material from the site must comply with the requirements of the Protection of the Environment Operations Act, 1997 and Regulations relative to noise emissions.
19. Prior to the use of any hydraulic rock breaker on the site a report is to be prepared by a suitably qualified acoustic consultant demonstrating the noise impact on affected premises will meet acceptable levels.
20. In addition to the noise reporting required by the Environment Protection Authority, within 6 months of the commencement of operations a noise impact assessment is to be undertaken by a suitably qualified acoustic consultant to verify the noise levels for haulage do not exceed accepted levels at the affected residences.
21. 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.
22. 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.

Voting - Unanimous

3. Coolangatta Airport Draft Master Plan

Airport – Runway Extensions

This item was dealt with at Minute No. 158.

4. Tweed Local Environmental Plan 2000, Proposed Amendment - Boating Facilities, Lot 121, DP 755701, Chinderah

DA4030/2200 Pt1

178

Cr James

Cr Luff

RESOLVED that Council informs the Regional Director of the Department of Urban Affairs and Planning that it no longer intends to continue with the proposed LEP Amendment for Lot 121, DP 755701.

Voting - Unanimous

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5. **Proposed Rezoning for Lot 6, DP 619717, Fernvale Road and Lot 31, DP 133404 and Lot 2, DP 591194, Wardrop Valley Road**

DA2040/210 Pt1

179

Cr Luff

Cr Carroll

RESOLVED that Council informs the Regional Director of the Department of Urban Affairs and Planning pursuant to Section 54 of the Environmental Planning and Assessment Act that it intends to prepare a comprehensive planning strategy, draft Local Environmental Plan Amendment, and any other associated planning documentation for Lot 6, DP 619717, Fernvale Road, Lot 31, DP 133404 and Lot 2, DP 591194 to rezone the properties for industrial purposes, and advises that in the opinion of Council, a Local Environmental Study is not required.

Voting - Unanimous

6. **Proposed Two (2) Lot Subdivision of lot 3 DP 828298 Chinderah Road, Cudgen**

DA1460/1320 Pt1

180

Cr Luff

Cr James

RESOLVED that development application No. 0808/2000DA for a 2 lot subdivision of Lot 3 DP 828298 Cudgen Road, Cudgen be approved subject to the following conditions:-

PRE-REQUISITES – conditions that must be complied with prior to the issue of a subdivision certificate

1. 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 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.
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. 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).

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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.

Prior to construction commencing submit to Council a letter in which the property owner authorises Council staff or Council's contractors and their equipment to enter the site to undertake any such rectification works.

GENERAL

4. The development shall be completed in general accordance with Plan No N4396 prepared by McLauchlan Surveying Pty Ltd, except where varied by these conditions.
5. No soil, sand, gravel, clay or other material shall be disposed of off the site.
6. 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.
7. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.
8. 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.
9. Submit to Council's property officer an appropriate plan indicating the rural address number to both new and existing lots for verbal approval. Prior to the issue of a Subdivision Certificate, each lot shall have its' rural address number displayed in accordance with Council's "Rural Addressing Policy".
10. 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.
11. 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.
12. Where new state survey marks and/or permanent marks are placed, a copy of the locality sketch relating to the marks shall be submitted with the final subdivision certificate application.

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13. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the Director, Development Services **PRIOR** to the issue of a Subdivision Certificate. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.
14. In accordance with Section 109F(i) 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.
15. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No 0808/2000DA and Development Consent K98/834 have been complied with.
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 including the following:
 1. Easements for sewer, water supply and drainage over **ALL** services on private property.
 2. Restriction as to use prohibiting the erection of a dwelling house on proposed Lot 1.

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.

FURTHER APPROVALS

17. 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 for subdivision work.

- 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:

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- earthworks
- roadworks
- road pavement
- road furnishings
- stormwater drainage
- water supply works
- sewerage works
- landscaping works
- sedimentation and erosion control management plans
- location of all service conduits (water, sewer, Northpower and Telstra)
- the approved Traffic Control Plan
- relevant maintenance manuals (eg. G.P.T's, water pump stations)

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.

18. 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 Section 88B Instrument and application fees of \$110 per lot.
 - 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)

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- 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.

19. Prior to the issue of a **Subdivision Certificate**, Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual.

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.

20. 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

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and will be refunded following the remedying of any defects arising within the 6 month period.

21. (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.

22. All disturbed areas must be graded and trimmed to prevent the ponding of surface water. Additionally, all lots must be adequately vegetated and action must be taken to prevent erosion from wind and/or water to the satisfaction of the Director, Development Services.

ROADS/STREETS

23. All proposed drainage and associated works within the subdivision shall be designed and constructed in accordance with the development consent plans referred to in Condition 4 **AND** the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.
24. i. Construct to Lot 1 Chinderah Road frontage vertical face kerb and gutter on an approved alignment along with associated sub-surface and over-land stormwater drainage systems and also widen the road pavement from the lip of the new kerb and gutter to the edge of the existing bitumen pavement including tapers.
- ii. Construction of a stormwater drainage system that will convey all waters through the site to a legal point of discharge. The sub-surface and over-land drainage systems shall convey the respective flows from minor and major storm events. Clearly defined upstream catchment areas and supporting stormwater calculations shall accompany the engineering design plans.
25. i. In accordance with Development Control Plan No. 16 a 1.2m wide footpath constructed of concrete or paving blocks shall be provided for the full frontage of Lot 1 to Chinderah Road. The design and construction standard shall comply with AUSPEC (TSC Version).
- 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.

