

# Minutes - Ordinary Meeting of Tweed Shire Council

## IN ATTENDANCE

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

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

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

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

***"Give thanks to the Lord, for He is good;  
His love endures forever.  
(Psalm 107:5)***

*God of mercy and grace, we humbly acknowledge our need of You and seek Your leading and guiding as we meet today. Grant us wisdom, grace, compassion, courage and understanding as we consider the matters before us. Lead us that we may make the right decisions and so enrich the lives of the people of our Shire.*

*Lord god, help us to listen to one another and to be gracious with each other. Grant us the spirit of unity to work together to bring this Shire to its full potential. Give us a vision for our Shire and its people as we look to the natural beauty and abundant resources that are ours.*

*Heavenly Father, we pray for one another asking Your blessing for each of us. Grant wisdom and grace to our Mayor, Lynne, in her leadership in our meetings and in our Shire. Let Your peace be upon this chamber and grant us Your presence; for we ask it in the Name of Jesus Christ our Lord. Amen".*

## CONFIRMATION OF MINUTES

**GC6/13 Pt4**

**1243**

**Cr Davidson  
Cr Marshall**

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

## Voting - Unanimous

**ABSENT**  
Nil.

**GC6/1/2 Pt1**

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**DECLARATION OF INTEREST**                      **Councillors-Declaration of Interest**  
**Cr Beck**                      Declared an interest in Item No 29 of the Ordinary Agenda.

The nature of the interest is that a member of Cr Beck's family owns property close to the subject property.

## ITEMS TO BE MOVED TO OR FROM CONFIDENTIAL

1244

**Cr Boyd**

**Cr Youngblutt** **RESOLVED** that Items 4 and 5 of the Confidential Agenda be considered in Open Council.

**Voting - Unanimous**

## SCHEDULE OF OUTSTANDING RESOLUTIONS

1245

**Cr Polglase**

**Cr Boyd**

**RESOLVED** that this report be received and noted.

**Voting - Unanimous**

### MAYORAL MINUTE

**GC6/18 Pt5**

#### 1. Paralympic Games

**Olympic Games**

This item was received and noted.

##### 1a. Ambulance Service

**Ambulance Service- general**

1246

**Cr Marshall**

**Cr Youngblutt** **RESOLVED** that Council writes to the Minister conveying its concern regarding the response of Call Centres to reports of accidents which occur in the Murwillumbah locality.

**Voting - Unanimous**

### Adoption of Mayoral Minute

**GC6/18 Pt5**

1247

**Cr Beck**

**RESOLVED** that the Mayoral Minute as presented be adopted.

**Voting - Unanimous**

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## ATTENDANCE AT MEETING

GC6/1/2 Pt1

Cr Polglase attended the meeting at 4.11pm.

## URGENCY MOTION

### Kings Beach

GS4/96/135 Pt12

1248

Cr Boyd

Cr Carroll

**RESOLVED** that an Urgency Motion, regarding Item 35 of the Consent Orders for Kings Beach, be dealt with.

#### Voting For

Cr Boyd  
Cr Carroll  
Cr Davidson  
Cr James  
Cr Luff  
Cr Polglase

#### Voting Against

Cr Beck  
Cr Brinsmead  
Cr Lawrie  
Cr Marshall  
Cr Youngblutt

Cr Boyd

Cr Carroll

**PROPOSED** that Council, on the basis of the legal advices received to date (Halliday & Stainlay/opinion from Mr Schroder), should refer this matter to the Court to seek clarification as to what was intended in Item 35 of the Consent Orders.

## AMENDMENT

Cr Luff

Cr James

**PROPOSED** that Council invites its Solicitors to address Council on this matter, including the options open to Council.

The Amendment was **Lost**

#### Voting For

Cr Boyd  
Cr Carroll  
Cr James  
Cr Luff

#### Voting Against

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

The Motion was **Lost**

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## Voting For

Cr Boyd  
Cr Carroll  
Cr Davidson  
Cr James  
Cr Luff

## Voting Against

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

## DECLARATION OF INTEREST

## Councillors-Declaration of Interest

### Cr Beck

Declared an interest in Item No 18 of Items Deferred, left the Chamber and took no part in the discussion and voting.

The Deputy Mayor, Cr Davidson, chaired the meeting for Item 18, Items Deferred.

## ITEMS DEFERRED

### 18. Objections to Development Proposal - Proposed Dwelling at Lot 25 DP 8568 No 46 Charles Street, Tweed Heads

DA1041/690

### Cr Luff

### Cr James

**PROPOSED** that Council defers consideration of this proposal pending the submission and assessment of all necessary details of the proposal and resubmits a comprehensive report to Council when this process has been completed.

## AMENDMENT

1249

### Cr Lawrie

### Cr Polglase

**RESOLVED** that:-

1. Council approves the proposed height of the building in accordance with the plans submitted for property described as Lot 25 DP 8568 (46) Charles Street, Tweed Heads with the supervising architect being required to ensure that the top point of the roof does not exceed 4.5 metres above the level of the footpath at the kerb, at the mid-point of the allotment, otherwise a stop order is to be imposed.
2. Development Determination be dealt with under delegation by the Director Environment and Community Services.

The Amendment was **Carried**

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## Voting For

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

## Voting Against

Cr Carroll  
Cr James  
Cr Luff

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

## Voting For

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

## Voting Against

Cr Carroll  
Cr James  
Cr Luff

## RETURN TO MEETING

GC6/1/2 Pt1

Cr Beck returned to the meeting and resumed the Chair.

## REPORTS THROUGH GENERAL MANAGER

## REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

- 1. Proposed General Store and Associated Signage at Lot 18 Section 2 DP 1223 and Lot 1 DP 62442 Riverside Drive, Tumbulgum**  
DA4740/350 Pt1

1250

Cr Marshall  
Cr Davidson

**RESOLVED** that this item be withdrawn on the request of the applicant.

## Voting - Unanimous

- 2. Proposed Residential Flat Building containing Four (4) Units at Lot 9 Section 7 DP 17606 No 20 Moss Street, Kingscliff**

DA3570/270 Pt1

1251

Cr Polglase  
Cr Marshall

**RESOLVED** that :-

- A. The SEPP No 1 objection in respect of the building height be supported and the Director's concurrence be assumed.

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- B. The development application lodged by Mark Stapleton and Associates for the erection of a residential flat building containing 4 x 3 bedroom units at Lot 9 Section 7 DP 17606 Moss Street, Kingscliff be approved subject to the following conditions:

**PRE-REQUISITES - that must be satisfied before a construction certificate can be issued**

**General**

1. Stormwater drainage from the site may be discharged to the 375mm Council drain in the unnamed lane south of Lot 10 DP 869230 provided
  - (a) Peak stormwater discharge from the site (major and minor drainage and pumped basement flow) to the Council stormwater drainage system does not exceed 20 litres per second.
  - (b) Drainage work in Moss Street and the lane are carried out in accordance with details to be submitted to and approved by the Director Engineering Services prior to any construction certificate being issued.
  - (c) Peak stormwater discharge from the development to the Council stormwater drainage system may be controlled by utilising infiltration, on site detention or combination. Details and design calculations of the system to control stormwater flows are to be submitted for approval by the Director Engineering Services prior to the construction certificate being issued.
2. If it is proposed to discharge stormwater into Cudgen Creek, any necessary approval from the Department of Land and Water Conservation and NSW Fisheries is to be obtained and evidence of these approvals is to be submitted to Council prior to the construction certificate being issued.
3. The proposed boardwalk is to be designed to be compatible with the existing board walk to the south. Detailed design plans are to be submitted and approved by the Director Engineering Services prior to the construction certificate being issued.
4. Detailed Engineering design is to be submitted to and approved by Council Director Engineering Services prior to issue of the construction certificate for:
  - (a) Footings for the eastern balconies and the retaining wall in proximity of the existing sewer. The footings are to be founded 300mm below the invert of the sewer for the full width of the property;
  - (b) Footings for the eastern (rear) face of the building to ensure that when gravity sewer is excavated that this footing will not be compromised. It will need to be found at a greater depth than that shown on Sheet 6/9.

**Contributions**

5. (i) Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.  
Pursuant to Clause 79H of the Environmental Planning and Assessment Regulations, 1994, a Construction Certificate shall **NOT**

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be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

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

## (ii) GST

- 1.1 In this Clause 1:  
"GST means any tax, impost or duty, including any goods and services, consumption, value added or similar tax applying on goods, services or other things introduced by the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)* and associated legislation (as amended), or under legislation passed by a State or Territory Parliament which is charged or levied on goods, services or other things.
- 1.2 Any monetary contributions and levies payable or imposed as a condition of this contributions plan pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979 (NSW)* (as amended), and all other moneys payable by and on behalf of the applicant are exclusive of GST.
- 1.3 Any non-monetary contribution or levy payable or imposed as a condition of this contributions plan pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979 (NSW)* (as amended), including, but not limited to, the dedication or transfer of land to the Council or the transfer of some other asset to the Council, whether in tangible or intangible form, and all other non-monetary contributions payable by and on behalf of the applicant are also exclusive of GST.
- 1.4 Liability for GST (payable in respect of any taxable supply under this contributions plan whether monetary or non-monetary) is additional. It is payable by the applicant to the Council at the same time as all and any contributions, levies and other moneys are payable under this contributions plan and development consent.
- 1.5 In respect of any non-monetary contribution or levy referred to in clause 1.3 above, the GST payable shall be calculated as follows:  
GST payable = The GST inclusive market price of the asset x  $\frac{1}{11}$ .
- 1.6 The Council will issue to the applicant, within twenty one (21) days of a request from the applicant, a tax invoice for the monies paid or the assets transferred by the applicant adjusted by the rate of the GST in accordance with the requirements of the relevant legislation.
- |    |   |            |
|----|---|------------|
| a. | Tweed Road Contribution Plan:<br>S94 Plan No. 4 (Version 4.0)<br>(Kingscliff - Residential) | \$1,092.00 |
| b. | Open Space (Casual):  | \$253.00   |

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- |    |  |          |
|----|--|----------|
|    | S94 Plan No. 5                               |          |
| c. | Open Space (Structured):                     | \$323.00 |
|    | S94 Plan No. 5                               |          |
| d. | Shirewide Library Facilities:                | \$195.00 |
|    | S94 Plan No. 11                              |          |
| e. | Eviron Cemetery/Crematorium Facilities:      | \$64.50  |
|    | S94 Plan No. 13                              |          |
| f. | Emergency Facilities (Surf Lifesaving)       | \$60.70  |
|    | S94 Plan No. 16                              |          |
| g. | Community Facilities (Tweed Coast)           | \$554.00 |
|    | (North Coast)                                |          |
|    | S94 Plan No. 15                              |          |
| h. | Extensions to Council Administration Offices |          |
|    | & Technical Support Facilities               | \$261.58 |
|    | S94 Plan No. 18                              |          |
| i. | Cycleways                                    | \$105.00 |
|    | S94 Plan No. 22                              |          |
6. A **certificate of compliance** (CC) under Part 3 Division 2 of the Water Supply Authorities Act 1987 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.
- Pursuant to Clause 79H of the Environmental Planning and Assessment Regulations, 1994, a Construction Certificate shall **NOT** be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.
- Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

## GST

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



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

- 1.4 Liability for GST (payable in respect of any taxable supply under this contributions plan whether monetary or non-monetary) is additional. It is payable by the applicant to the Council at the same time as all and any contributions, levies and other moneys are payable under this contributions plan and development consent.
- 1.5 In respect of any non-monetary contribution or levy referred to in clause 1.3 above, the GST payable shall be calculated as follows:  
GST payable = The GST inclusive market price of the asset x  $\frac{1}{11}$ .
- 1.6 The Council will issue to the applicant, within twenty one (21) days of a request from the applicant, a tax invoice for the monies paid or the assets transferred by the applicant adjusted by the rate of the GST in accordance with the requirements of the relevant legislation.

