

Minutes - Meeting of Tweed Shire Council

IN ATTENDANCE

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

Also present were Mr Don Buckley (Acting General Manager), Mr Mike Rayner (Director Engineering Services), Mr David Broyd (Director Development Services), Mr Stewart Brawley (Acting Director Environment & Community Services), Mr Ian Carpenter (Director Corporate Services), Mr Brian Donaghy (Manager Administration Services/Public Officer) and Ms Janine Boyd (Minutes Secretary).

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

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

*"Let the heavens rejoice, let the earth be glad;
let them say among the nations,
"The LORD reigns!"*

(I Chronicles 16:31)

Almighty God, You are the Lord of all. We stand in awe of Your ways. We rejoice in Your mercy and grace. In humility, we recognise our dependence upon You and seek Your guiding as we meet today. Give us wisdom and understanding as we address the matters before us. Enable us to make the right decisions which will be for the well-being and benefit for residents and visitors of our Shire.

Gracious Father, give us listening ears and enable us to set aside our own personal prejudice and bias. Grant us the grace to be patient and courteous with one another; and to this end we pray for each other. We ask Your blessing for each Councillor and for our Executive Staff. We pray especially for our Mayor, Lynne, as she chairs the meeting. Grant her wisdom, grace and patience in her leadership in our meetings and within the Shire.

Loving God, bring us to the end of this day feeling fulfilled in what we have done and with Your peace in our lives; this we ask in the Name of Jesus Christ our Lord. ...Amen"

CONFIRMATION OF MINUTES

438

Cr Lawrie

Cr Davidson

RESOLVED that the Minutes of the Ordinary Meeting held 18 October 2000 be confirmed as an accurate record of the proceedings of that Meeting with the following amendments:-

Item 21 - **McAllisters Road, Farrents Hill Road Sealing**, voting should read:

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Voting For

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

Voting Against

Cr Beck
Cr Boyd
Cr Carroll
Cr James
Cr Luff

ATTENDANCE AT MEETING

GC6/1/2 Pt1

Cr Carroll attended the meeting at 3.07pm.

Voting - Unanimous

ABSENT

Nil.

DISCLOSURE OF INTEREST

Nil

ITEMS TO BE MOVED TO OR FROM CONFIDENTIAL

Nil

SCHEDULE OF OUTSTANDING RESOLUTIONS

439

Cr Boyd

Cr Luff

RESOLVED that this report be received and noted.

Voting - Unanimous

MAYORAL MINUTE

1. Centenary of Federation 2001 Celebrations

This item was dealt with later in the meeting at Minute No 489.

Centenary of Federation

2. Proposed Closure of Some Rural Banking Services

This item was dealt with later in the meeting at Minute No 490.

Banking

Adoption of Mayoral Minute

440

Cr Beck

RESOLVED that the Mayoral Minute as presented be adopted.

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Voting - Unanimous

ITEMS DEFERRED

2. **Development Application K00/389 for Eleven (11) Swing Moorings at Lot 268 DP 865924 (The Anchorage Harbour), Mariners Drive East, Tweed Heads**
DA3346/40 Pt2

441

Cr James

Cr Luff

RESOLVED that this item be dealt with at Item 3 of the Agenda.

Voting - Unanimous

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

1. **Section 96 Application to Modify Development Consent K99/141 - Proposed Subdivision into Two Lots at Lot 2 DP 831044 Rayles Lane, Terranora**
DA4600/80 Pt1

442

Cr Boyd

Cr James

RESOLVED that Condition 7(iv) of Consent K99/141 be amended as follows:-

"A restriction shall be created requiring that no structures shall be erected on proposed Lot 2 within the easement for electricity as indicated on Plan No T03114/11606C dated 4 September 2000 prepared by B & P Surveys. This restriction is for the purposes of maintenance and for health and safety reasons."

Voting - Unanimous

2. **Proposed Two (2) Lot Subdivision, Football Playing Field and Club House at Lot 24 DP 858902 Bilambil Road, Bilambil**
DA5115/170 Pt2

443

Cr Beck

Cr Marshall

RESOLVED that Development Application K99/1542 for a two lot subdivision, playing field, clubhouse and associated facilities at lot 24 DP 858902, Bilambil Road, Bilambil be approved subject to the following conditions:

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

1. (i) No Section 94 or Section 64 charges be collected.
2. A **certificate of compliance** (CC) under Part 3 Division 2 of the Water Supply Authorities Act 1987 is to be obtained from Council to verify that the necessary

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requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

3. Prior to any work commencing on site and prior to release of a construction certificate the subdivision or building, a detailed stormwater management plan is to be submitted to, and approved by the Director Engineering Services. The plan is to address:
 - * The adequacy of the existing culvert under Bilambil Road
 - * The proposed earthworks and embankment created by the earthworks to determine channel routing and grades
 - * Whether the infrastructure is to be private or public
 - * Proposed easements and restrictions to ensure appropriate maintenance
 - * Downstream discharge rights
 - * Stormwater detention prior to discharge into road culvert
 - * Management of operation phase
 - * Sediment and erosion control details
4. The use being restricted to the floor area designated on the approved plan.
5. A detailed plan of landscaping is to be submitted and approved by Council's Director, Development Services prior to the issue of a Construction Certificate. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.
6. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, and submitted for approval by Council, prior to issue of the Construction Certificate. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.
7. **Prior** to the commencement of work the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-
 - a. Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
 - b. AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
8. Prior to commencement of work pursuant to this consent a **Construction Certificate** shall be obtained for the works proposed and required by this consent.