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- 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.
26. The accesses to Lot 1 are to be constructed in accordance with Councils "Access to Property" pamphlet where the internal layout of the car park is designed in accordance with DCP2 – Parking Code. The existing Cudgen Road access to be used only by vehicles exiting in a forward direction and turning left with the applicant to provide any signage or linemarking necessary.

The seal of the existing Chinderah Road access driveway to be extended by 15 metres by 1 metre on the northern side.

Prior to commencement of these works a plan to be submitted and approved by the Director, Engineering Services.
27. The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering Services Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.
28. A 3.5m wide footpath area is to be graded to the kerb and turfed for the Chinderah Road frontage from the existing access south.

DRAINAGE/FLOODING

29. Erosion and Sediment Control During the Construction Phase of Development
 - (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "*Tweed Shire Council Aus-Spec D7 - Stormwater Quality*" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond (if required) has been released.
 - (b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.

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30. Permanent Stormwater Quality Treatment

- (a) Permanent stormwater quality treatment shall comply with "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development". New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the "deemed to comply" provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.
- (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.
- (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.

31. 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.

32. The earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 2 standard in accordance with Appendix 6, AS 3798-1996. In addition, the frequency of field density testing shall be to a Type 3 standard in accordance with Table 8.1 of AS 3798-1996. The geotechnical report shall be accompanied by a certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798-1996.

33. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion

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control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

SERVICES

Sewer

34. Prior to issuing a Subdivision Certificate, outfall sewerage reticulation shall be provided to Lot 1 including a minimum 150mm diameter sewer junction terminated at least 1.0m inside the property boundary 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.

Telephone

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

Electricity

36. The production of written evidence from Northpower certifying that the reticulation of overhead electricity (rural subdivisions) has been completed.

ENVIRONMENT PROTECTION

37. 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.
38. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
39. 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.
40. 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.
41. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17° or steeper, such slopes shall be densely planted

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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.
 - 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.
42. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
43. 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.

Voting - Unanimous

7. **Erection of Two (2) Farm Sheds for the Purpose of Fruit Packaging (Bananas) and Timber Milling – Lot 2 DP 262635 Baria Road, Burringbar**

DA0425/20 Pt1

Cr Youngblutt

Cr Brinsmead

PROPOSED that the Director Development Services report to the next Council meeting with conditions of approval in the event that Council decides to accept the development application submitted by GD Sharp.

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AMENDMENT

181

Cr James

Cr Luff

RESOLVED that:-

1. The matter be deferred to allow Councillors to inspect the site.
2. Council asks the applicant to provide Councillors with a demonstration of the milling proposed for use.

The Amendment was **Carried**

Voting - Unanimous

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

Voting - Unanimous

8. **Proposed 94 Lot Subdivision at Lot 1 DP 811425, Lot 7 DP 1014470, Lot 6 DP1014470 and Lot 5 DP 1014470 Coast Road, South Kingscliff - Casuarina Beach Stage 6 (DA 0681/2000DA)**

DA1180/382 Pt5

This item was dealt with a Minute No.164.

9. **Draft Land Assessment - Former Pottsville School Site
School – Pottsville Public, Pottsville Neighbourhood Centre**

182

Cr James

Cr Davidson

RESOLVED that Council informs the Department of Land and Water Conservation that the former Pottsville School Site should be retained as public land to meet future community needs of Pottsville in accordance with the Pottsville Village Strategy.

TEMPORARY ABSENCE FROM MEETING

Cr Brinsmead left the meeting.

The Motion was **Carried**

Voting - Unanimous

RETURN TO MEETING

Cr Brinsmead returned to the meeting.

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10. Tweed Local Environmental Plan 2000 - Production of Compact Disc

GT1/LEP/2000

183

Cr Luff

Cr Davidson

RESOLVED that Council exhibits the following additions to the fees and charges.

1. Compact Disc of Tweed LEP 2000 plus DCP 40 Exempt and Complying Development - \$200.00.
2. Compact Disc of Tweed LEP 2000 plus all DCPs and S94 Plans - \$300.00 (when available).
3. Quarterly updates of the Compact Disc at \$50.00 each quarter.

TEMPORARY ABSENCE FROM MEETING

Cr Davidson left the meeting.

The Motion was **Carried**

Voting - Unanimous

11. Proposed 45 Lot Subdivision of Lot 4 DP 1014470, Coast Road, South Kingscliff - Casuarina Beach Stage 5 (DA 0680/2000DA)

DA1180/385 Pt5

This item was dealt with at Minute No. 166.

RETURN TO MEETING

Cr Davidson returned to the meeting.