Water: \$2565  
Sewer: \$2115

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.

### GENERAL

7. The development shall be completed in general accordance with Plans Nos 1199-1/9, 2/9, 3/9, 4/9, 5/9, 6/9, 7/9, 8/9 and 9/9 prepared by PFK Building Design and dated November 1999, except where varied by these conditions.
8. 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.
9. No soil, sand, gravel, clay or other material shall be disposed of off the site unless to an approved location.
10. 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.
11. 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.
12. Landscaping of the site shall be carried out in accordance with the submitted landscaping plans. The landscaping to be completed prior to occupation of the building, to the satisfaction of the Director, Development Services.

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13. Fencing along the frontage of the property is not to exceed the 1.2m height. The open fence adjacent to the driveway is to be designed so as not to restrict vision of pedestrians from drivers exiting the site.
14. The provision of ten (10) car parking spaces in accordance with DCP2 - Site Access and Parking Code. The entry to the basement parking area is not to be blocked by way of a gate, door or similar. This area is required for manoeuvring from the visitors parking area.
15. The premises shall be suitably identified by Unit No. (where appropriate) and Street Number displayed in a prominent position on the facade of the building facing the primary street frontage, and is to be of sufficient size to be clearly identifiable from the street.
16. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead".
17. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve.
18. Demolition of building existing on site is to be carried out in accordance with the provisions of Australian Standard AS 2601-1991 "The Demolition of Structures".
19. 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.
20. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.
21. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
  - a. footings, prior to pouring of concrete
  - b. slab, prior to pouring of concrete
  - c. frame prior to the erection of brick work or any wall sheeting
  - d. final inspection prior to occupation of the building
22. All necessary on site boundary retaining shall be carried out prior to start of works upon the building proper, with details of retaining walls being submitted to Council for approval prior to start of works.  
**Please note:** Timber retaining walls will not be accepted.
23. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
  - i. All required erosion and sedimentation control devices have been installed and are operational.
  - ii. Required toilet facilities have been provided on the site in accordance with Section 78i of the Environmental Planning & Assessment Amendment Regulations 1998.

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- iii. A sign has been erected on the site in accordance with Section 78H of the Environmental Planning & Assessment Amendment Regulations 1998.
  - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
  - v. That the licensee has complied with the provisions of Section 78c of the Environmental Planning and Assessment Amendment Regulations 1998.
24. The glazier is to supply the PCA with certification that all glazing complies with AS 1288-1994 of the Building Code of Australia.
  25. Manufacturers certification is to be provided to the PCA from the Roof Truss manufacturer to certify the roof truss design.
  26. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.
  27. No retaining walls or similar structures are to be constructed over Council's sewer main.
  28. Compliance with all requirements of the "Tweed Shire Council Guidelines for the Installation of Pontoons and Boat Ramps".
  29. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
    - (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
    - (ii) Certification of the works performed by the person carrying out the works is to be submitted to Council prior to occupation of the building; and
    - (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
      - (A) the method of protection; and
      - (B) the date of installation of the system; and
      - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
      - (D) the need to maintain and inspect the system on a regular basis.**Note:** Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.
  30. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required Essential Fire Safety Measure has been designed and installed in accordance with the relevant standards.

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31. An easement for public access and services is to be created over the boardwalk and sewer line. The easement is to extend from the high water mark over the sewer and is to be registered prior to occupation of the building. Evidence of registration is to be submitted to Council prior to occupation of the building.

### **PRESCRIBED (BUILDING)**

32. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
  - (a) a standard flushing toilet connected to a public sewer, or
  - (b) if that is not practicable, an accredited sewage management facility approved by the council, or
  - (c) if that is not practicable, any other sewage management facility approved by the council.
33. A sign must be erected on the site in a prominent, visible position stating:
  - a. that unauthorised entry to the work site is prohibited; and
  - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
34. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:
  1. The person must, at the person's own expense:
    - a. preserve and protect the building from damage; and
    - b. if necessary, underpin and support the building in an approved manner.
  2. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.
35. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
36. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
37. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
38. If the work involved in the erection or demolition of a building:
  - a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or

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- b. building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.  
If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.  
The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.  
Any such hoarding, fence or awning is to be removed when the work has been completed.
39. The erection of a building in accordance with a development consent must not be commenced until:
- a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
    - (i) the consent authority; or
    - (ii) an accredited certifier; and
  - b. the person having the benefit of the development consent:
    - (i) has appointed a Principal Certifying Authority; and
    - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
  - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.
40. Prior to occupation of the building a Occupation Certificate is to be obtained. If Council is requested to issue the Occupation Certificate, the application must be accompanied by relevant Compliance Certificates or documentary evidence of compliance.
41. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing.

### **CAR WASH DOWN AREAS**

42. Ensure adequate turfed area, or other suitable media, is incorporated and maintained into the proposed landscape of the property for use as a car wash-down area.

### **SWIMMING POOLS (BUILDING)**

43. A sign must be erected on the site in a prominent, visible position stating:
- a. that unauthorised entry to the work site is prohibited; and
  - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
44. In the event that Council is not utilised as the inspection/certifying authority:-
- a. Within seven (7) days of the filling of the pool a Compliance Certificate in the prescribed form shall be submitted to Council together with the prescribed fee, by the Accredited Certifier to certify that all works have been completed in accordance with the approved plans and conditions of

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- Consent and that the swimming pool safety fencing has been installed and complies with AS 1926.
- b. The Certifying authority is to be given 24 hours notice in writing for an inspection of the swimming pool safety fencing prior to filling the pool with water.
45. Swimming pools shall have suitable means for the drainage and disposal of overflow water.
46. The pool filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
47. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.
48. The swimming pool is not to be used for commercial purposes without prior Development Consent.
49. It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the adjoining premises. Due regard must be given to the affect that landscaping will have on the future effectiveness of the security fencing. (Section 7 Swimming Pool Act 1992).
50. The resuscitation poster must be permanently displayed in close proximity to the swimming pool. (Section 17 Swimming Pool Act 1992).
51. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction.
- a. Steel reinforcing prior to the pouring of concrete.
- b. Swimming pool safety fencing prior to filling the pool with water.
52. The swimming pool is to be installed and access thereto restricted in accordance with Council's "Code for the Installation of New Swimming Pools" and Australian Standard AS 1926-1986 (Copy of code enclosed).

### **ROADS/STREETS**

53. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the Director, Engineering Services. Twenty four (24) hours notice is to be given to Council's Engineering Services Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction. Paving bricks are not acceptable unless laid on a 100mm thick concrete base.
54. The concrete driveway across the footpath is to be 150mm millimetres thick minimum and reinforced with F72 mesh with 40mm cover.
55. A concrete ribbon footpath 1.2 metres wide and 75 millimetres thick is to be constructed on a compacted base along the entire frontage of the site to Moss Street in accordance with Council drawing No. A1-1331/02. The compacted base is to achieve 95% of maximum dry density determined in accordance with AS1289 5.4.1 for a minimum 100mm depth. A full depth

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construction joint is to be provided at 6.0 metre intervals and 20 millimetre deep groove joints provided every 1.5 metres, the balance area to be graded to the kerb and turfed. The footpath is to have a 3% crossfall which must be attained at each side boundary. This may result in work to be undertaken on the footpath at adjoining properties which must not exceed 1:14 and must be reinstated with turf. The footpaving is to be located 800 millimetres from the property boundary. An inspection of the formwork is to be arranged with Council's Engineering Services Division prior to concrete being placed. Alternatively, the applicant may provide a monetary contribution to Council for the equivalent amount of the work.

56. Provision of kerbs and gutter for the full frontage of the site in accordance with Tweed Shire Council drawing No. A1-1331/02. Alternatively, the applicant may make a monetary contribution for the equivalent amount of work.

### **DRAINAGE/FLOODING**

57. Drainage from the basement car park and other hard stand areas is to pass through a general purpose (oil and silt) arrester, designed in accordance with AS/NZS 3500.3.2:1998 Section 8.6 and sized in accordance with Figure 8.3. The arrester shall be regularly cleaned out and maintained to ensure no discharge of oil/grease and sediment to the public stormwater drainage system.
58. Basement drainage shall be in accordance with AS/NZS 3500.3.2P1998 Section 9.
59. All roof waters and water from open car park areas to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2-1998. **Note** All roof water must be connected to an interallotment drainage system where available.
60. All surface and seepage waters liable to be a nuisance are to be collected and diverted clear of the building site by an approved drainage system separate to the roof water system.

### **SERVICES**

61. Sewer main within site is to be accurately located and the Principal Certifying Authority advised of its location and depth prior to start of any building works.
62. The building is to be sited at least one metre horizontally clear of sewer main on site. All footings and slabs within the area of influence of the sewer main are to be designed by a practising Structural Engineer. The engineer is to submit a certification to the Principal Certifying Authority that the design of such footings and slabs will ensure that all building loads will be transferred to the foundation material and will not effect or be affected by the sewer main.

### **PLUMBING AND DRAINAGE**

63. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
  - a internal drainage, prior to slab preparation;

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- b. completion of work
64. A permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
  65. An application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.
  66. The Engineering Plans required by Condition No 1 shall include details of settling ponds and the method of discharging the return water from the site. The design shall comply with the requirements of the publication "Managing Urban Stormwater - Soils and Construction", 3<sup>rd</sup> Edition Aug 1998 prepared by the Department of Housing, NSW Government..
  67. The Council approved wet area flashing installer is to supply to the Principal Certifying Authority certification that all wet area flashings have been installed in accordance with the Manufacturer's Specifications, detailing the rooms or areas involved and the date of installation. Note: Only Council approved installers may carry out this work and reference must be made to Council to confirm that such installers are Council approved.
  68. Impervious floors, properly graded and drained are to be provided to all wet areas.
  69. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.
  70. Back flow prevention devices shall be installed where ever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1-1990 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.
  71. Yard gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
  72. The fire hose reels are to be on a metered supply.

### **ENVIRONMENT PROTECTION**

73. An Acid Sulfate Soils Management Plan prepared in accordance with the ASSMAC, 1998 shall be submitted for the approval of the Director Environment and Community Services prior to commencement. All subsequent work shall comply with the provision of that Management Plan.
74. No waste material, soil or other material shall be permitted to enter Cudgen Creek or as a result of the development.
75. Should mechanical ventilation be provided to the basement parking, it shall not create a noise nuisance to adjoining premises.
76. 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.
77. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.



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- 78 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.
79. 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.
80. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17<sup>o</sup> or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application. Such plans shall generally incorporate the following and preferably be prepared by a landscape architect:
- i) Contours and terraces where the height exceeds 1m.
  - ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
  - iii) Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
  - 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.
81. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays.
82. 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.