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

(i) Building Work

In the case of an application for a construction certificate for **building work**:

- a) copies of compliance certificates relied upon
- b) four (4) copies of detailed plans and specifications

The plan for the building must be drawn to a suitable scale and consist of a general plan and a block plan. The general plan of the building is to:

- show a plan of each floor section
- show a plan of each elevation of the building
- show the levels of the lowest floor and of any yard or unbuilt on area belonging to that floor and the levels of the adjacent ground
- indicate the height, design, construction and provision for fire safety and fire resistance (if any)

Where the proposed building work involves any alteration or addition to, or rebuilding of, an existing building the general plan is to be coloured or otherwise marked to the satisfaction of the certifying authority to adequately distinguish the proposed alteration, addition or rebuilding.

Where the proposed building works involves a modification to previously approved plans and specifications the general plans must be coloured or otherwise marked to the satisfaction of the certifying authority to adequately distinguish the modification.

The specification is:

- to describe the construction and materials of which the building is to be built and the method of drainage, sewerage and water supply
 - state whether the materials proposed to be used are new or second hand and give particulars of any second hand materials used
- c) where the application involves an alternative solution to meet the performance requirements of the BCA, the application must also be accompanied by:
 - details of the performance requirements that the alternative solution is intended to meet, and
 - details of the assessment methods used to establish compliance with those performance requirements
 - d) evidence of any accredited component, process or design sought to be relied upon

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- e) except in the case of an application for, or in respect of, a class 1a or class 10 building:
- a list of any fire safety measures that are proposed to be implemented in the building or on the land on which the building is situated, and
 - if the application relates to a proposal to carry out any alteration or rebuilding of, addition to, an existing building, a separate list of such of those measures as are currently implemented in the building or on the land on which the building is situated.
- f) Engineering plans and specifications for all civil engineering works required by this consent.

The list must describe the extent, capability and basis of design of each of the measures concerned.

(ii) Subdivision Work

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

- a) copies of compliance certificates relied upon
- b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
- earthworks
 - roadworks
 - road pavement
 - road furnishings
 - stormwater drainage
 - water supply works
 - sewerage works
 - landscaping works
 - sedimentation and erosion management plans
 - location of all service conduits (water, sewer, Northpower and Telstra)
 - the approved Traffic Control Plan
 - the relevant maintenance manuals (eg. G.P.T's, water pump station)

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Where the proposed subdivision work involves a modification to previously approved plans the plans must be coloured or otherwise marked to the satisfaction of the certifying authority to adequately distinguish the modification.

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

9. The Construction Certificate application shall include a provision for pavement design. The final design shall be approved by Council OR an accredited certifier prior to the placement of any road pavement material.

GENERAL

10. The development shall be completed in general accordance with Plans prepared by Peter Knott dated September 1998, and the subdivision shall be completed in accordance with plans prepared by Brown & Pluthero Pty Ltd Drawing No. 11284D dated 7/12/98, except where varied by these conditions.
11. This approval does not relate to any lighting of the field. Separate approval is required for any floodlighting.
12. Hours of operation of the Club premises are restricted to the hours specified in the application. That is: 4pm to 10pm Fridays and 4pm to 7pm on Tuesdays. No amplified music is permitted at the Club.
13. Use of the field is not to occur beyond 8.30pm.
14. Advertising structures/signs to be the subject of a separate development application, where statutorily required.
15. 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.
16. The provision of thirty three (33) off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls. A detailed parking plan is to be submitted for approval prior to issue of a construction certificate. Overflow parking is to be provided on the grassed area in accordance with the approval.
17. A garbage storage area shall be provided in accordance with Council's "**Code for Storage and Disposal of Garbage and Other Solid Waste**".
18. 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.
19. No soil, sand, gravel, clay or other material shall be disposed of off the site.
20. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be

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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.

21. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.
22. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No K99/1542 have been complied with.
23. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:
 1. Easements for sewer, water supply and drainage over **ALL** services on private property.
 2. Easement to drain water.
 3. Easement to restrict direct access for Lot 1 to Bilambil Road, except where formal driveway is constructed.

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

24. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with AS1428-1993 Parts 1 to 4 - Design for Access and Mobility.
25. Prior to the issue of a Subdivision Certificate, Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council.
26. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of the Director, Development Services. The sign is to remain in place until the Subdivision Certificate is issued.
27. Where new state survey marks and/or permanent marks are placed, a copy of the locality sketch relating to the marks shall be submitted with the final subdivision certificate application.