REPORTS FROM DIRECTOR CORPORATE SERVICES

12. First Round Donations - 2000/01

Donations

Cr Beck

Cr Lawrie

PROPOSED that Council does not distribute any of the voted funds from the 2000/01 years' budget for donations.

The Motion was **Lost**

Voting For

Cr Beck
Cr Brinsmead
Cr Lawrie
Cr Youngblutt

Voting Against

Cr Carroll
Cr Davidson
Cr James
Cr Luff

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ADJOURNMENT OF MEETING

Adjournment for dinner at 6.25pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.45pm.

184

Cr Luff

Cr Davidson

RESOLVED that the following donations be granted from the 2000/01 years' budget:-

Classification	Applicant	Donation (\$)
4. Community	Murwillumbah Scout Group	\$260
6. Community	Tweed River Historical Society	\$500
8. Pre-School	Pippies Early Childhood Centre	\$1,000
11. Community	Tweed Combined Country Halls Assoc.	\$200
12. Community	U3A Tweed Coast Inc.	\$200
14. Community	Tweed Christian Life Centre	\$1,000
15. Community	Murwillumbah Uniting Church	\$100
16. Community	Kids in Need Association	\$1,000
17. Community	Murwillumbah Community Support Centre	\$600
18. Community	Murwillumbah Chamber of Commerce	\$1,000
Total		\$5,860

Voting For

Cr Beck
 Cr Brinsmead
 Cr Carroll
 Cr Davidson
 Cr James
 Cr Luff
 Cr Youngblutt

Voting Against

Cr Lawrie

185

Cr Luff

Cr James

RESOLVED that a report be brought forward to Council on the allocation of funds from the donation amount towards the purchase of equipment to read the microfilmed copies of the Daily News.

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Voting - Unanimous

186

Cr Luff

Cr James

RESOLVED that Council requests a report on the possible purchase of equipment for use in the Tweed Heads Auditorium, being a hand held microphone and technology for visual arts presentations as requested by the Tweed Cultural and Performing Arts Society.

Voting For

Cr Beck
Cr Brinsmead
Cr Carroll
Cr Davidson
Cr James
Cr Luff
Cr Youngblutt

Voting Against

Cr Lawrie

13. Best Value Workshop, Ballina – 27 November 2000

Councillors - Conferences

187

Cr Luff

Cr Davidson

RESOLVED that Council authorises Councillor Marshall to attend the Best Value Workshop to be held in Ballina on Monday, 27 November 2000.

Voting - Unanimous

14. Draft Film Locations Guidelines Policy

Filming in the Shire

188

Cr Luff

Cr Lawrie

RESOLVED that Council adopts the following draft Film Locations Guidelines Policy and reviews it when the Local Government Filming Bill is enacted:-

Background

Tweed Shire Council welcomes the use of areas under its control for film production shoots. It is important though that production companies understand Council has the care, control and management of these areas. This means Councils' primary duty is to ensure the maintenance of residents' amenity. It is also necessary to ensure public safety and free movement while film shoots are taking place. Bearing these principles in mind this set of guidelines have been developed to assist both film companies and local people when film shoots are to be undertaken.

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Applications (Project Plan)

Applicants will need to outline in their application (Project Plan) measures to be taken to ensure safety and minimise disruption at and around the location, with the following details:-

Notification

All residents and businesses within the vicinity are to be notified in writing by the applicant at least five days before filming begins. The notification must include the name of a contact person on site to handle complaints, and details of the filming including whether firearms, aircraft, stunts or explosives are to be used. The start time for set up and hours during which filming takes place will also be specified. The applicant will need to prove to Council's satisfaction that this notification process has been satisfactorily undertaken. Council may require extended notification time if the location shoot is considered extensive.

Traffic Control

A detailed outline will need to be provided of the number and size of the production vehicles, parking, any use of heavy equipment. If the filming is to be conducted on a Council road specific details of filming times and duration of any hold and release, use of authorised traffic control officers, ensuring at least 10 days advanced warning of changed traffic conditions signs are used and that the local police have been notified of the proposed temporary road closures.

Security

Details of how security is to be conducted on the film location and identification of measures which will be employed to maintain public order and crowd control. Where a film crew's activities will obstruct vehicle or pedestrian traffic details must be provided in the application. Details of the safe management of the site must be provided.

Aircraft

If any aircraft (including helicopters) are to be used and any requirements specified by the Civil Aviation Safety Authority (CASA).

Dangerous Materials

Details of storage and use of any dangerous material (defined by Dangerous Goods Act 1975 (NSW)) on the film location. If any pyrotechnics, explosives or flammable materials are to be used and details of the time, method of use and the details of the suitably qualified person to conduct such events.

Night Shoots

If any filming is to be carried out at night, provide details of special efforts which will be made to prevent any excessive noise or lighting which may interfere with nearby residents amenity.

Notification of Emergency Services

An application for film location will need to contact the local emergency services of the film location details especially, traffic control, use of aircraft, use of dangerous materials and night shoots.

Minutes - Meeting of Tweed Shire Council

Details of Shoots

Details of shoot locations and times will need to be provided including a map of the area. All activity associated with the film production shoot must be undertaken in compliance with the Noise Control Act. Any lights must be direct away from any roads, motorists, or residences.