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83. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
84. The burning of builders waste on site by open fire is prohibited.
85. Prior to commencement of building works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority. Erosion and sedimentation control devices should be installed in accordance with the publication "Managing Urban Stormwater Soils and Construction" prepared by the NSW Department of Housing. All erosion and sedimentation control shall be maintained throughout the period of construction.
86. The wall and roof cladding is to be of a non reflective nature to the satisfaction of the Principal Certifying Authority.

### Voting For

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

### Voting Against

Cr Carroll  
Cr James  
Cr Luff

### 3. Development Control Plan - Exempt and Complying Development

GT1/DCP/40 Pt1

1252

Cr Davidson  
Cr Lawrie

**RESOLVED** that this item be deferred and be the subject of a Workshop to be held Wednesday, 23 February 2000.

### Voting - Unanimous

### 4. Proposed Dwelling House at Lot 15 DP 23576 Elanora Avenue, Pottsville

DA1830/60 Pt1

1253

Cr Polglase  
Cr Lawrie

**RESOLVED** that the development application submitted by Mr I & S Young for the erection of a dwelling house at Lot 15 DP 23576 Elanora Avenue, Pottsville be approved subject to the following conditions:-

### GENERAL

1. The development shall be completed in general accordance with Plan Nos 1, 2, 3, 4, 5, 6 & 7 prepared by Gavin Duffie and dated 22/12/99, except where varied by these conditions.
2. The door to a fully enclosed sanitary compartment must:-

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- i. open outwards; or
  - ii. slide; or
  - iii. be readily removable from the outside of the sanitary compartment; unless there is a clear space of at least 1.2m between the closet pan within the sanitary compartment and the nearest part of the doorway.
3. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.
4.
  - (a) All deteriorated and defective materials are to be replaced by sound materials.
  - (b) The building is to be painted internally and externally.
  - (c) The building is to be set up and completed in a tradesmanlike manner and to Council's satisfaction.
  - (d) The building is not to be occupied until all work is completed and Council's approval to occupy has been granted.
  - (e) Details covering the date and time of removal and route to be travelled are to be submitted to Council's Engineering Division prior to commencing work.
5. The land is not to be cut so as to alter the established profiles or drainage gradients, but where the site is to be cut and filled, details of proposed site drainage and erosion and sedimentation control measures are to be submitted to the Principal Certifying Authority prior to start of building work.
6. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised to the satisfaction of the Principal Certifying Authority and provided with a dish drain or similar at the base or otherwise retained to the satisfaction of Council. All retaining works shall be completed to the satisfaction of the Principal Certifying Authority prior to start of work.
7. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
  - (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
  - (ii) Certification of the works performed by the person carrying out the works is to be submitted to Council prior to occupation of the building; and
  - (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
    - (A) the method of protection; and
    - (B) the date of installation of the system; and
    - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
    - (D) the need to maintain and inspect the system on a regular basis.

## Minutes - Ordinary Meeting of Tweed Shire Council

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

8. Wind speed for this area has been assessed at W31. Bracing details are to be submitted to and approved by the Principal Certifying Authority prior to commencement of frame work.
9. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
  - i. All required erosion and sedimentation control devices have been installed and are operational.
  - ii. Required toilet facilities have been provided on the site in accordance with Section 78i of the Environmental Planning & Assessment Amendment Regulations 1998.
  - iii. A sign has been erected on the site in accordance with Section 78H of the Environmental Planning & Assessment Amendment Regulations 1998.
  - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
  - v. That the licensee has complied with the provisions of Section 78c of the Environmental Planning and Assessment Amendment Regulations 1998.
10. The glazier is to supply the PCA with certification that all glazing complies with AS 1288-1994 of the Building Code of Australia.
11. Manufacturers certification is to be provided to the PCA from the Roof Truss manufacturer to certify the roof truss design.
12. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.

### **PRESCRIBED (BUILDING)**

13. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
  - (a) a standard flushing toilet connected to a public sewer, or
  - (b) if that is not practicable, an accredited sewage management facility approved by the council, or
  - (c) if that is not practicable, any other sewage management facility approved by the council.
14. A sign must be erected on the site in a prominent, visible position stating:

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- a. that unauthorised entry to the work site is prohibited; and
  - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
15. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
16. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
17. The erection of a building in accordance with a development consent must not be commenced until:
- a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
    - (i) the consent authority; or
    - (ii) an accredited certifier; and
  - b. the person having the benefit of the development consent:
    - (i) has appointed a Principal Certifying Authority; and
    - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
  - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.
18. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing.

### **ENGINEERING (BUILDING)**

19. The footings are to be designed by a practising Structural Engineer after consideration of a soil report from an accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the commencement of building work.

### **FIRE (BUILDING)**

20. An automatic fire detection and alarm system, designed to ensure the occupants are given adequate warning so they can evacuate the building in an emergency, must be installed in Class 1a building, or dwelling or dual occupancy and within sole occupancy units in a townhouse.  
Smoke detection and alarm systems must be installed in accordance with Part 3.7.2.3 of the Building Code of Australia and must comply with Australian Standard AS 3786.  
Smoke alarms must be connected to the consumer mains power where consumer power is supplied to the building.  
Smoke alarms must be installed on or near the ceiling in -  
(a) any storey containing bedrooms -

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- (i) between each part of the dwelling containing bedrooms and the remainder of the dwelling; and
- (ii) where bedrooms are served by a hallway, in that hallway; and
- (b) any other storey not containing a bedroom.

A Certificate of Compliance is to be submitted to Council prepared by the licensed Electrical Contractor certifying that the installation complies with the above, prior to occupation of the building.

### **ROADS/STREETS**

21. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the Director, Engineering Services. Twenty four (24) hours notice is to be given to Council's Engineering Services Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction. Paving bricks are not acceptable unless laid on a 100mm thick concrete base.

### **DRAINAGE/FLOODING**

22. All roof waters and water from open car park areas to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2-1998. **Note** All roof water must be connected to an interallotment drainage system where available.
23. All surface and seepage waters liable to be a nuisance are to be collected and diverted clear of the building site by an approved drainage system separate to the roof water system.

### **SEWERAGE**

24. **Note:** Sewer manhole is present on this site. This manhole is not to be covered with soil or other material or concealed below ground level. Should additional fill be proposed in the area of the sewer manhole Council's Engineering Services Division must be consulted and suitable arrangements made for the raising of the manhole to the satisfaction of Council's Manager Public Utilities.

### **ENVIRONMENT PROTECTION**

25. Prior to commencement of building works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority. Erosion and sedimentation control devices should be installed in accordance with the publication "Managing Urban Stormwater Soils and Construction" prepared by the NSW Department of Housing. All erosion and sedimentation control shall be maintained throughout the period of construction.

### **PLUMBING & DRAINAGE**

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26. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
  - a internal drainage, prior to slab preparation;
  - b water plumbing rough in, prior to the erection of brick work or any wall sheeting;
  - c external drainage prior to backfilling.
  - d. completion of work.
27. A permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
28. An application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.
29. The Council approved wet area flashing installer is to supply to the Principal Certifying Authority certification that all wet area flashings have been installed in accordance with the Manufacturer's Specifications, detailing the rooms or areas involved and the date of installation. **Note:** Only Council approved installers may carry out this work and reference must be made to Council to confirm that such installers are Council approved.
30. Impervious floors, properly graded and drained are to be provided to all wet areas.
31. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.
32. Yard gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
33. The finished floor level of the building should finish not less than 225mm above finished ground level.

### **Voting For**

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

### **Voting Against**

Cr Luff

### **TEMPORARY ABSENCE FROM MEETING**

**GC6/1/2 Pt1**

Cr Youngblutt left the meeting.

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## 5. Amended Section 94 Contribution Plan No 13 - Cemeteries

GT1/S94/13

1254  
Cr Luff  
Cr Boyd

**RESOLVED** that Council:-

1. Adopts Section 94 Contribution Plan No 13 (Annexure 1) as advertised; and
2. Gives public notice of its decision in accordance with the Environmental Planning and Assessment Regulations 1994, in the Tweed Link, specifying that the Contribution Plan comes into effect on the date of the notice.

### Voting For

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

### Voting Against

Cr Beck  
Cr Brinsmead

## RETURN TO MEETING

GC6/1/2 Pt1

Cr Youngblutt returned to the meeting.

## 6. Proposed Retirement Complex Comprising 164 Units and Associated Facilities at Lot 1 DP 881733 Darlington Drive, Banora Point

DA1540/3620 Pt2

1255  
Cr Polglase  
Cr Davidson

**RESOLVED** that :-

- A. Subject to the applicant entering into a Deed of Agreement and providing confirmation of the discontinuance of the appeal in the Land and Environment Court, that Council approves the development subject to the conditions contained in Part B of this recommendation. The Deed of Agreement is to provide as follows:-

### CONTRIBUTIONS

1. A Construction Certificate shall **NOT** be issued by a Certifying Authority unless all 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 1

Tweed Road Contribution:	\$13,486.20
Community Facilities:	\$1,901.04



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Library	\$3,407.82
Bus Shelter	\$353.60
Cemetery	\$1,297.27
Emergency Facilities:	\$914.61
Council Administration & Support Facilities	\$2,627.69
<b>Stage 2</b>	
Tweed Road Contribution:	\$10,374.00
Community Facilities:	\$1,462.34
Library	\$2,621.40
Bus Shelter	\$272.00
Cemetery	\$997.90
Emergency Facilities:	\$703.55
Council Administration & Support Facilities	\$2,021.30
<b>Stage 3</b>	
Tweed Road Contribution:	\$10,374.00
Community Facilities:	\$1,462.34
Library	\$2,621.40
Bus Shelter	\$272.00
Cemetery	\$997.90
Emergency Facilities:	\$703.55
Council Administration & Support Facilities	\$2,021.30
<b>Stage 4</b>	
Tweed Road Contribution:	\$14,523.60
Community Facilities:	\$2,047.28
Library	\$3,669.96
Bus Shelter	\$380.86
Cemetery	\$1,397.06
Emergency Facilities:	\$984.96
Council Administration & Support Facilities	\$2,829.82
<b>Stage 5</b>	
Tweed Road Contribution:	1,930.10
Community Facilities:	\$1,681.69
Library	\$3,014.61
Bus Shelter	\$312.80
Cemetery	\$1,147.59
Emergency Facilities:	\$809.08
Council Administration & Support Facilities	\$2,324.50
<b>Stage 6</b>	
Tweed Road Contribution:	\$12,448.80
Community Facilities:	\$1,754.81
Library	\$3,145.68
Bus Shelter	\$326.40
Cemetery	\$1,197.48
Emergency Facilities:	\$844.25
Council Administration & Support Facilities	\$2,425.56

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## Stage 7

Tweed Road Contribution:	\$11,930.10
Community Facilities:	\$1,681.69
Library	\$3,014.61
Bus Shelter	\$312.80
Cemetery	\$1,147.59
Emergency Facilities:	\$809.08
Council Administration & Support Facilities	\$2,324.50

## (ii) GST

### 1.1 In this Clause 1:

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

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

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

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

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

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

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

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.