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28. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the Director, Development Services **PRIOR** to the issue of a Subdivision Certificate. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.
29. 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.
30. 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.
31. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.
32. 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
33. 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.

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PRESCRIBED (BUILDING)

- 34. 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.
- 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. 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 safety 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.

Fire Safety Schedule Essential Fire Safety Measure

Minimum Standard of Design Installation and Maintenance

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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Lighting in Buildings. Part 1
Design & Installation.
Part 2 Inspection &
Maintenance”

Portable Fire Extinguishers

AS2444-1995
“Portable Fire Extinguishers
Selection & Location”

37. 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).
38. 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.
39. 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)
40. 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.

DISABLED (BUILDING)

41. 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.

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42. 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.
43. 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.

FURTHER APPROVALS

44. Prior to registration of the plan of subdivision, a **Subdivision Certificate** shall be obtained.
 - (i) The following information must accompany an application:
 - original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees of \$115 per lot.
 - relevant development consent or complying development certificate
 - detailed subdivision engineering plans endorsed with a construction certificate (where applicable)
 - for a deferred commencement consent evidence that the applicant has satisfied the consent authority on all matters which must be satisfied before the consent can operate
 - evidence that the applicant has complied with all conditions of consent, that it is required to comply with before a subdivision certificate can be issued (where applicable)
 - a certificate of compliance from the relevant water supply authority (where applicable)
 - if a subdivision is the subject of an order of the Land and Environment Court under section 40 of the Land and Environment Court Act 1979 evidence that required drainage easements have been acquired by the relevant council
 - for subdivision involving subdivision works evidence that:
 - the work has been completed, or
 - agreement reached with the relevant consent authority regarding payment of the cost of work or as to the time for carrying out the work, or
 - security given to the consent authority with respect to the completion of the work
 - Work as Executed Plans for **ALL** works

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- (ii) Documentary evidence that **all** matters contained in Section 109J of the Act have been complied with.
- (iii) Written evidence from Council that the proposed road/street names have been approved.

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

45. Prior to the application for a **Subdivision Certificate** a Compliance Certificate or Certificates shall be obtained from Council **OR** an accredited certifier for the following:-
- (i) Compliance Certificate - Roads
 - (ii) Compliance Certificate - Water Reticulation
 - (iii) Compliance Certificate - Drainage

- Note:** 1. Where Council is requested to issue compliance certificates, applications for such certificates must be accompanied by documentary evidence from the Developers Supervising Consulting Engineer certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, DCP16 - Subdivision Manual and good Engineering Practice.
2. Where Council is requested to issue the construction certificate all compliance certificates and a Subdivision Certificate, Council will carry out the following inspections as deemed necessary by Council based on the rates contained in Council's current Fees and Charges:-

Roadworks

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

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Water Reticulation, Sewer Reticulation, Drainage

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

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

3. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Supply Authorities Act, 1987 to be certified by an "accredited certifier".

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

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

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

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

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

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

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48. The Construction Certificate application shall include a provision for pavement design. The final design shall be approved by Council OR an accredited certifier prior to the placement of any road pavement material.

ROADS/STREETS

49. Provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet, including the following specific work
- i. Bitumen sealing of accesses from the road carriageway to the property boundary of each proposed lot.
 - ii. Provision of 375mm minimum diameter pipe culvert crossings, including precast headwalls, to each lot to the satisfaction of the Director Development Services.
 - iii. Provision of standard vehicular crossings to each proposed lot.
50. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-
- i. The construction of a Type B intersection by December 2002 to gain access into the proposed Lot 2 in accordance with Austroads Guide to Traffic Practice Part 5. The design is to make provisions for bus turning movements.

An interim intersection treatment that provides for the physical prevention of right turns into the site from Bilambil Road will be permitted and is required to be constructed until above date.

Detailed design plans of the interim treatment and permanent intersection are to be prepared and submitted for approval by the Director of Engineering Services prior to the issue of a construction certificate.

DRAINAGE/FLOODING

51. Prior to the issue of a Construction Certificate a detailed stormwater analysis addressing the following issues is required:
- i. adequacy of existing culvert under Bilambil Road.
 - ii. Proposed earthworks and embankments created by earthworks to determine channel routing and grades.
 - iii. Whether infrastructure created is intended as public or private.
 - iv. Proposed easements and restrictions to ensure proper maintenance of systems.
 - v. Downstream discharge rights.
 - vi. Stormwater detention prior to discharge into road culvert.
 - vii. Management of operation phase.

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52. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped.
53. No filling to be placed hydraulically within twenty metres (20m) of any boundary that abutts private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.

No filling of any description is to be deposited, or remain deposited, within adjacent properties.

54. The Engineering Plans required by Condition 50 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 "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development", Appendix E of the Plan "*Tweed Shire Council Aus-Spec D7 - Stormwater Quality*" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".
55. All fill is to be graded so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted with the Construction Certificate. Drainage must be installed and operational prior to commencement of any building work.

All fill or cut batters shall be contained wholly within the subject land.

56. Erosion and Sediment Control During the Construction Phase of Development
 - (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with the "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "*Tweed Shire Council Aus-Spec D7 - Stormwater Quality*" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond (if required) has been released.
 - (b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
57. 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.