Construction

Any building work associated with the film shoot is to be advised in the application and may be subject to Council's development application processes depending on size, scale and longevity.

Public Liability

With the application the production company will need to provide a certificate of currency of their public liability insurance with a minimum of \$10 million insurance. The name of the company, details of the policy, and its expiry date must also be provided.

Safety

The applicant will ensure that all conditions required under its insurance policy are met and that the site complies with Occupational Health and Safety Act 1983 (NSW), Construction Safety Act 1912 (NSW) and Dangerous Goods Act 1975 (NSW) including all relevant regulations, codes of practice and Australian Standards associated with these acts.

Compliance with Approval Conditions

The film production organisation will agree to comply with any approval conditions imposed by the Council. Copies of the filming conditions will be provided by the Council at the time approval is granted.

Licence Agreement

As part of Council's approval a licence agreement will need to be signed by both Council and the production company. This agreement expresses the producers responsibility to restore the film location to its original state. Also it relinquishes Council's right to any copyright over any representation of the film location in favour of the production company. A copy of this agreement can be obtained from Council's nominated contact person.

Failure to comply with Approval Conditions

Failure to comply with approval conditions may result in cancellation of the approval and or termination of the licence and refusal of future applications.

Nomination of Contact Person

Council will provide a contact person to answer questions about the application process, act as a liaison when filming is about to begin, and assist in obtaining any other approvals needed through by Council.

Minutes - Meeting of Tweed Shire Council

Fees

A fee will be charged for each application. The level of fee is outlined in the attached schedule of fees. Approval will not be given until the fee has been paid.

Bond

Ordinarily a bond will not be required. However Council may ask for a bond to be lodged in circumstances where there is extensive filming or if there is considered to be major restoration works to be carried out.

Filming on private property

Where filming is confined entirely to private property, no fee will be charged. Where there will be an impact on public land (such as stringing or laying cables, vehicles parking in the street, and so on) an application will need to be made and approval conditions followed.

Site to be left in Original State

The site must be left in the condition it enjoyed prior to filming taking place. To that end, vehicles and animals are not to be taken into public reserves without approval, and any damage caused as a result will incur a financial penalty for restoration work.

Approvals required from other agencies to be obtained by the applicant

Where filming will require the approval of other authorities such as the Police, Roads and Traffic Authority, National Parks and Wildlife Service or Waterways Authority, the applicant is to obtain that approval and provide details with their application to Council.

Rescheduling

In granting approval, council acknowledges that it is sometimes necessary to re-schedule film shoots. In the case of unfavourable weather and/or change in filming dates, advice is to be given to the Council contact officer of the postponement, and the proposed re-scheduling date. No additional fees will be payable for this process provided that the total number of filming days does not exceed that originally outlined in the application.

Copyright

It is the film production company's responsibility to check whether copyright applies to any objects which might be filmed.

Voting - Unanimous

TEMPORARY ABSENCE FROM MEETING

Cr Youngblutt left the meeting.

Minutes - Meeting of Tweed Shire Council

15. Festivals Policy - First Round - 2000/01

Festivals - Policy

Cr Luff

Cr James

PROPOSED that the following amounts be granted from the 2000/01 years' budget:-

Applicant	Donation (\$)
Tweed Valley Banana Festival & Harvest Week	\$8,300
Smokehouse Music Club	\$900

AMENDMENT

189

Cr Beck

Cr Lawrie

RESOLVED that Council donates \$8,300 to the Tweed Valley Banana Festival and Harvest Week.

The Amendment was **Carried**

Voting For	Voting Against
Cr Beck	Cr James
Cr Brinsmead	
Cr Carroll	
Cr Davidson	
Cr Lawrie	
Cr Luff	

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

Voting - Unanimous

16. Tweed Economic Development Corporation (TEDC) / Tweed and Coolangatta Tourism Inc. (TACTIC) Amalgamation

TACTIC/TEDC

190

Cr Luff

Cr James

RESOLVED that Council does not advocate the amalgamation of TACTIC and TEDC but favours those organisations remaining in communication and co-operation with each other in accord with Clause 4.2 in the funding agreement.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

17. Local Government Week - 23 to 29 July 2000

Local Government Week

191

Cr Lawrie

Cr James

RESOLVED that this report be received and noted.

Voting - Unanimous

18. Tweed and Coolangatta Tourism Inc. (TACTIC) Monthly Performance Report - June 2000

TACTIC

192

Cr Lawrie

Cr James

RESOLVED that this report be received and noted.

Voting - Unanimous

19. Financial Management Report

Budget

193

Cr Lawrie

Cr James

RESOLVED that this report be received and noted.

Voting - Unanimous

20. Alterations to the Council Chambers

Civic Centre - Murwillumbah

194

Cr Davidson

Cr Lawrie

RESOLVED that this report be deferred.

Voting - Unanimous

RETURN TO MEETING

Cr Youngblutt returned to the meeting.

21. Quarterly Corporate Report

General Manager

195

Cr Davidson

Cr Youngblutt

RESOLVED that this report be received and noted.