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- B. Following resolution of the matters contained within Part A of the recommendation, the Director of Development Services be delegated to approve the application subject to the following conditions:-

**PRE-REQUISITE that must be satisfied before a construction certificate can be issued:-**

1. A **certificate of compliance** (CC) under Part 3 Division 2 of the Water Supply Authorities Act 1987 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Clause 79H of the Environmental Planning and Assessment Regulations, 1994, a Construction Certificate shall **NOT** be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

**GST**

- 1.1 In this Clause 1:

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

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

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

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

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

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

- 1.6 The Council will issue to the applicant, within twenty one (21) days of a request from the applicant, a tax invoice for the monies paid or the assets

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transferred by the applicant adjusted by the rate of the GST in accordance with the requirements of the relevant legislation.

## Stage 1

Water: \$66,690.00  
Sewer: \$54,990.00

## Stage 2

Water: \$51,300.00  
Sewer: \$54,300.00

## Stage 3

Water: \$51,300.00  
Sewer: \$42,300.00

## Stage 4

Water: \$71,820.00  
Sewer: \$59,220.00

## Stage 5

Water: \$41,758.20  
Sewer: \$34,432.20

## Stage 6

Water: \$61,560.00  
Sewer: \$50,760.00

## Stage 7

Water: \$58,995.00  
Sewer: \$48,645.00

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.

## GENERAL

2. The development shall be completed in general accordance with Plan No 99M-01-99 Sheet 1-20 prepared by M Mahaffey and dated February 1999, except where varied by these conditions.
3. Internal pedestrian pathways are to be separated from the parking and driveway areas.
4. The development is to only be occupied by persons authorised under State Environmental Planning Policy No. 5
5. Prior to release of the construction certificate for Stage 1 of the development, a detailed landscaping plan of the Leisure Drive/Darlington Drive frontage is to be submitted to and approved by the Director of Development Services. The planting is to incorporate small trees and shrubs to screen the development. Internal landscaping of the site shall be carried out in accordance with the submitted landscaping plans. The landscaping to be completed prior to occupation of the building, to the satisfaction of the Director, Development Services.

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6. Prior to release of the construction certificate for Stage 1, a detailed plan of embellishment of the Western Drainage Scheme for the full frontage of the site is to be submitted to and approved by the Director of Development Services. The plan to provide for seating and shade and is to incorporate a 3m wide access along the bank to permit machinery access. **Note: A concrete pathway will not be acceptable within the 3m wide access unless it is constructed to withstand the access of machinery.**
7. Prior to release of the construction certificate for Stage 1, the developer is to enter into a 20 year maintenance agreement for the landscaping and embellishment required by the above condition to the satisfaction of the Director of Development Services.
8. 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.
9. Prior to the issue of a construction certificate for Stage 1 details of colours and materials to be used external to the development are to be submitted to and approved by the Director of Development Services.
10. The door to a fully enclosed sanitary compartment must:-
  - i. open outwards; or
  - ii. slide; or
  - iii. be readily removable from the outside of the sanitary compartment; unless there is a clear space of at least 1.2m between the closet pan within the sanitary compartment and the nearest part of the doorway.
11. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.
12. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve.
13. A certificate is to be submitted by a Registered Surveyor certifying that all habitable floor areas are constructed above 2.95 metres AHD, and certifying the actual finished level of the total site. Certification of those levels by a registered surveyor must be submitted to the PCA prior to proceedings past floor level to ensure that the floor is above flood level.
14. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
  - a. footings, prior to pouring of concrete
  - b. slab, prior to pouring of concrete
  - c. frame prior to the erection of brick work or any wall sheeting
  - d. final inspection prior to occupation of the building
  - e. completion of work
  - f. swimming pool safety fencing prior to filling the pool with water
  - g. steel reinforcing prior to pouring of concrete

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15. Tile roofs of 20 degree pitch or less are to be sarked with approved material. (Note: The Australian standard for "Installation of Roof Tiles" recommends that all tiled roofs shall be sarked where design wind speed is 33m/sec or greater).
16. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
  - (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
  - (ii) Certification of the works performed by the person carrying out the works is to be submitted to Council prior to occupation of the building; and
  - (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
    - (A) the method of protection; and
    - (B) the date of installation of the system; and
    - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
    - (D) the need to maintain and inspect the system on a regular basis.

**Note:** Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.
17. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
  - i. All required erosion and sedimentation control devices have been installed and are operational.
  - ii. Required toilet facilities have been provided on the site in accordance with Section 78i of the Environmental Planning & Assessment Amendment Regulations 1998.
  - iii. A sign has been erected on the site in accordance with Section 78H of the Environmental Planning & Assessment Amendment Regulations 1998.
  - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
  - v. That the licensee has complied with the provisions of Section 78c of the Environmental Planning and Assessment Amendment Regulations 1998.
18. The glazier is to supply the PCA with certification that all glazing complies with AS 1288-1994 of the Building Code of Australia.
19. Manufacturers certification is to be provided to the PCA from the Roof Truss manufacturer to certify the roof truss design.
20. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal

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certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.

### **PRESCRIBED (BUILDING)**

21. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
  - (a) a standard flushing toilet connected to a public sewer, or
  - (b) if that is not practicable, an accredited sewage management facility approved by the council, or
  - (c) if that is not practicable, any other sewage management facility approved by the council.
22. A sign must be erected on the site in a prominent, visible position stating:
  - a. that unauthorised entry to the work site is prohibited; and
  - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
23. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
24. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
25. A. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
  1. in the case of work to be done by a licensee under that Act:
    - (i) has been informed in writing of the licensee's name and contractor licence number; and
    - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
  2. in the case of work to be done by any other person:
    - (i) has been informed in writing of the person's name and owner-builder permit number, or
    - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of ***owner-builder work*** in Section 29 of that Act,and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of work

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- are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
- B. A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
26. The erection of a building in accordance with a development consent must not be commenced until:
- a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
    - (i) the consent authority; or
    - (ii) an accredited certifier; and
  - b. the person having the benefit of the development consent:
    - (i) has appointed a Principal Certifying Authority; and
    - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
  - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.
27. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing.

### **ENGINEERING (BUILDING)**

28. The footings are to be designed by a practising Structural Engineer after consideration of a soil report from an accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the commencement of building work.
29. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all footings and floor slabs, prior to work being commenced on that part.

### **FIRE (BUILDING)**

30. An automatic fire detection and alarm system, designed to ensure the occupants are given adequate warning so they can evacuate the building in an emergency, must be installed in Class 1a building, or dwelling or dual occupancy and within sole occupancy units in a townhouse.
- Smoke detection and alarm systems must be installed in accordance with Part 3.7.2.3 of the Building Code of Australia and must comply with Australian Standard AS 3786.
- Smoke alarms must be connected to the consumer mains power where consumer power is supplied to the building.
- Smoke alarms must be installed on or near the ceiling in -
- (a) any storey containing bedrooms -
    - (i) between each part of the dwelling containing bedrooms and the remainder of the dwelling; and



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- (ii) where bedrooms are served by a hallway, in that hallway; and
- (b) any other storey not containing a bedroom.

A Certificate of Compliance is to be submitted to Council prepared by the licensed Electrical Contractor certifying that the installation complies with the above, prior to occupation of the building.

31. Please note that while the proposal, subject to the conditions of approval, will comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore required that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.

### SWIMMING POOLS

32. In the event that Council is not utilised as the inspection/certifying authority:-
- a. Within seven (7) days of the filling of the pool a Compliance Certificate in the prescribed form shall be submitted to Council together with the prescribed fee, by the Accredited Certifier to certify that all works have been completed in accordance with the approved plans and conditions of Consent and that the swimming pool safety fencing has been installed and complies with AS 1926.
  - b. The Certifying authority is to be given 24 hours notice in writing for an inspection of the swimming pool safety fencing prior to filling the pool with water.
33. Swimming pools shall have suitable means for the drainage and disposal of overflow water.
34. The pool filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
35. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.
36. It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the adjoining premises. Due regard must be given to the affect that landscaping will have on the future effectiveness of the security fencing. (Section 7 Swimming Pool Act 1992).
37. The resuscitation poster must be permanently displayed in close proximity to the swimming pool. (Section 17 Swimming Pool Act 1992).
38. The swimming pool is to be installed and access thereto restricted in accordance with Council's "**Code for the Installation of New Swimming Pools**" and Australian Standard AS 1926-1986 (Copy of code enclosed).

### SPECIAL CONDITIONS

39. The design and construction of the buildings within the development are to comply with the requirements of the Acoustic Report dated 29 March, 1999 Reference No. MC/99/2857 RPT prepared by Ron Rumble Pty Ltd and are to comply with the relevant provisions of AS2021-1994 - Acoustics Aircraft Noise Intrusion - Building Siting and Construction.

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- 40 The noise barrier that extends along the Darlington Drive frontage is to be made continuous in accordance with the provisions of the Acoustic Report dated 29 March 1999 Reference No. MC/99/2857 RPT prepared by Ron Rumble Pty Ltd.
41. A preliminary soil assessment to ascertain the presence of absence of acid sulfate soil is to be carried out and if necessary an acid sulfate soil management plan is to be prepared to the satisfaction of Councils Director Environment and Community Services if excavations on site will extend below the level of any fill material that has been placed on site.
42. All hairdressing and beauty salon facilities incorporated within the proposed community facility building are to comply with the provisions of Schedules 2 and 3 of the Regulations under the Local Government Act 993 and with the NSW Health Departments Skin Penetration Guidelines dated July 1999. A copy of these Guidelines is to be kept on the hairdressing/beauty salon premises at all times.
43. The construction of walls within the proposed kitchen and associated food handling and storage areas are to comply with Councils requirements for the construction of food handling areas.
44. The applicant shall provide to Council a letter from the Manager of Solo Waste confirming that Solo Waste has agreed to the arrangement for refuse/waste collection as contained in the applicants assessment report dated June 1999.

### **CAR WASH DOWN**

45. Ensure adequate turfed area, or other suitable media, is incorporated and maintained into the proposed landscape of the property for use as a car wash-down area.

### **DRAINAGE AND FLOODING**

46. i. Permanent and temporary (ie. during construction) erosion and sedimentation control measures shall be designed and constructed in accordance with the requirements of the publication, "Managing Urban Stormwater - Soils and Construction" 3<sup>rd</sup> Edition Aug 1998 prepared by the Department of Housing, NSW Government.  
ii. The Supervising Engineer shall make on site inspections at regular intervals sufficient to ensure that the sedimentation and erosion control management plan is being implemented.
47. 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.
48. The land to be filled to the design flood level of RL 2.65m AHD.