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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.

58. All lots shall drain to the street or other approved drainage structure with a minimum allotment grade of 1%.
59. The additional rainwater drains must be connected to the existing rainwater disposal system; to provide satisfactory stormwater disposal in accordance with Australian Standard AS/NZS3500.3.2-1998.

SERVICES

Water

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

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

Telephone

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

Electricity

62.
 - i. The production of written evidence from Northpower certifying that reticulation of underground electricity (residential and rural residential) has been completed; and
 - ii. The reticulation to include the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.

ENVIRONMENT PROTECTION

63. Full effluent disposal design details are to be submitted and approved by Council prior to construction works commencing on site. Such details are to specify the capacity of the aerated treatment system to be used, how wet weather storage will be managed as a component of the effluent disposal system, how effluent will be delivered and disposed of into the evapotranspiration beds to ensure even distribution is achieved to avoid ponding of effluent and the design of the effluent evapotranspiration beds.

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64. A construction certificate is to be submitted to Council by the Engineer overseeing the construction of the evapotranspiration beds, which certifies the final area (m²) of the beds, and that the beds have been constructed in accordance with any design details submitted to and approved by Council.
65. An area of minimum 660m² is to be made available for the construction of the primary effluent evapotranspiration disposal area. Such area is to be clear of all car parking areas, site boundaries, building and public recreation or circulation areas. A turfed apron or envelope of minimum 1.0 metre in width is to be constructed around the evapotranspiration beds.
66. The evapotranspiration beds are to be sown with a cover of kikuyu grass in accordance with the requirements of the report by IGC and Associate Pty Ltd dated 26 August 2000 and the grass is to be maintained for the life of the evapotranspiration area.
67. A management plan is to be submitted to and approved by Council which clearly specifies how the kikuyu grass cover crop over the evapotranspiration areas will be managed in order to satisfy the provisions of the requirements of the report by IGC and Associates dated 26 August 2000 in relation to nutrient removal.
68. A reserve effluent disposal area of approximately 1,000m² is to be made available clear of site boundaries, buildings and public recreation and circulation areas. Such area is to be levelled and made available for connection to the effluent disposal system if required.
69. Surface water is to be diverted from all evapotranspiration areas so as not to impede the functioning of the areas.
70. A copy of the certificate of accreditation for the proposed aerated waste treatment is to be supplied to Council prior to the installation of the system.
71. The watercourse in the immediate vicinity of the primary effluent disposal area is to be piped in accordance with the requirements of Council's Director of Engineering Services.
72. The watercourse in the immediate vicinity of the reserve effluent application area is to be piped to the satisfaction of Council's Director of Engineering Services if ever the reserve area is to be utilised for the disposal of effluent.
73. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.
74. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
75. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.
76. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.

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77. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
78. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.
79. 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.
80. 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.
81. 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.
82. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
83. Prior to and during construction provide a "shake down" area along the haul route located immediately before the intersection with the road reserve. The "shake down" area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director of Engineering Services.
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 guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed.

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PLUMBING & DRAINAGE

87. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- a internal drainage, prior to slab preparation;
 - b water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - c external drainage prior to backfilling.
 - d. completion of work.
88. a. A permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- b. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.
89. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
90. Council is to be notified, in writing, of any proposed changes to the waste treatment device.

AMENDMENT

Cr Luff

Cr James

PROPOSED that Development Application K99/1542 for a two lot subdivision, playing field, clubhouse and associated facilities at lot 24 DP 858902, Bilambil Road, Bilambil be approved subject to the following conditions:

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

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

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

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.

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a. Tweed Road Contribution Plan: \$29,076.00

S94 Plan No. 4 (Version 4.0)

(Bilambil Heights – Commercial)

(ii) Heavy Haulage Component

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

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

where:

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

and:

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

Dist. average haulage distance of product on Shire roads

(trip one way)

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

Admin. Administration component - 5% - see Section 6.5

b. Extensions to Council Administration Offices

& Technical Support Facilities \$69.00

S94 Plan No. 18

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

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

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

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Water: \$10,770.00

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

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

3. Prior to any work commencing on site and prior to release of a construction certificate the subdivision or building, a detailed stormwater management plan is to be submitted to, and approved by the Director Engineering Services. The plan is to address:
 - * The adequacy of the existing culvert under Bilambil Road
 - * The proposed earthworks and embankment created by the earthworks to determine channel routing and grades
 - * Whether the infrastructure is to be private or public
 - * Proposed easements and restrictions to ensure appropriate maintenance
 - * Downstream discharge rights
 - * Stormwater detention prior to discharge into road culvert
 - * Management of operation phase
 - * Sediment and erosion control details
4. The use being restricted to the floor area designated on the approved plan.
5. A detailed plan of landscaping is to be submitted and approved by Council's Director, Development Services prior to the issue of a Construction Certificate. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.
6. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, and submitted for approval by Council, prior to issue of the Construction Certificate. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.
7. **Prior** to the commencement of work the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-
 - a. Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or

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- b. AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
8. Prior to commencement of work pursuant to this consent a **Construction Certificate** shall be obtained for the works proposed and required by this consent.