Minutes - Meeting of Tweed Shire Council

Voting - Unanimous

REPORTS FROM DIRECTOR ENGINEERING SERVICES

22. Classification of Land as Operational Greenview Estate Pty Ltd., Piggabeen Road, Tweed Heads West

GS4/94/149 PT2

196

Cr James

Cr Luff

RESOLVED that proposed Lot 31 in the subdivision of Lot 1 DP 837715 at Piggabeen Road, Tweed Heads West, which is proposed to be the site of a sewer pump station, be classified as operational land under the provisions of the Local Government Act, 1993.

Voting - Unanimous

RETURN TO MEETING

Cr Boyd returned to the meeting at 8.45pm.

23. 2000-2001 Cycleways Program

Cycleways – Grants, Cycleways – Tweed Coast

197

Cr Carroll

Cr Davidson

RESOLVED that Council:-

1. Accepts the Roads and Traffic Authority (RTA) offer of \$38,000 on a dollar for dollar basis to partially fund construction of the Coast Road Cycleway between Bogangar and Pottsville, and
2. Authorises its expenditure of the Coast Road Cycleway between Stingrays Sports Fields and Pottsville.

Voting - Unanimous

24. Neighbourhood Speed Projects

Traffic – Safety, Traffic – Speed Zones

198

Cr Carroll

Cr Davidson

RESOLVED that Council participates in the Neighbourhood Speed Project jointly with Coffs Harbour City Council.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

25. Pedestrian Access and Mobility Plan

GG6/19/1999-2000

199

Cr Carroll

Cr Davidson

RESOLVED that Council:-

1. Accepts the Roads and Traffic Authority (RTA) grant of \$10,000 for the preparation of a PAMP.
2. Allocates \$10,000 from the Traffic Facilities Program to match the RTA grant.
3. Authorises the expenditure of the above funds for the preparation of a Pedestrian Access and Mobility Plan (PAMP).

Voting - Unanimous

26. Southern Boat Harbour - Commercial Charter Operations

Southern Boat Harbour, Jetties, Boating Facilities

200

Cr Boyd

Cr Davidson

RESOLVED that:-

1. Council applies for development approval for the operation of a floating office adjacent to the public pontoon at River Terrace, Tweed Heads.
2. Upon receipt of development approval, Council offers a licence at \$1.00/rental for 3 months, and then renewable monthly at Council's sole discretion, to the Tweed River Charter Operators Association Incorporated to manage the operations of the office for the operators, conditional upon Tweed Endeavour Cruises having vacated the jetty.

AMENDMENT

Cr Lawrie

Cr Brinsmead

PROPOSED that:-

1. Council applies for development approval for the operation of a floating office adjacent to the public pontoon at River Terrace, Tweed Heads.
2. Upon receipt of development approval, Council offers a licence at \$1.00/rental for 3 months, and then renewable monthly at Council's sole discretion, to the Tweed River Charter Operators Association Incorporated to manage the operations of the office for the operators, conditional upon Tweed Endeavour Cruises having vacated the jetty no later than 31 August 2000.

Minutes - Meeting of Tweed Shire Council

PROCEDURAL MOTION

201

Cr Luff

Cr Boyd

RESOLVED that the motion be put.

Voting - Unanimous

The Amendment was **Lost**

Voting For

Cr Beck
Cr Brinsmead
Cr Lawrie
Cr Youngblutt

Voting Against

Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Luff

The Motion was **Carried**

Voting For

Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Luff

Voting Against

Cr Beck
Cr Brinsmead
Cr Lawrie
Cr Youngblutt

A RESCISSION MOTION HAS BEEN RECEIVED FROM CRS BRINSMEAD, YOUNGBLUTT AND LAWRIE ON ITEM 26.

27. Point Danger Signage (Cook's Point Danger)

Geographical Names Board

This item was dealt with a Minute No. 170.

28. Border Marker Project - Progress Report

R0680 Pt2

202

Cr Luff

Cr Davidson

RESOLVED that Tweed Shire Council advises Gold Coast City Council that:-

1. Council supports the awarding of the design and construction contract for a Border Marker at Wharf Street to Mr. Rodney Spooner in accordance with his concept proposal; such contract to be negotiated, awarded, funded and managed by Gold Coast City Council, providing Tweed Shire Council remains fully apprised through a Steering Committee of the details of the monument as they are developed.

Minutes - Meeting of Tweed Shire Council

2. Council has no objection in principle to the awarding of a contract for a Border Marker as described above, and its placement partially within the Tweed Shire, providing appropriate development consent is obtained prior to work commencing, and
3. Council will participate in equitable joint funding of ancillary access lighting and landscaping works for the project, subject to receipt of detailed designs and estimates for the work (works in kind to be included in contributions.) Given that budgets are already adopted for the current financial year, both Councils will actively pursue corporate sponsorship for this component.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

29. Naming of Park in the New Seagulls Estate - "The (Uncle) Jack Smith Park"

Parks - Naming

203

Cr Luff

Cr Davidson

RESOLVED that Council calls for comments regarding the naming of a park in the New Seagulls Estate, West Tweed Heads, "The (Uncle) Jack Smith Park" as per Council's naming policy.