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49. The habitable floor level of the building to be at a level of not less than RL 2.95m AHD.
50. All stormwater runoff from the development is to be discharged to the Western Drainage Scheme Canal.
51. The following water quality measures are required for treating all stormwater collected from parking areas, driveways, hard paved landscaped areas and other hardstand areas (references in brackets refer to sections on devices in EPA publication "Managing Urban Stormwater - Treatment Techniques, November 1997"). All devices are to be designed and sized in accordance with this manual unless otherwise directed by this condition. Engineering plans demonstrating compliance with the following matters are to be submitted to and approved by the Director of Engineering Services prior to release of the construction certificate for Stage 1.
  - a. Litter baskets or pits (ref 4.1) or litter racks (ref 4.2) are to be installed to ensure all gross pollutants and litter are screened from stormwater discharge.
  - b. Porous pavements (ref 5.7) are to be used where possible, to maximise infiltration.
  - c. Where possible, stormwater is to be disposed of by infiltration (ref 5.5).
  - d. For remaining stormwater (not disposed of by infiltration) oil, sediment and other pollutants are to be removed by means of Oil/grit separator (ref 4.7) permanent pool 30m<sup>3</sup> per impervious hectare with 50-70% of this volume in first chamber or; Filter strips (ref 5.1) providing 9 minute average residence time or; Proprietary devices that have equivalent performance (to the satisfaction of the Director of Engineering Services) to the above
  - e. All the above devices are to be located on the subject land and shall treat stormwater before it discharges into the public realm. All devices are to be constructed, operated, cleaned, maintained and replaced at the end of their asset life by the landowner.
  - f. Design details and operation/cleaning/maintenance procedures/manuals for proposed water quality devices are to be submitted for approval with the construction certificate application for Stage 1. Engineering design of these devices is to ensure durability and ease of access, operation, cleaning and maintenance.
52. The existing roundabout at the Darlington Drive/Cromer Court intersection is to be closed to meet Tweed Shire Council requirements. Detailed engineering plans are to be submitted to and approved by Council prior to the commencement of work on the roundabout. The work is to be completed to the satisfaction of the Director of Engineering Services prior to occupation of Stage 1 of the development.

Plans are to include:-

the kerb is to be constructed on the same radii as the outer edge of the roundabouts circulating pavement

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the 2.0m wide pathway is to be relocated 800mm behind the new kerb  
the property boundary is to be 40m behind the new kerb line and the land within this area is to be dedicated as road reserve at no cost to Council prior to occupation of the development

the drainage gully pits are to be connected to manholes to Tweed Shire Council requirements. These manholes and drainage pipes are to be located within the road reserve. Alternatively, an easement in favour of Council can be created over the drainage infrastructure. However, no fences etc would be permitted within the easement.

53. All roof waters to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS 3500.3.2:1998. **Note** All roof water must be connected to an interallotment drainage system where available.
54. All surface and seepage waters liable to be a nuisance are to be collected and diverted clear of the building site by an approved drainage system separate to the roof water system.

### ENVIRONMENT PROTECTION

55. 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.
56. 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.
57. 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.
58. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays.
59. 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.
60. 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.

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61. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
62. The burning of builders waste on site by open fire is prohibited.
63. All activities associated with the occupancy of the building are to comply with the Noise Control Act 1975 and the Clean Air Act 1961.
64. Prior to commencement of building works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority. Erosion and sedimentation control devices should be installed in accordance with the publication "Managing Urban Stormwater Soils and Construction" prepared by the NSW Department of Housing. All erosion and sedimentation control shall be maintained throughout the period of construction.

### PLUMBING AND DRAINAGE

65. Back flow prevention devices shall be installed where ever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1-1990 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.
66. A trade waste application form must be completed and approved before discharge to sewer commences.
67. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
  - a internal drainage, prior to slab preparation;
  - b water plumbing rough in, prior to the erection of brick work or any wall sheeting;
  - c external drainage prior to backfilling.
  - d completion of work.
68. A permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
69. An application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.
70. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
71. Water plumbing shall **not** be installed in concrete slabs or be laid under slabs on the ground.
72. The Council approved wet area flashing installer is to supply to the Principal Certifying Authority certification that all wet area flashings have been installed in accordance with the Manufacturer's Specifications, detailing the rooms or areas involved and the date of installation. **Note:** Only Council approved installers may carry out this work and reference must be made to Council to confirm that such installers are Council approved.
73. Drainage lines must not penetrate footings unless certification is first obtained from a practising Structural Engineer.

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- 74. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.
- 75. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
- 76. Yard gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
- 77. The fire hose reels are to be on a metered supply.
- 78. Any discharge of a pollutant greater than or differing (in constitution) from domestic usage requires the submission of an application for a trade waste licence. Such application to be made prior to release of the approved building plans and/or prior to any use or occupation of the premises, whichever occurs earlier.
- 79. All work to be carried out in accordance with the acoustical report from Ron Rumble Pty Ltd Report No. 99-2857.

## **SPECIAL BUILDING CONDITIONS RELATING TO COMMUNITY BUILDING**

- 80. The building is not to be occupied or a final Occupation Certificate issued until a fire safety certificate has been issued for the building to the effect that each essential fire measure listed in the schedule below has been designed and installed in accordance with the relevant standards.  
Such certificate shall state as to each essential fire measure installed in the building:
  - (a) that the service has been inspected and tested by a person who is competent to carry out such an inspection or test; and
  - (b) that the service was (as at the date on which it was inspected and tested) found to have been properly implemented and capable of performing to a standard not less than that required by the most recent fire safety schedule for the building for which the certificate is issued.

Please note that all Essential Services listed on the schedule below must be certified on an annual basis as per the provision of section 80GB of the Environmental Planning and Assessment Regulation 1994.

<b>Fire Safety Schedule</b>	<b>Minimum Standard of Design</b>
<b>Essential Fire Safety Measure</b>	<b>Installation and Maintenance</b>
Emergency Lighting	AS2293-1998 "Emergency Lighting Evacuation Lighting in Buildings" Part 1 - Design & Installation Part 2 - Inspection & Maintenance"
Exit Signs	AS2293-1998 "Emergency Evacuation

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- |                             |   |
|-----------------------------|---|
| Fire Hydrant Systems        | Lighting in Buildings. Part 1<br>Design & Installation.<br>Part 2 Inspection &<br>Maintenance”<br>AS2419-1994<br>“Fire Hydrant Installations<br>System Design, Installation &<br>Commissioning” |
| Hose Reel Systems           | AS1221-1991<br>“Fire Hose Reels”  |
| Portable Fire Extinguishers | AS2444-1995<br>“Portable Fire Extinguishers<br>Selection & Location”  |
81. A person must not commence occupation or use of the whole or any part of a new building (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units)
82. All fire service connections are to be compatible with those of the NSW Fire Brigade.
83. Portable fire extinguishers containing an extinguishing agent suitable for the risk being protected must be installed in accordance with Australian Standard AS 2444 “Portable Fire Extinguishers - Selection and Location” and Part E1.6 of the Building Code of Australia.
84. Fire hose reels shall be installed in accordance with the provisions of Part E1.4 of the Building Code of Australia and comply with Australian Standard AS1221 and AS2441.  
However, they shall not be installed until the PCA has been furnished with a certificate, signed by a Hydraulics Engineer stating that the design and proposed manner of installation complies with the relevant standards.
85. Fire hydrants must be installed in accordance with the provisions of Part E1.3 of the Building Code of Australia and the installation must comply with Australian Standard AS2419.1 except where superseded by the provisions of the Building Code of Australia.  
However, they shall not be installed until the PCA has been furnished with a certificate, signed by a Hydraulics Engineer stating that the design and proposed manner of installation complies with the relevant standards.
86. All materials used in the building must comply with the smoke developed and spread of flame indices specified in Specification C1.10 of the Building Code of Australia.  
Note: Many materials including some timbers such as western red cedar do not comply and it is the applicants responsibility to ensure that all materials to be used are within the criteria specified.
87. An automatic fire detection and alarm system, designed to ensure the occupants are given adequate warning so they can evacuate the building in an emergency, must be installed in Class 2 and 3 buildings and Class 4 part

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of a building in accordance with the provisions of Specification E2.2a of the Building Code of Australia. Smoke alarms must be installed:

- (i) within each sole occupancy unit, located on or near the ceiling in any storey -
    - (A) containing bedrooms -
  - (aa) between each part of the sole occupancy unit containing bedrooms and the remainder of the sole occupancy unit; and
  - (bb) where bedrooms are served by a hallway, in that hallway; and
  - (B) not containing any bedrooms, in egress paths; and
  - (ii) in a building not protected with a sprinkler system, in public corridors and other internal public spaces, located in accordance with the requirements for smoke detectors in AS 1670 and connected to activate a **building occupant warning system** in accordance with Specification 2.2a(6) of the Building Code of Australia which states:  
A building occupant warning system must comply with Clause 8.7 of AS 1670 to sound through all occupied areas except-
- a) in a Class 2 and 3 building or Class 4 part provided with a smoke alarm system:
- (i) the sound pressure level need not be measured within a sole occupancy unit if a level of not less than 85dB(A) is provided at the door providing access to the sole occupancy unit; and
  - (ii) the inbuilt sounders of the smoke alarms may be used to wholly or partially meet the requirements.

A Certificate of Compliance is to be submitted to Council prepared by the licensed Electrical Contractor certifying that the installation complies with the above, prior to occupation of the building.

- 88. Access to the building for disabled persons shall be provided and constructed in accordance with the requirements of Part D3 of the Building Code of Australia and Australian Standard AS 1428.1.
- 89. Prominently displayed signs and symbols must be provided to identify for disabled persons all routes and areas where architectural barriers do not exist. Such access must comply with the requirements of Australian Standard AS 1428 Parts 1 and 2.
- 90. If access for the disabled is required under Part D3 of the Building Code of Australia, facilities for the use of the disabled shall be provided as specified in Part F2.4 of the Building Code of Australia and shall be constructed to the requirements of Australian Standard AS1428.1.
- 91. Tactile ground surface indicators for orientation of people with vision impairment are to be provided in accordance with Australian Standard AS1428.4-1992.
- 92. All required egress doors are to, at all times, be openable from within the building by single handle downward action or pushing action without recourse to a key and on a single device located between 900 millimetres and 1.2 metres from the floor unless exempted under the provisions of Part D2.21 of the Building Code of Australia. No barrel bolts are to be fitted.



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93. Exits are to be provided so that no point on the floor of the building shall be more than 20 metres from:
  - (a) an exit; or
  - (b) a point from which travel in different directions to two exits is available in which case the maximum distance to one of those exits shall not exceed 40 metres.
94. Exit signs which comply with Part E4.5 of the Building Code of Australia and are designed in accordance with Part E4.8 of the Building Code of Australia area to be provided. Exit signs shall be mounted between 2m and 2.5m above floor level and shall be of a maintained type.
95. Emergency lighting to comply with Part E4.2 of the Building Code of Australia shall be provided. Details of the system to be used and a certificate from the electrical engineer to certify that the system will comply with all relevant requirements of Part E4.4 of the Building Code of Australia and AS 2293.1 are to be submitted to Council prior to installation.
96. Any premises used for the storage, preparation or sale of food are to comply with the relevant provisions of the Food Act, 1989. Details of fittings and equipment are to be submitted to the Principal Certifying Authority prior to installation.
97. All flooring materials in the food preparation and storage areas are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation. Where tiling is to be used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices.
98. Intersections of all floors with walls or the like in the food preparation and food storage areas are to be coved to a radius of not less than 25 millimetres.
99. Premises to comply with Council's adopted code for the construction of food premises.
100. Provide a hand basin within the food preparation area as per Clause 19.9 of Council's adopted code for the construction of food premises.
101. All washing facilities in the food preparation areas are to be provided with hot and cold water.
102. Windows and doors opening into food preparation and storage areas are to be fully screened in accordance with Council's adopted code for the construction of food premises.