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

(i) Building Work

In the case of an application for a construction certificate for **building work**:

- a) copies of compliance certificates relied upon
- b) four (4) copies of detailed plans and specifications

The plan for the building must be drawn to a suitable scale and consist of a general plan and a block plan. The general plan of the building is to:

- show a plan of each floor section
- show a plan of each elevation of the building
- show the levels of the lowest floor and of any yard or unbuilt on area belonging to that floor and the levels of the adjacent ground
- indicate the height, design, construction and provision for fire safety and fire resistance (if any)

Where the proposed building work involves any alteration or addition to, or rebuilding of, an existing building the general plan is to be coloured or otherwise marked to the satisfaction of the certifying authority to adequately distinguish the proposed alteration, addition or rebuilding.

Where the proposed building works involves a modification to previously approved plans and specifications the general plans must be coloured or otherwise marked to the satisfaction of the certifying authority to adequately distinguish the modification.

The specification is:

- to describe the construction and materials of which the building is to be built and the method of drainage, sewerage and water supply
 - state whether the materials proposed to be used are new or second hand and give particulars of any second hand materials used
- c) where the application involves an alternative solution to meet the performance requirements of the BCA, the application must also be accompanied by:

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- details of the performance requirements that the alternative solution is intended to meet, and
 - details of the assessment methods used to establish compliance with those performance requirements
- d) evidence of any accredited component, process or design sought to be relied upon
- e) except in the case of an application for, or in respect of, a class 1a or class 10 building:
- a list of any fire safety measures that are proposed to be implemented in the building or on the land on which the building is situated, and
 - if the application relates to a proposal to carry out any alteration or rebuilding of, addition to, an existing building, a separate list of such of those measures as are currently implemented in the building or on the land on which the building is situated.
- f) Engineering plans and specifications for all civil engineering works required by this consent.

The list must describe the extent, capability and basis of design of each of the measures concerned.

(ii) Subdivision Work

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

- a) copies of compliance certificates relied upon
- b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
- earthworks
 - roadworks
 - road pavement
 - road furnishings
 - stormwater drainage
 - water supply works
 - sewerage works
 - landscaping works
 - sedimentation and erosion management plans

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- location of all service conduits (water, sewer, Northpower and Telstra)
- the approved Traffic Control Plan
- the relevant maintenance manuals (eg. G.P.T's, water pump station)

Where the proposed subdivision work involves a modification to previously approved plans the plans must be coloured or otherwise marked to the satisfaction of the certifying authority to adequately distinguish the modification.

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

9. The Construction Certificate application shall include a provision for pavement design. The final design shall be approved by Council OR an accredited certifier prior to the placement of any road pavement material.

GENERAL

10. The development shall be completed in general accordance with Plans prepared by Peter Knott dated September 1998, and the subdivision shall be completed in accordance with plans prepared by Brown & Pluthero Pty Ltd Drawing No. 11284D dated 7/12/98, except where varied by these conditions.
11. This approval does not relate to any lighting of the field. Separate approval is required for any floodlighting.
12. Hours of operation of the Club premises are restricted to the hours specified in the application. That is: 4pm to 10pm Fridays and 4pm to 7pm on Tuesdays. No amplified music is permitted at the Club.
13. Use of the field is not to occur beyond 8.30pm.
14. Advertising structures/signs to be the subject of a separate development application, where statutorily required.
15. 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.
16. The provision of thirty three (33) off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls. A detailed parking plan is to be submitted for approval prior to issue of a construction certificate. Overflow parking is to be provided on the grassed area in accordance with the approval.
17. A garbage storage area shall be provided in accordance with Council's "**Code for Storage and Disposal of Garbage and Other Solid Waste**".
18. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.

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19. No soil, sand, gravel, clay or other material shall be disposed of off the site.
20. 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.
21. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.
22. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No K99/1542 have been complied with.
23. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:
 1. Easements for sewer, water supply and drainage over **ALL** services on private property.
 2. Easement to drain water.
 3. Easement to restrict direct access for Lot 1 to Bilambil Road, except where formal driveway is constructed.

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

24. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with AS1428-1993 Parts 1 to 4 - Design for Access and Mobility.
25. Prior to the issue of a Subdivision Certificate, Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council.
26. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of the Director, Development Services. The sign is to remain in place until the Subdivision Certificate is issued.

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27. Where new state survey marks and/or permanent marks are placed, a copy of the locality sketch relating to the marks shall be submitted with the final subdivision certificate application.
28. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the Director, Development Services **PRIOR** to the issue of a Subdivision Certificate. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.
29. 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.
30. 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.
31. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.
32. 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
33. 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.

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PRESCRIBED (BUILDING)

34. 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.
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. 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 safety 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.