Voting - Unanimous

30. Friends of the Pound

Dog Pound

204

Cr Youngblutt

Cr Lawrie

RESOLVED that Council approves the proposed operations of the Friends of the Pound Group as outlined in this report.

Voting - Unanimous

31. "No ball games" Sign - Council Reserve, Ibis Court, Kingscliff

Regulatory Signs

205

Cr Luff

Cr Youngblutt

RESOLVED that in the Council Reserve off Ibis Court, Kingscliff as identified in Figure 1 of this report, Council:-

1. Erects a "No ball games" sign;
2. Erects a sign symbolising no riding of motorcycles.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

32. Joeys Pouch Educational Childcare Centre

Pre school - Joeys Pouch

206

Cr Davidson

Cr Youngblutt

RESOLVED that Council provides funds from its next budget review to fund the additional building rectification works, complete the building barrier treatment and to lower a concrete path and pavers at Joeys Pouch Educational Childcare Centre for an estimated total of \$15,000.

Voting - Unanimous

33. Development Application for Small First Floor Addition to an Existing Dwelling Within Ridge Top Precinct - Terranora Village

DA2619/55 Pt1

207

Cr Luff

Cr Boyd

RESOLVED that:-

- (a) The Development Application for the first floor addition (sunroom/attic) to the existing dwelling at Lot 230 DP 851495 No 10 Illawong Crescent, Terranora Village, submitted by Mr Royce Hall be approved, (whilst recognising the policy in Development Control Plan No 1 that dwellings in the ridgetop precinct should be single storey only), as the proposed dwelling addition will result in a similar maximum height to dwellings in the proximity.
- (b) The approval is subject to any conditions of approval imposed by the Director Environment & Community Services.

Voting For

Cr Beck
Cr Boyd
Cr Brinsmead
Cr Carroll
Cr Davidson
Cr James
Cr Luff
Cr Youngblutt

Voting Against

Cr Lawrie

34. Botanic Gardens - Formation of Steering Committee

Botanic Gardens

208

Cr Boyd

Cr Luff

RESOLVED that Council approves a Steering Committee to produce a Tweed Regional Botanic Gardens Economic Feasibility Study and Implementation Plan represented by:-

Minutes - Meeting of Tweed Shire Council

- Crs Youngblutt and James
- the General Manager
- the Director Environment and Community Services
- the Manager Recreation Services
- the Manager Environment and Health Services
- a representative from the Northern Rivers Area Consultative Committee (ACC) (the ACC representative is accepted as representing the Department of Employment, Workplace Relations and Small Business)
- a representative of the business community
- a representative from the “friends of the botanic gardens”.

Voting - Unanimous

35. Entomological Control Report for Period May to July 2000 and Annual Summary of Biting Insect Control

Noxious – Insects & Pests

209

Cr Davidson

Cr Luff

RESOLVED that this report be received and noted.

Voting - Unanimous

36. Counterpoint Concerts

Youth Matters

This item was dealt with at Minute No. 169.

REPORTS FROM SUB-COMMITTEES

- 1. Minutes of the Sports Advisory Committee Meeting held Tuesday 18 July 2000**
Sports Advisory Committee
- 2. Tweed Coast Raiders - Signage**

Sports Advisory Committee

210

Cr Boyd

Cr Youngblutt

RESOLVED that Council notes the opinion of the Sports Advisory Committee in relation to the signage at Les Burger Field.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

4. Regional Assistant Program Funding

Sports Advisory Committee

211

Cr Boyd

Cr Youngblutt

RESOLVED that Council pursues sources of financing funding through the RAP program and New South Wales Sport and Recreation Grants for the refurbishment of Murwillumbah Pool.

Voting - Unanimous

212

Cr Boyd

Cr Youngblutt

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 7 August 2000

Companion Animals

6. Microchip Requirements

Companion Animals

213

Cr Luff

Cr Boyd

RESOLVED that Council forwards to the State Companion Animals Committee a letter of concern regarding the microchipping requirement for certain small breeds, with a recommendation that the Act be amended to require microchipping at the point of sale or 6 months of age, whichever ever occurs first.

Voting - Unanimous

214

Cr Luff

Cr Boyd

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

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

3. **Minutes of the Tweed River Management Plan Advisory Committee Meeting held Wednesday 2 August 2000**

River Management

1. **Correspondence Inwards**

River Management

215

Cr Boyd

Cr Luff

RESOLVED that Council pursues opportunities for dollar-for-dollar funding through the Waterways Authority and Department of Land and Water Conservation as the Tweed River Management Plan Advisory Committee funds are unable to be utilised for these works due to the conditions of financial assistance through the Estuary Management Program of the NSW Government.

Voting - Unanimous

216

Cr Boyd

Cr Luff

RESOLVED that the balance of the Minutes of the Tweed River Management Plan Advisory Committee Meeting be adopted.

Voting - Unanimous

OUTSTANDING INSPECTIONS

1. **Council Land - Mt Nullum**

Mount Nullum

This item was received and noted.