### Voting - Unanimous

7. **Section 96(2) Application to Modify Development consent 97/159 for the Establishment of a Church at Lot 2 DP 319724 Phillip Street, Chinderah**

**DA4260/120 Pt1**

**Cr Lawrie**

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**Cr Brinsmead** **PROPOSED** that Development Consent 97/159 for the establishment of a Church at Lot 2 DP 319724 Phillip Street, Chinderah be modified under the provisions of Section 96(2) of the Environmental Planning and Assessment Act 1979, as follows:-

(a) Condition 1 be amended to read:-

1. *The development shall be completed in general accordance with Figure 1 by Martin Findlater and Associates Pty Ltd dated October 1999 and Hooker Design Consultants Drawing 99672 Sheet 1 to 3 except where varied by these conditions.*

(b) Condition 7 be amended to read:

7. *The provision of 64 off street car parking spaces. The layout of construction is to be in accordance with the provision of DCP 2 - Site Access and Parking code.*

(c) Condition 12 be amended to read:

12. *A certificate of compliance (CC) under Part 3 Division 2 of the Water Supply Authorities Act 1987 is to be obtained to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Council before approved buildings plans are released. Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:*

*Water: \$3,882.65*

*Sewer: \$3,249.20*

*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.*

(d) Condition 14 be deleted.

(e) Condition 15 be amended to read

15. *The provision of adequate vehicular access in accordance with Council's Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the Director Engineering Services. Twenty-four (24) hours notice is to be given to Council's Engineering Services Division before placement of asphaltic concrete to enable sub-base to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction.*

(f) Condition 16 be amended to read

16. *The entrance driveway shall be 6.0m wide at the property boundary and 6m radius edge of pavement returns matching into existing edge of bitumen in Phillip Street.*

(g) Condition 21 be deleted.

(h) Condition 23 be amended to read:

23. (i) *The stormwater system is to be in accordance with plans to be lodged and approved by Councils Engineering Services Division prior to a construction certificate being issued.*

## Minutes - Ordinary Meeting of Tweed Shire Council

- (ii) *On completion of earthworks and drainage works, a notation be placed within the second schedule of the certificate of title being a "Restriction as to User" requiring that surface levels remain unchanged and no earthworks, structures or obstruction be placed on the areas designated for drainage including swale drains, infiltration trenches, dry detention basins and other associated drainage works on the plans to be approved in accordance with (i) above. A copy of the title, so amended is to be forwarded to Council prior to the buildings being used or occupied.*
- (iii) *Works involving extension of the 375mm diameter stormwater pipeline and construction of pit within the Phillip Street Road Reserve are to be in accordance with plans and specifications submitted to and approved by the Director Engineering Services.*

### AMENDMENT

1256

Cr Luff

Cr Marshall

**RESOLVED** that this item be deferred to allow Council officers to clarify the amount of fill required on the land.

Amendment was **Carried**

#### Voting For

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

#### Voting Against

Cr Beck  
Cr Brinsmead  
Cr Youngblutt

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

#### Voting For

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

#### Voting Against

Cr Beck  
Cr Brinsmead  
Cr Youngblutt

# Minutes - Ordinary Meeting of Tweed Shire Council

## 8. Interim Tweed Shire Town Centre's Committee as Sub-Committee of Tweed Economic Development Corporation Streetscaping Co-ordinator, TEDC

1257

Cr Polglase  
Cr Marshall

**RESOLVED** that Council:-

1. Adopts the Agreement “Interim Tweed Shire Town Centres Committee (ITSTCC) as a Sub-Committee of the Tweed Economic Development Corporation (TEDC)”, contained in this report (Part B), the ITSTCC becoming a sub-committee of TEDC from 1 April 2000.
2. Notes the “TEDC/TACTIC/Town Centre Committee Workshop (1/2/2000) - structures, role of Program Manager, roles and responsibilities of the three (3) organisations” - Statement of Outcomes (Part C) as the basis for further refinement and negotiations to create one Economic Development Organisation for the Shire embracing TEDC, TACTIC and the TSTCC.
3. The dates in the document be amended.

### Voting For

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

### Voting Against

Cr James  
Cr Luff

## 9. Tugun Bypass - Route Selection

Tugun Bypass

1258

Cr Youngblutt  
Cr Marshall

**RESOLVED** that this report be received and noted.

**Voting - Unanimous**

## SUSPENSION OF STANDING ORDERS

GC6/4

1259

Cr Brinsmead  
Cr Marshall

**RESOLVED** that standing orders be suspended to deal with Item 29 of the Agenda.

# Minutes - Ordinary Meeting of Tweed Shire Council

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

DA2580/16 Pt1

**Cr James  
Cr Luff**

**PROPOSED** that Council:-

1. Approves the submitted Development Application for the erection of a single storey dwelling subject to standard conditions
2. Approves the Special Licence for Placement of Moveable Dwelling for one (1) only moveable dwelling and associated cookhouse. Conditions of consent to include:-
  - i. The proposed permanent on-site sewage management system is to be installed and operational within two (2) months of approval.
  - ii. All domestic refuse wastes are to be disposed of through Council's Garbage Collection Service.
  - iii. The period of Special Licence is to be for twelve (12) months.
3. Commences proceedings in the Land and Environment Court against the Owner and/or occupier to remedy a breach of the Environmental Planning and Assessment Act, including orders for demolition of two (2) of the three (3) tepees, and orders for costs.

### AMENDMENT

**Cr Lawrie  
Cr Marshall**

**PROPOSED** that Council commences proceedings in the Land and Environment Court against the Owner and/or occupier to remedy a breach of the Environmental Planning and Assessment Act, including orders for demolition of the three (3) tepees, and orders for costs.

The Amendment was **Lost**

#### **Voting For**

Cr Beck  
Cr Lawrie

#### **Voting Against**

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

# Minutes - Ordinary Meeting of Tweed Shire Council

## AMENDMENT 2

1260

Cr Polglase

Cr Youngblutt **RESOLVED** that this item be deferred to allow representatives to address the Community Access session on 8 March 2000.

Amendment 2 was **Carried**

<b>Voting For</b>	<b>Voting Against</b>
Cr Beck	Cr Carroll
Cr Boyd	Cr Davidson
Cr Brinsmead	Cr James
Cr Lawrie	Cr Luff
Cr Marshall	
Cr Polglase	
Cr Youngblutt	

Amendment 2 on becoming the Motion was **Carried**

<b>Voting For</b>	<b>Voting Against</b>
Cr Beck	Cr Carroll
Cr Boyd	Cr Davidson
Cr Brinsmead	Cr James
Cr Lawrie	Cr Luff
Cr Marshall	
Cr Polglase	
Cr Youngblutt	

## RESUMPTION OF STANDING ORDERS

GC6/4 308

1261

Cr Davidson

Cr Luff

**RESOLVED** that Standing Orders be resumed.

**Voting - Unanimous**

### 10. Colour of Roofs - Development Control Plan No 1, Terranora Village GT1/DCP/1

Cr Luff

Cr James

**PROPOSED** that this report be received and noted.

## AMENDMENT

1262

Cr Polglase

# Minutes - Ordinary Meeting of Tweed Shire Council

**Cr Davidson** **RESOLVED** that Council reviews its policy of moderating the visual effects of building materials shirewide.

The Amendment was **Carried**

**Voting For**

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

**Voting Against**

Cr James  
Cr Luff

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

**Voting For**

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

**Voting Against**

Cr James

**ADJOURNMENT OF MEETING**

**GC6/4**

Adjournment for dinner at 6.35pm.

**RESUMPTION OF MEETING**

**GC6/4**

The Meeting resumed at 7.52pm.

**LATE ITEM**

**GC6/4**

**1263**

**Cr James**

**Cr Luff**

**RESOLVED** that Item 10a being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

**Voting - Unanimous**

# Minutes - Ordinary Meeting of Tweed Shire Council

## 10a. Draft Section 94 Contributions Plan No. 25 and Draft Strategic Planning Policies - Kings Beach North

GT1/S94/25 & DA1180/10 Pt1

1264

Cr Brinsmead  
Cr Beck

**RESOLVED** that this item be deferred to enable further discussions between the applicants and the Director Development Services, such discussions to be completed within one (1) week.

### AMENDMENT

Cr James  
Cr Luff

**PROPOSED** that Council places the draft Section 94 Contributions Plan No. 25 (Annexure 1 to this report) and the draft Strategic Planning Policies - Kings Beach North on public exhibition for 28 days.

The Amendment was **Lost**

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

The Motion was **Carried**

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

## REPORTS FROM DIRECTOR CORPORATE SERVICES

### 11. Sale of Land for Overdue Rates

**Rates Arrears**

1265

Cr Marshall



## Minutes - Ordinary Meeting of Tweed Shire Council

**Cr Boyd** **RESOLVED** that the auction date for sale of land for overdue rates be postponed subject to a further report.

**Voting - Unanimous**

### 12. Shires Association of NSW - 2000 Annual Conference Shire Association - Conference

**1266**

**Cr Boyd**

**Cr Youngblutt** **RESOLVED** that :-

1. Council participates in the 2000 Annual Conference of the Shires Association of NSW.
2. Councillors nominate a delegate and those who wish to attend the Conference.
3. Councillors interested in submitting motions for the Annual Conference agenda contact Brian Donaghy, Manager Administration Services, by Friday, 24 March 2000.

#### **Voting For**

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

#### **Voting Against**

Cr Brinsmead

**1267**

**Cr Marshall**

**Cr Youngblutt** **RESOLVED** that Cr Beck be the nominated as Council's delegate at the conference and that Cr Davidson and Cr Luff be granted approved to attend the Conference.

# Minutes - Ordinary Meeting of Tweed Shire Council

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

**13. The 2000 Institute of Municipal Management National Congress Conferences**

1268

**Cr Davidson**  
**Cr Marshall**

**RESOLVED** that Council nominates Councillor Polglase to attend the 2000 Institute of Municipal Management National Congress to be held 28 - 31 May 2000 at the Melbourne convention Centre.

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

**14. Enviro 2000 - Incorporating the WaterTECH Conference, Fifth Australian Waste Convention; Australian Greenhouse Conference and Odour conference**

**Conferences**

1269

**Cr Boyd**  
**Cr Youngblutt**

**RESOLVED** that Council nominates Councillors Boyd, Brinsmead and Marshall to attend the Enviro 2000 - Four Conferences in One - to be held on 9-13 April 2000 at the Sydney convention and Exhibition Centre, Darling Harbour.

# Minutes - Ordinary Meeting of Tweed Shire Council

## Voting For

Cr Beck  
Cr Boyd  
Cr Davidson  
Cr James  
Cr Luff  
Cr Marshall  
Cr Polglase  
Cr Youngblutt

## Voting Against

Cr Brinsmead  
Cr Carroll  
Cr Lawrie

### 15. RTA Big Ride

#### Bicycle Matters

1270

Cr Boyd  
Cr Carroll

**RESOLVED** that Council authorises this expenditure, as amended, as a contribution to the RTA Big Ride.

## Voting For

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

## Voting Against

Cr Brinsmead

### 16. Request to Assign and/or Vary Leases at the Bob Whittle Murwillumbah Airfield

#### Airfield - Murwillumbah

1271

Cr Polglase  
Cr Davidson

**RESOLVED** that Council:-

1. Enters into a lease agreement with Linmill Pty Ltd upon the terms and conditions as outlined in this report.
2. Approves the assignment of the lease from Linmill Pty Ltd to Mr Don Johnston.
3. Enters into a lease agreement with Scenic Rim Aviation for a period of six (6) months on the same terms and conditions as the previous lessee, namely Armbird Pty Ltd.
4. Delivers the executed documents to Halliday & Stainlay with instructions to retain such documents until all legal fees relative to the Transfer have been paid in full.