Fire Safety Schedule Essential Fire Safety Measure

Minimum Standard of Design Installation and Maintenance

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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Lighting in Buildings. Part 1
Design & Installation.
Part 2 Inspection &
Maintenance”

Portable Fire Extinguishers

AS2444-1995
“Portable Fire Extinguishers
Selection & Location”

37. 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).
38. 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.
39. 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)
40. 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.

DISABLED (BUILDING)

41. 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.

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42. 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.
43. 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.

FURTHER APPROVALS

44. Prior to registration of the plan of subdivision, a **Subdivision Certificate** shall be obtained.
 - (i) The following information must accompany an application:
 - original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees of \$115 per lot.
 - relevant development consent or complying development certificate
 - detailed subdivision engineering plans endorsed with a construction certificate (where applicable)
 - for a deferred commencement consent evidence that the applicant has satisfied the consent authority on all matters which must be satisfied before the consent can operate
 - evidence that the applicant has complied with all conditions of consent, that it is required to comply with before a subdivision certificate can be issued (where applicable)
 - a certificate of compliance from the relevant water supply authority (where applicable)
 - if a subdivision is the subject of an order of the Land and Environment Court under section 40 of the Land and Environment Court Act 1979 evidence that required drainage easements have been acquired by the relevant council
 - for subdivision involving subdivision works evidence that:
 - the work has been completed, or
 - agreement reached with the relevant consent authority regarding payment of the cost of work or as to the time for carrying out the work, or
 - security given to the consent authority with respect to the completion of the work
 - Work as Executed Plans for **ALL** works

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- (ii) Documentary evidence that **all** matters contained in Section 109J of the Act have been complied with.
- (iii) Written evidence from Council that the proposed road/street names have been approved.

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

45. Prior to the application for a **Subdivision Certificate** a Compliance Certificate or Certificates shall be obtained from Council **OR** an accredited certifier for the following:-
- (i) Compliance Certificate - Roads
 - (ii) Compliance Certificate - Water Reticulation
 - (iii) Compliance Certificate - Drainage

- Note:** 1. Where Council is requested to issue compliance certificates, applications for such certificates must be accompanied by documentary evidence from the Developers Supervising Consulting Engineer certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, DCP16 - Subdivision Manual and good Engineering Practice.
2. Where Council is requested to issue the construction certificate all compliance certificates and a Subdivision Certificate, Council will carry out the following inspections as deemed necessary by Council based on the rates contained in Council's current Fees and Charges:-

Roadworks

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

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Water Reticulation, Sewer Reticulation, Drainage

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

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

3. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Supply Authorities Act, 1987 to be certified by an "accredited certifier".

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

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

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

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

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

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

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48. The Construction Certificate application shall include a provision for pavement design. The final design shall be approved by Council OR an accredited certifier prior to the placement of any road pavement material.

ROADS/STREETS

49. Provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet, including the following specific work
- i. Bitumen sealing of accesses from the road carriageway to the property boundary of each proposed lot.
 - ii. Provision of 375mm minimum diameter pipe culvert crossings, including precast headwalls, to each lot to the satisfaction of the Director Development Services.
 - iii. Provision of standard vehicular crossings to each proposed lot.
50. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-
- i. The construction of a Type B intersection by December 2002 to gain access into the proposed Lot 2 in accordance with Austroads Guide to Traffic Practice Part 5. The design is to make provisions for bus turning movements.
- An interim intersection treatment that provides for the physical prevention of right turns into the site from Bilambil Road will be permitted and is required to be constructed until above date.
- Detailed design plans of the interim treatment and permanent intersection are to be prepared and submitted for approval by the Director of Engineering Services prior to the issue of a construction certificate.

DRAINAGE/FLOODING

51. Prior to the issue of a Construction Certificate a detailed stormwater analysis addressing the following issues is required:
- i. adequacy of existing culvert under Bilambil Road.
 - ii. Proposed earthworks and embankments created by earthworks to determine channel routing and grades.
 - iii. Whether infrastructure created is intended as public or private.
 - iv. Proposed easements and restrictions to ensure proper maintenance of systems.
 - v. Downstream discharge rights.
 - vi. Stormwater detention prior to discharge into road culvert.
 - vii. Management of operation phase.

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52. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped.
53. No filling is to be placed hydraulically within twenty metres (20m) of any boundary that abutts private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.

No filling of any description is to be deposited, or remain deposited, within adjacent properties.

54. The Engineering Plans required by Condition 50 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 "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development", Appendix E of the Plan "*Tweed Shire Council Aus-Spec D7 - Stormwater Quality*" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".
55. All fill is to be graded so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted with the Construction Certificate. Drainage must be installed and operational prior to commencement of any building work.

All fill or cut batters shall be contained wholly within the subject land.

56. Erosion and Sediment Control During the Construction Phase of Development
- (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with the "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "*Tweed Shire Council Aus-Spec D7 - Stormwater Quality*" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond (if required) has been released.
- (b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
57. 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.

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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.

58. All lots shall drain to the street or other approved drainage structure with a minimum allotment grade of 1%.
59. The additional rainwater drains must be connected to the existing rainwater disposal system; to provide satisfactory stormwater disposal in accordance with Australian Standard AS/NZS3500.3.2-1998.