ORDERS OF THE DAY

1. **Bibles for Citizenship Ceremonies**

Citizenship, Notice of Motion

Cr Lawrie

Cr Boyd

PROPOSED that Council reinstates the practice of supplying Bibles for Citizenship Ceremonies.

Voting For

Cr Boyd
Cr Davidson
Cr Lawrie

Voting Against

Cr Beck
Cr Brinsmead
Cr Carroll
Cr James
Cr Luff

Minutes - Meeting of Tweed Shire Council

2. Interest Charged on Overdue Rates - Lot 4 DP 624447 Pacific Highway, Tumbulgum

Rates Arrears, Notice of Motion

Cr Youngblutt

Cr Lawrie

PROPOSED that the current interest being charged on overdue rates on Lot 4 DP 624447 Pacific Highway, Tumbulgum be waived for a period of two years, as from 1 July 2000 after which time the status of the account be reviewed.

Voting For

Cr Lawrie

Voting Against

Cr Beck
Cr Boyd
Cr Brinsmead
Cr Carroll
Cr Davidson
Cr James
Cr Luff
Cr Youngblutt

QUESTION TIME

1. Draft DCP - Terranora

GT1/ILAP/4 Pt3

Cr Lawrie

David Broyd was hopeful of presenting a Draft DCP to Council regarding Terranora by 16 August 2000. When will this now come before Council?

The Director Development Services advised that with the current work program and the resignation of a key member of staff, the report is likely to be submitted to Council's meeting of 20 September 2000.

COMMITTEE OF THE WHOLE

217

Cr Luff

Cr Davidson

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:-

Minutes - Meeting of Tweed Shire Council

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES IN COMMITTEE

1. Proposed Depot at Lot 4 DP 260418 Urliup Road, Bilambil

DA5720/1000 Pt1

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

C24

That :-

- A. Development Application K99/248 for the establishment of a depot at Lot 4 DP 260418 Urliup Road, Bilambil be refused on the following grounds:-
1. The proposal is inconsistent with the primary objective of the 2(d) Village zone as it is inconsistent with residential development and is not of a design and scale that makes a positive contribution to the character of the village.
 2. The proposed development will have an adverse effect on the surrounding environment by the generation of noise.
 3. The site not suitable for the use as a depot due to the close proximity to adjoining residences and the impact of noise and fumes on the amenity of the area.
- B. The applicant and owner of the property be advised to cease using the shed as a depot within 14 days or Council will instruct its solicitors to commence legal action in the Land and Environment Court to achieve its closure.

Voting For

Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Lawrie
Cr Luff

Voting Against

Cr Beck
Cr Brinsmead
Cr Youngblutt

2. Arkinda Garden Centre - Unlawful Commencement of Use of Lot 7 DP 614298 Wollumbin Street, Murwillumbah

DA5940/460 Pt1

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

C25

That the non-compliance with conditions of consent in relation to Development Consent No. 0740/2000DA issued on 10 July 2000 for extensions to a garden centre incorporating a café at Lot 7 DP 614298 Wollumbin Street, Murwillumbah be referred to Council's Solicitors with instructions that they take appropriate action to ensure compliance with conditions of consent.

Minutes - Meeting of Tweed Shire Council

Voting For

Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Luff

Voting Against

Cr Beck
Cr Brinsmead
Cr Lawrie
Cr Youngblutt

REPORTS FROM DIRECTOR CORPORATE SERVICES IN COMMITTEE

3. Write Off Sundry Debtor Account No 38.05890

PF3250/320 Pt2

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)
(b) the personal hardship of any resident or ratepayer

C26

That the outstanding debt of Allied Recycling Group for \$20,151.20 be written off as irrecoverable.

Voting - Unanimous

4. Tweed River Agricultural Society - Proposed Museum Building

Showground

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)
(b) the personal hardship of any resident or ratepayer

C27

That:-

1. The General Manager arranges a grant of \$20,000 and an interest free advance of \$40,000 to the Tweed River Agricultural Society Ltd to be repaid by the Society to Tweed Shire Council by payments of \$6,000 per annum and that the General Manager execute appropriate legal documentation.
2. The General Manager determines the Reserve Fund is the source of \$60,000 funds and to consider at the quarterly reviews of the 2000/2001 budget means of re-establishing the fund to the correct level, or if this is not possible to include provision in the 2001/2002 draft budget for consideration by Council.
3. Council makes this advance available, subject to the Tweed River Agricultural Show Society Ltd agreeing, that the Tweed Shire Council has use of the showground facilities for up to an in-kind value of \$3,000 per annum for 10 years.

TEMPORARY ABSENCE FROM MEETING

Cr Brinsmead left the meeting.

Minutes - Meeting of Tweed Shire Council

Voting For

Cr Beck
Cr Boyd
Cr Carroll
Cr Davidson
Cr Lawrie
Cr Youngblutt

Voting Against

Cr James
Cr Luff

RETURN TO MEETING

Cr Brinsmead returned to the meeting.

5. Public Roads - Risk Management

Insurance – Risk Management

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

C28

That this report be received and noted.