## Minutes - Ordinary Meeting of Tweed Shire Council

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5. Authorises all necessary documentation to be completed under the Common Seal of Council.

**Voting - Unanimous**

17. **Tweed and Coolangatta Tourism Inc (TACTIC) Monthly Report - November/December 1999**

**TACTIC**

1272

Cr Polglase

Cr Marshall

**RESOLVED** that this report be received and noted.

**Voting - Unanimous**

18. **Tweed Economic Development Corporation (TEDC) Monthly Report - October to December 1999**

**TEDC**

1273

Cr Polglase

Cr Marshall

**RESOLVED** that this report be received and noted.

**Voting - Unanimous**

19. **Monthly Investment Report for Period Ending 31 January 2000**

**Banking**

1274

Cr Polglase

Cr Marshall

**RESOLVED** that this report be received and noted.

**Voting - Unanimous**

**REPORTS FROM DIRECTOR ENGINEERING SERVICES**

20. **Tweed River Entrance Sand Bypassing Project**

**GR1/6 Pt6**

1275

Cr Boyd

Cr James

**RESOLVED** that the proposal for the pumping jetty to be closed to public access and the lack of any planning for facilities to accommodate any further public usage be raised with the Member for Murwillumbah, Mr Neville Newell, MP, Premier of NSW, Mr Bob Carr, the Minister for Land and Water Conservation, Mr Amery.

**Voting - Unanimous**

## Minutes - Ordinary Meeting of Tweed Shire Council

### 21. Classification of Land as Operational - Minjungbal Drive, Tweed Heads South

DA4030/2820 Pt3

1276

Cr Polglase  
Cr Boyd

**RESOLVED** that the proposed Lot 3 within a subdivision developed by Genet Pty Ltd and Kymzan Pty Ltd, being Lot 1 DP 204461, Lot 1 DP 709200 and Lot 3 DP 224232 at Minjungbal Drive, Tweed Heads South and which is to be transferred to Council in fee simple be classified as operational land.

**Voting - Unanimous**

### 22. Street Lighting in New Subdivisions

Street Lighting

1277

Cr Polglase  
Cr Boyd

**RESOLVED** that Council's policy for the connection of street lights in new subdivisions be altered to permit all lights to be energised and made operational at the time of installation.

**Voting - Unanimous**

### 23. Road Relocation - Crookes Valley Road - Precis of Confidential Item

R1440

1278

Cr Polglase  
Cr Boyd

**RESOLVED** that this report be dealt with under the Confidential Agenda

**Voting - Unanimous**

### 24. Proposed Mobile Telephone Facilities - Kingscliff Reservoir & Banora Point Reservoir

Mobile Phone Towers, Kingscliff Reservoir, Banora Point Reservoir

1279

Cr Luff  
Cr James

**RESOLVED** that this report be received and noted.

**Voting - Unanimous**

### 25. Mobile Telephone Installations - Leases at Kingscliff & Banora Point Reservoirs - Precis of Confidential Item

Mobile Phone Towers, Kingscliff Reservoir, Banora Point Reservoir

1280

Cr Luff  
Cr James

**RESOLVED** that details of the leases be considered in the Confidential Agenda.

# Minutes - Ordinary Meeting of Tweed Shire Council

## Voting - Unanimous

**Cr James**  
**Cr Luff**

**PROPOSED** that Council writes to the Member for Richmond, Mr Larry Anthony, to register its disappointment in claims that were reported in the Daily News which gave readers the impression that Council has powers to refuse the Development Applications under discussion tonight.

The Motion was **Lost**

### Voting For

Cr Boyd  
Cr Carroll  
Cr James  
Cr Luff

### Voting Against

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

## REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

### 26. Cemeteries and Burial Policy

**GC4/10 Pt10**

**1281**

**Cr Luff**  
**Cr Marshall**

**RESOLVED** that this item be withdrawn.

## Voting - Unanimous

### 27. Honorary Rangers

**Honorary Rangers**

**1282**

**Cr Lawrie**  
**Cr Marshall**

**RESOLVED** that Council approves the following persons to operate as Honorary Rangers for the term of the current Council:

Earl Hayes, Fingal  
Richard Gow, Hastings Point  
Arthur Poole, Pottsville  
Colin Small, Bogangar  
Bill Hallett, Pottsville  
Rob Brown, Pottsville

# Minutes - Ordinary Meeting of Tweed Shire Council

**Voting - Unanimous**

- 28. Secure Storage Facility at Stotts Creek Waste Depot  
Garbage Depot - Stotts Creek**

1283

Cr Marshall

Cr Youngblutt

**RESOLVED** that Council approaches New South Wales Agriculture to determine if it is prepared to withdraw from and no longer be bound by the agreement with Council for use of dedicated land at Stotts Creek Waste Depot for temporary storage of contaminated dip waste.

**Voting - Unanimous**

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

**DA2580/16 Pt1**

This item was dealt with earlier in the Meeting at Minute No 1260

- 30. Museums and Galleries Foundation of New South Wales**

**Art Gallery**

1284

Cr Lawrie

Cr Carroll

**RESOLVED** that this report be received and noted.

**Voting - Unanimous**

- 31. State of the Arts 2000 Forum**

**Cultural Development**

1285

Cr Lawrie

Cr Carroll

**RESOLVED** that this report be received and noted.

**Voting - Unanimous**

- 32. Centenary of Federation - Regional Parade Participation Project**

**Centenary of Federation**

1286

Cr Lawrie

Cr Carroll

**RESOLVED** that this report be received and noted.

**Voting - Unanimous**

# Minutes - Ordinary Meeting of Tweed Shire Council

1287

Cr Luff

Cr Beck

**RESOLVED** that Council requests of the Centenary of Federation Committee to give some indication of the range of activities that the Committee considers it might ask Council to support so that Council can, at an early date, identify the possible costs (whether in kind or other).

**Voting - Unanimous**

## REPORTS FROM SUB-COMMITTEES

1. **Minutes of the Tweed Games Committee Meeting held 25 January 2000**  
**Olympic Games**

6. **Pre-Games Training**  
**Olympic Games**

1288

Cr Boyd

Cr Marshall

**RESOLVED** that two representatives from the committee attend two days of the test event (ISSF Worldcup) in March 24 to 31, 2000. Funding to come from 1999/2000 budget allocation for Olympic Games bid.

**Voting - Unanimous**

1289

Cr Boyd

Cr Marshall

**RESOLVED** that the balance of the Minutes of the Tweed Games Committee Meeting be adopted.

**Voting - Unanimous**

2. **Minutes of the Krekelberg Environment Park Management Committee Meeting Held 31 January 2000**  
**Dune Care**

2. **Objectives of Park Management**  
**Dune Care**

1290

Cr Boyd

Cr Luff

**RESOLVED** that Council considers the allocation of \$10,000 in the 2000/2001 budget for the production and implementation of a plan of management for Krekelberg Environment Park as required under the Local Government Act 1993.

**Voting - Unanimous**



## Minutes - Ordinary Meeting of Tweed Shire Council

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1291

Cr Boyd  
Cr Luff

**RESOLVED** that the balance of the Minutes of the Krekelberg Environment Park Management Committee Meeting be adopted.

**Voting - Unanimous**

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

7. **Chinderah Bank Revetment**

**Riverbank-Erosion**

1292

Cr Boyd  
Cr Marshall

**RESOLVED** That the \$200,000 allocated in the TRMPAC budget be used to supplement the financial support offered by the Roads and Traffic Authority for bank revetment works to Section D of Chinderah foreshore, subject to DLAWC concurrence.

**Voting - Unanimous**

1293

Cr Boyd  
Cr Marshall

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

**Voting - Unanimous**

4. **Minutes of the Local Traffic Committee Meeting held 3 February 2000**  
**GT2/1 Pt3 451**

1. **Cane Road and Racecourse Road, Murwillumbah**

**R0940**

1294

Cr Boyd  
Cr James

**RESOLVED** that the applicant be advised that:-

1. A plan of management be forwarded to Council detailing the desired method of utilising the road reserve to give more room to the horses when crossing Cane Road.
2. Trainees should be accompanied by experienced horse handlers when crossing Cane Road.

**Voting - Unanimous**

# Minutes - Ordinary Meeting of Tweed Shire Council

## 1. Wharf Street, Tweed Heads

R5901

1295

Cr Boyd

Cr James

**RESOLVED** that:-

1. The Traffic Committee endorses the proposed route of the Big Bike Ride through Tweed Shire as follows:

### **Preferred Route**

Wharf St

Minjungbal Dr

Dry Dock Rd

Fraser Dr

Terranora Rd

*lunch at Tumbulgum*

Dulguigan Rd

Tomewin Rd

Queensland Rd

*overnight Murwillumbah Showground*

Murwillumbah St

Wharf St

Tumbulgum Rd

Cane Rd

McCleod St

Clothiers Rd

Coast Rd

*morning tea Hastings Point*

Coast Rd

*lunch at Wooyung*

Wooyung Rd

Pacific Hwy

2. The southbound lanes of Wharf Street between Boundary Street roundabout and Bay Street be closed between 6.00am to 1:00pm on 25 March 2000 be supported.
3. No objection is given for the closure of Murwillumbah Street from Queen Street to Brisbane Street from 1:00pm to 6:00pm on 25 March 2000. Appropriate signage should be provided.
4. A detailed Traffic Management Plan be submitted no later than four (4) weeks prior to the event.

**Voting - Unanimous**

## 3. Intersection of Laura Street and Anderson Street, Banora Point

R3020 & R169

1296

Cr Boyd

## Minutes - Ordinary Meeting of Tweed Shire Council

**Cr James**            **RESOLVED** that a painted median with reflectors be installed on Anderson Street at the intersection with Laura Street, when funds are available.

**Voting - Unanimous**

**4.    Intersection of Bilambil Road and Terranora Road**

**R5430 & R5441**

**1297**

**Cr Lawrie**

**Cr Marshall**

**RESOLVED** that Council requests the Local Traffic Committee to reconsider the their recommendation in relation to this item.

**Voting - Unanimous**

**5.    Mooball Road (Seabreeze Estate Pottsville)**

**R3510**

**1298**

**Cr Boyd**

**Cr James**

**RESOLVED** that the applicant be advised that the Committee agrees in principal to a 60kph zone along the frontage of the Seabreeze Estate on Mooball Road to west of the proposed intersections to the subdivision however it is inappropriate to change the current speed zoning until the intersections are constructed.

**Voting - Unanimous**

**7.    McLeod Street, Condong**

**R3220**

**1299**

**Cr Boyd**

**Cr James**

**RESOLVED** that:-

1. The most northern boat ramp access on McLeod Street, Condong be sealed for approximately 20m when funds become available.
2. Residents of McLeod Street, Condong be advised that in the case of speeding vehicles, they record number plates of offending vehicles and pass this information on to the Police.