SERVICES

Water

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

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

Telephone

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

Electricity

62.
 - i. The production of written evidence from Northpower certifying that reticulation of underground electricity (residential and rural residential) has been completed; and
 - ii. The reticulation to include the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.

ENVIRONMENT PROTECTION

63. Full effluent disposal design details are to be submitted and approved by Council prior to construction works commencing on site. Such details are to specify the capacity of the aerated treatment system to be used, how wet weather storage will be managed as a component of the effluent disposal system, how effluent will be delivered and disposed of into the evapotranspiration beds to ensure even distribution is achieved to avoid ponding of effluent and the design of the effluent evapotranspiration beds.

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64. A construction certificate is to be submitted to Council by the Engineer overseeing the construction of the evapotranspiration beds, which certifies the final area (m²) of the beds, and that the beds have been constructed in accordance with any design details submitted to and approved by Council.
65. An area of minimum 660m² is to be made available for the construction of the primary effluent evapotranspiration disposal area. Such area is to be clear of all car parking areas, site boundaries, building and public recreation or circulation areas. A turfed apron or envelope of minimum 1.0 metre in width is to be constructed around the evapotranspiration beds.
66. The evapotranspiration beds are to be sewn with a cover of kikuyu grass in accordance with the requirements of the report by IGC and Associate Pty Ltd dated 26 August 2000 and the grass is to be maintained for the life of the evapotranspiration area.
67. A management plan is to be submitted to and approved by Council which clearly specifies how the kikuyu grass cover crop over the evapotranspiration areas will be managed in order to satisfy the provisions of the requirements of the report by IGC and Associates dated 26 August 2000 in relation to nutrient removal.
68. A reserve effluent disposal area of approximately 1,000m² is to be made available clear of site boundaries, buildings and public recreation and circulation areas. Such area is to be levelled and made available for connection to the effluent disposal system if required.
69. Surface water is to be diverted from all evapotranspiration areas so as not to impede the functioning of the areas.
70. A copy of the certificate of accreditation for the proposed aerated waste treatment is to be supplied to Council prior to the installation of the system.
71. The watercourse in the immediate vicinity of the primary effluent disposal area is to be piped in accordance with the requirements of Council's Director of Engineering Services.
72. The watercourse in the immediate vicinity of the reserve effluent application area is to be piped to the satisfaction of Council's Director of Engineering Services if ever the reserve area is to be utilised for the disposal of effluent.
73. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.
74. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
75. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.
76. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.

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77. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
78. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.
79. 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.
80. 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.
81. 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.
82. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
83. Prior to and during construction provide a "shake down" area along the haul route located immediately before the intersection with the road reserve. The "shake down" area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director of Engineering Services.
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 guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed.

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PLUMBING & DRAINAGE

87. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- a internal drainage, prior to slab preparation;
 - b water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - c external drainage prior to backfilling.
 - d. completion of work.
88. a. A permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- b. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.
89. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
90. Council is to be notified, in writing, of any proposed changes to the waste treatment device.

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 **Carried**

Voting For

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

Voting Against

Cr Boyd
Cr Carroll

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3. Development Application K00/389 for Eleven (11) Swing Moorings at Lot 268 DP 865924 (The Anchorage Harbour), Mariners Drive East, Tweed Heads

DA3346/40 Pt2

444

Cr Polglase

Cr Marshall

RESOLVED that Development Application K00/389 for eleven (11) “swing moorings” at Lot 268 DP 865924 (The Anchorage Harbour), Mariners Drive East, Tweed Heads be approved subject to the following conditions:-

GENERAL

1. The development shall be completed in general accordance with Plan No. 11520D prepared by B & P Surveys dated 15 March 2000, except where varied by these conditions.
2. Of the 11 swing moorings, a maximum of 6 moorings are to be leased to persons residing outside of the Anchorage Islands development at any one time. The remaining moorings are to be available for use of the residents only.
3. Dinghy's and vessels used to access boats moored at the moorings are not to be parked on beaches or a public reserve within the Anchorage development for more than a one hour period.
4. Motor vehicles used to access the swing moorings are not to be parked in Quayside Court or Navigators Way.
5. The licence/lease agreement for the pontoons is to be submitted to and approved by the Director Corporate Services prior to any work commencing on the development. The terms of the licence/lease are not to be altered without the prior approval of Council. The licence/lease is to include the following:
 - a. a prohibition on subleasing of the structure
 - b. that the licence/lease holder maintain insurance for the vessel, and for public liability (minimum \$10,000,000)
 - c. regular maintenance of pontoon and boats moored in harbour (to overcome potential leaks, spills etc.)
 - d. compliance with the conditions of this development consent
6. No repairs on boats are to occur from the pontoons.
7. Sullage pump out from any boats moored at the pontoons is to occur only at an approved facility and not into the harbour.
8. A clear navigational channel of not less than 20m (measured between vessels on any opposite pontoons) is to be maintained at all times.

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9. The operation of the swing moorings is to be carried out in accordance with the Plan of Management dated July 2000 (as amended), except where varied by conditions of this consent.