Voting - Unanimous

6. Liverpool City Council – Visit 16 May 2000

Council Management

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)

(d) commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or*
- (ii) confer a commercial advantage on a competitor of the council, or*
- (iii) reveal a trade secret*

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

C29

That:-

1. This report be received and noted.
2. The General Manager, Mr Brian Carr, and Mr Eric Heapy from Liverpool City Council be invited to the Tweed Shire to meet with Councillors regarding the developments taking place in the Tweed Shire.

Voting - Unanimous

7. Liverpool City Council - Independent Hearing and Assessment Panel

Mediation, Development Application – Objections, Construction Certificate - Objections

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)

(d) commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or*

Minutes - Meeting of Tweed Shire Council

- (ii) confer a commercial advantage on a competitor of the council, or
- (iii) reveal a trade secret

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

C30

That this report be received and noted.

Voting - Unanimous

REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

8. EC200062 - Supply of Traffic Control Teams for Council Roadworks

GC12/9-200062

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)

(d) commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of the council, or
- (iii) reveal a trade secret

C31

That the tender from Advantage Personnel Pty Ltd be accepted at the Schedule of Rates listed in Table 1 of this report for the period up to 30 June 2002.

Voting - Unanimous

9. Kingscliff Sewage Treatment Plant

Sewerage-Kingscliff-Operation & Maintenance

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

C32

That Consultants Egis Consulting Australia be authorised to proceed with a Detailed Concept Design for an interim augmentation of the existing Kingscliff Sewage Treatment Plant, in accordance with their original engagement

Voting For

Cr Beck
Cr Boyd
Cr Brinsmead
Cr Carroll
Cr Davidson
Cr James
Cr Lawrie
Cr Youngblutt

Voting Against

Cr Luff

Minutes - Meeting of Tweed Shire Council

10. Tender EC200039 - Supply of Asphalt Patching Truck

Plant and Motor Vehicle Purchase

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)

(d) commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or*
- (ii) confer a commercial advantage on a competitor of the council, or*
- (iii) reveal a trade secret*

C33

That Council accepts the tender from Murwillumbah Truck Centre for the supply and delivery of one (1) only Flowcon Road Patcher at a changeover price of \$110,853.

Voting For

Cr Beck
Cr Boyd
Cr Brinsmead
Cr Carroll
Cr Davidson
Cr James
Cr Lawrie
Cr Youngblutt

Voting Against

Cr Luff

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

11. Swim Coaching and Teaching Licence - D Day

Pool – Tweed Heads

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)

(b) the personal hardship of any resident or ratepayer

C34

That Council:-

1. Accepts the offer of Mr D Day for him to pay \$1,000 and repay the remaining \$2,163.50 at \$20.00 per week;
2. Adjusts the current budget accordingly to reflect the income loss and write off the \$2,163.50 pool income.

Voting - Unanimous

12. Coaching and Learn to Swim Rights and Aqua-Aerobic Rights for the Murwillumbah and Tweed Indoor Pool Complexes

Pool - Murwillumbah

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)

(a) personnel matters concerning particular individuals

C35

That Council officers negotiate a licences for a 2 year period with a 2 year option as set out below:-

Murwillumbah Pool Coaching and Learn to Swim Michael Tom \$4,050.00 per annum

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Tweed Heads Pool Coaching and Learn to Swim Terry Buck \$15,000 per annum increasing by \$2,000 per annum

Murwillumbah Pool Aqua Aerobics Deborah Bale \$1.70 per person per class

Tweed Heads Pool Aqua Aerobics Sharon Hollis \$1.75 per person per class

Voting For

Cr Beck
Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Lawrie
Cr Luff
Cr Youngblutt

Voting Against

Cr Brinsmead

13. Building Works Without Prior Council Approval at Lot 1 DP 101294 No 1402 Numinbah Road, Chillingham - Owner Ms Dianne Boyle

DA3780/1200 Pt1

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)

(e) information that would, if disclosed, prejudice the maintenance of law

C36

That Council:-

1. Issues a Notice of Intention to serve an order 2(a) in the table pursuant to Section 121B of the Environmental Planning and Assessment Act on Ms Dianne Boyle ordering her to demolish the first floor addition erected without consent at Lot 1 DP 101294, being No 1402 within sixty days of the date of issue of the order and advises the owner that representations (as to the order proposed and/or the time for compliance proposed) may be made to Council in writing by 11 October 2000 or at Council's Community Access Meeting on 11 October 2000.
2. Institutes legal proceedings against the landowner, Ms Dianne Boyle, under the provisions of Section 125 of the Environmental Planning and Assessment Act for carrying out the work without consent at Lot 1 DP 101294 being No 1402 Numinbah Road, Chillingham.

Voting For

Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Lawrie
Cr Luff

Voting Against

Cr Beck
Cr Brinsmead
Cr Youngblutt

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218

Cr James

Cr Luff

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 12.15am.

✎

Minutes of Meeting Confirmed by Council

at Meeting held

I hereby certify that I have authorised the affixing of my electronic signature to the previous pages numbered 1 to 131 of these Minutes

Chairman