**Voting - Unanimous**

**8.    Anne Street, Pottsville**

**R191**

**1300**

**Cr Boyd**

**Cr James**

**RESOLVED** that:-

1. The proposed road closure of Anne Street at the intersection of Overall Drive be advertised in the Tweed Link as a 3 month trial and

## Minutes - Ordinary Meeting of Tweed Shire Council

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2. Comments be sought from affected residents before and during the trial.
3. Negotiations regarding arrangements for bus routes be made with Surfside Buslines before the trial closure is installed.

### Voting - Unanimous

#### 9. Chinderah Bay Drive, Chinderah

**R1071**

**1301**

**Cr Boyd**

**Cr James**

**RESOLVED** that the installation of a bus stop on the eastern side of Chinderah Bay Drive near the intersection of Waugh Street, approximately 40 metres north of the intersection is supported.

### Voting - Unanimous

#### 11. Coast Road/Old Bogangar Road

**R1181 & R3840**

**1302**

**Cr Boyd**

**Cr James**

**RESOLVED** that the 80kph speed zone on Old Bogangar Road be altered to commence 150m south of the Coast Road intersection.

### Voting - Unanimous

**1303**

**Cr Boyd**

**Cr James**

**RESOLVED** that the balance of the Minutes of the Local Traffic Committee Meeting be adopted.

### Voting - Unanimous

#### OUTSTANDING INSPECTIONS

**GC6/13 Pt4**

Nil

### ORDERS OF THE DAY

#### 1. Notice of Rescission - Cr James, Cr Beck and Cr Boyd

##### Review of Payment/Collection Options

**Accounts - Master Card/Credit Card**

Cr James withdrew the Notice of Rescission.

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**Cr James**

**Cr Luff**

**PROPOSED** payment by credit card be available only for:

- a. Rates up to the minimum rate.
- b. Excess water rates.

and only for the remainder of the year 1999/2000 only,

The Motion was **Lost**

**Voting For**

Cr Boyd  
Cr Carroll  
Cr Davidson  
Cr James  
Cr Luff

**Voting Against**

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

**2. Notice of Rescission - Cr Luff, Cr Marshall and Cr Lawrie  
Murwillumbah Main Streets Program Progress Report Street Scaping,  
Murwillumbah**

**Streetscaping, Murwillumbah**

**Cr Luff**

**Cr Marshall**

**PROPOSED** that Council resolution at Minute Number 1205 "Items Deferred at meeting held 2 February 2000 being:

".... that Council proceeds with construction of Murwillumbah Main street improvements as set out in the most recent John Deverson & Associates drawings, except that the pedestrian crossing near the cab rank be relocated to the Courthouse, and native frangipanis be used in proximity to pedestrian crossings."

**be rescinded.**

**1304**

**Cr Polglase**

**Cr Marshall**

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

**Voting - Unanimous**

**1305**

**Cr Marshall**

**Cr Carroll**

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

**TEMPORARY ABSENCE FROM MEETING**

**GC6/1/2 Pt1**

Cr James left the meeting.

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The Motion of Rescission was **Lost**

**Voting For**

Cr Luff  
Cr Marshall

**Voting Against**

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

**RETURN TO MEETING**

**GC6/1/2 Pt1**

Cr James returned to the meeting.

**3. Notice of Motion - Cr Boyd  
Policy - Conflict of Interest, Access to Information, Tendering  
Council Policies, Notice of Motion**

**1306**

**Cr Boyd**

**Cr Carroll**

**RESOLVED** that Council staff prepare policies to cover the following:-

1. Conflict of interest;
2. Councillors access to information and their interaction with staff; and
3. Canvassing of Councillors with regard to tendering.

**Voting For**

Cr Beck  
Cr Boyd  
Cr Carroll  
Cr Davidson  
Cr James  
Cr Luff  
Cr Polglase

**Voting Against**

Cr Brinsmead  
Cr Lawrie  
Cr Marshall  
Cr Youngblutt

**4. Notice of Motion - Cr Boyd  
Survey - Tweed Link**

**Tweed Link**

**Cr Boyd**

**Cr Carroll**

**PROPOSED** that council considers commissioning an independent survey to ascertain whether residents and ratepayers want Council to continue with its publication of the Tweed Link in its present form.

# Minutes - Ordinary Meeting of Tweed Shire Council

The Motion was **Lost**

**Voting For**

Cr Boyd  
Cr Carroll  
Cr Davidson  
Cr James  
Cr Luff

**Voting Against**

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

**5. Notice of Motion - Cr Brinsmead  
Business Paper**

**Business Paper, Notice of Motion**

**1307**

**Cr Brinsmead  
Cr James**

**RESOLVED** that Council conducts a Workshop to discuss changing some aspects of Council Business papers.

**Voting - Unanimous**

**6. Notice of Motion - Cr Marshall  
Needle and Syringe Program**

**Drugs**

**1308**

**Cr Marshall  
Cr Luff**

**RESOLVED** that (with regard to Item 15 Business Paper of 2 February 2000) the Director Environment and Community Services makes the necessary enquiries to the Northern Rivers Area Health Service to enable the Tweed Shire to actively participate in the Needle and Syringe Program for the placement of safe disposal bins at nominated public toilets.

**Voting For**

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

**Voting Against**

Cr Beck  
Cr Lawrie  
Cr Polglase

**6a. Notice of Motion - Cr James  
Review of Payment/Collection Options**

**Accounts - Master Card/Credit Card**

# Minutes - Ordinary Meeting of Tweed Shire Council

This item was dealt with at Item 1 of Orders of the Day.

**6b. Notice of Motion - Cr Brinsmead  
Briefing to Councillors**

**Council Management, Notice of Motion**

This Motion was withdrawn.

**6c Notice of Motion - Cr Brinsmead  
Legal Services/Tendering**

**Legal-Court Cases, Consultancy, Notice of Motion**

**1309**

**Cr Brinsmead**

**Cr Beck**

**RESOLVED** that Council takes steps to tender all of Council's legal services.

**Voting For**

**Voting Against**

Cr Beck

Cr Luff

Cr Boyd

Cr Brinsmead

Cr Carroll

Cr Davidson

Cr James

Cr Lawrie

Cr Marshall

Cr Polglase

Cr Youngblutt

**6d. Notice of Motion - Cr Brinsmead  
Legal Consultancies - Process**

**Legal - Consultancy, Notice of Motion**

**1310**

**Cr Brinsmead**

**Cr James**

**RESOLVED** that Legal and professional advices and consultancies sought by Council officers be done on the basis of written briefs.

**Voting - Unanimous**



# Minutes - Ordinary Meeting of Tweed Shire Council

## ITEMS MOVED FROM CONFIDENTIAL TO ORDINARY

### 4. Request to Purchase Property at Lot 2 DP 705781 Hawkens Lane, Condong

PF2400/120 Pt1

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

*(b) the personal hardship of any resident or ratepayer*

Cr Boyd

Cr Luff

**PROPOSED** that Council advises KF and DT Moller that it does not intend to purchase Lot 3 DP 705781 being 158 Hawkens Lane.

### AMENDMENT

1311

Cr Marshall

Cr Lawrie

**RESOLVED** that this item be deferred pending a Workshop to be held with Mr and Mrs Moller.

The Amendment was **Carried**

#### Voting For

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

#### Voting Against

Cr Boyd  
Cr Carroll  
Cr James  
Cr Luff

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

#### Voting For

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

#### Voting Against

Cr Boyd  
Cr Carroll  
Cr James  
Cr Luff

# Minutes - Ordinary Meeting of Tweed Shire Council

**5. Request to Purchase Property at Lot 3 DP 705781 Hawkens Lane,  
Condong**

**PF2400/100 Pt2**

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

*(b) the personal hardship of any resident or ratepayer*

**1312**

**Cr Marshall**

**Cr Lawrie**

**RESOLVED** that this item be deferred pending a Workshop to be held with Mr and Mrs Duyker

**Voting For**

**Voting Against**

Cr Beck

Cr Boyd

Cr Brinsmead

Cr Carroll

Cr Davidson

Cr James

Cr Lawrie

Cr Luff

Cr Marshall

Cr Polglase

Cr Youngblutt

**1313**

**Cr Carroll**

**Cr Boyd**

**RESOLVED** that the General Manager prepares an appropriate framework and follow-up process for the Workshop to be conducted with Mr Duyker and Mr Moller for the Council's consideration at the next formal meeting.

**TEMPORARY ABSENCE FROM MEETING**

**GC6/1/2 Pt1**

Cr Youngblutt left the meeting.

The Motion was **Carried**

**QUESTION TIME**

**Traffic Densities, Pacific Highway (North & South of Murwillumbah)**

**R4031 Pt 11**

**Cr Boyd**

Asked that the Director Engineering Services provides Council with a report which will cover the current traffic densities on the Pacific Highway, north and south of Murwillumbah, and his comments on the condition of this road which will, in a few years, become a road for which Council will become responsible.

The Director Engineering Services responded that a report will be prepared.

# Minutes - Ordinary Meeting of Tweed Shire Council

## RETURN TO MEETING

GC6/1/2 Pt1

Cr Youngblutt returned to the meeting.

## COMMITTEE OF THE WHOLE

GC6/16 Pt2

1314

Cr Luff

Cr Lawrie

**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:-

## REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

### REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

#### 1. Road Relocation - Crookes Valley Road

R1440

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

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

C132

That this item be deferred to allow the applicant to address community access.

### Voting - Unanimous

#### 2. Mobile Telephone Installations - Banora Point & Kingscliff Reservoirs Mobile Phone Towers, Reservoir - Kingscliff, Reservoir - Banora Point

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

*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.*

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

## Minutes - Ordinary Meeting of Tweed Shire Council

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

C133

That :-

1. Leases be granted over areas of Council's Water Reservoir sites at Kingscliff and Banora Point to Vodafone and One.Tel at valuation and increasing annually by a minimum of 5% or CPI, whichever is the higher.
2. All necessary documentation be completed under Common Seal of Council.

**Voting - Unanimous**

### REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

3. **Compulsory Acquisition - Land Eviron Cemetery and Quirks Quarry Site**

**Motorway - Tweed Valley - Cemeteries**

*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*

C134

That Council:-

1. Completes all necessary documentation under the Common Seal of Council
2. The disbursement of the funds be the subject of a further report.

**Voting - Unanimous**

4. **Request to Purchase Property at Lot 2 DP 705781 Hawkens Lane, Condong**

**PF2400/120 Pt1**

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

- (b) *the personal hardship of any resident or ratepayer*

This item was dealt with in the Ordinary Meeting at Minute No 1311.

# Minutes - Ordinary Meeting of Tweed Shire Council

**5. Request to Purchase Property at Lot 3 DP 705781 Hawkens Lane,  
Condong**

**PF2400/100 Pt2**

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

*(b) the personal hardship of any resident or ratepayer*

**C135**

This item was dealt with in the Ordinary Meeting at Minute No 1312.

**LEAVE OF ABSENCE**

Cr Brinsmead Requested Leave of Absence from Council business for a period of two weeks commencing from Sunday, 20 February 2000.

**C136**

That Cr Brinsmead be granted Leave of Absence from Council business for a period of two weeks commencing Sunday, 20 February 2000.

**Voting - Unanimous**

**1315**

**Cr Luff**

**Cr James**

**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 12.35am.



**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 69 of these Minutes**

\_\_\_\_\_  
**Chairman**