Voting - Unanimous

445

Cr Boyd

Cr Lawrie

RESOLVED that:-

1. A further project control committee meeting be held with Lend Lease to fully clarify all relevant income being received from all lots in the harbour and the swing moorings and how, when and where they have been applied.
2. Lend Lease be requested to provide a detailed account of how it is proposed that they will provide day to day supervision of the harbour and associated matters when they vacate the site.

Voting - Unanimous

4. **Amended Development Control Plan No. 3 - Banora Point West - Tweed Heads South**

GT1/DCP/3 Pt8

Cr James

Cr Luff

PROPOSED that Council:-

1. In accordance with Clause 30 of the Environmental Planning and Assessment Regulations 1994 approves amendment No. 9 to Development Control Plan No. 3 - Banora Point West/Tweed Heads South, as advertised - with the following additions:-
 - i. Amendments to the DCP3 map as shown in this report which moves the intended location of the Local Shopping centre.
 - ii. Figure 5 DCP3-4 be amended to include the part SEPP 14 wetland No 18b on the subject land and the area described as "habitat zone" in Figure 2 to the report to Council 4 October 2000.
 - iii. A new paragraph added into Clause 11 Drainage as 11.6:-

"Any development of land that directs stormwater runoff through a Stormwater Treatment Area into environmentally sensitive wetlands identified in State Environmental Planning Policy No. 14 must ensure that water quality controls will adequately reduce the sedimentary runoff and improve the urban water quality flowing into these sensitive wetlands. To achieve this landowners applying for development consent shall ensure sufficient water quality control techniques and consideration to native vegetation within the buffer are incorporated into an approved water quality control plan which fully satisfies the Tweed Urban Stormwater and Management Plan".

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2. Gives public notification of its decision in accordance with the Environmental Planning and Assessment Regulations 1994 specifying that the amended plan will come into effect at that date.
3. Requires that a flora investigation of the area identified in Diagram 2 of the report to Council of 4 October 2000 be subject to a flora investigation as part of any Development Application for the area identified within this DCP3 amendment.
4. Requires that any public open space within the SEPP14 boundary not contribute to the public open space contributions associated with the development.

446

Cr Luff

Cr Boyd

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

Voting - Unanimous

AMENDMENT

447

Cr Polglase

Cr Lawrie

RESOLVED that Council:-

1. In accordance with Clause 30 of the Environmental Planning and Assessment Regulations 1994 approves amendment No. 9 to Development Control Plan No. 3 - Banora Point West/Tweed Heads South, as advertised - with the following additions:-
 - i. Amendments to the DCP3 map as shown in this report which moves the intended location of the Local Shopping centre.
 - ii. A new paragraph added:

“13.4 Special Requirements – Sullivans Land

 - a. *This clause relates to land west of Fraser Drive, South of James Road.*
 - b. *Any development application for the residential subdivision of the land shall maximise the opportunity to retain the vegetation directly to the east of SEPP 14 Area 18B, subject to being able to provide adequate water quality devices and subject to adequate buffering of the vegetation”.*
 - iii. A new paragraph added into Clause 11 Drainage as 11.6:-

“Any development of land that directs stormwater runoff through a Stormwater Treatment Area into environmentally sensitive wetlands identified in State Environmental Planning Policy No. 14 must ensure that water quality controls will adequately reduce the sedimentary runoff and improve the urban water quality flowing into these sensitive wetlands. To achieve this landowners applying for development consent shall ensure sufficient water quality control techniques and consideration to native

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vegetation within the buffer are incorporated into an approved water quality control plan which fully satisfies the Tweed Urban Stormwater and Management Plan”.

2. Gives public notification of its decision in accordance with the Environmental Planning and Assessment Regulations 1994 specifying that the amended plan will come into effect at that date.
3. Requires that a flora investigation of the area identified in Diagram 2 of the report to Council of 4 October 2000 be subject to a flora investigation as part of any Development Application for the area identified within this DCP3 amendment.
4. Requires that any public open space within the SEPP14 boundary not contribute to the public open space contributions associated with the development.

448

Cr Luff

Cr Boyd

RESOLVED that an extension of 3 minutes be granted to Cr James.

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

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**

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Voting For

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

Voting Against

Cr Carroll
Cr James

5. Acquisition of 108 Philp Parade, Tweed Heads South.

PF4280/500

449

Cr Luff

Cr Lawrie

RESOLVED that Council makes an offer of \$8,000 for the acquisition of 108 Philp Parade, Tweed Heads South. If this is accepted by the owner, the transfer of the property be completed under the Common Seal of Council. Council to pay for all legal expenses in the transfer.

Voting - Unanimous

6. Application to Modify Development Consent S97/93 & K99/675 - Request to Vary the Number of Car Parking Spaces Required to be Provided - Lot 2 DP 881169 Gollan Drive, Tweed Heads West (New Seagulls Club)

GS4/97/93 Pt2

450

Cr Marshall

Cr Davidson

RESOLVED that :-

1. The Section 96 application to amend Development Consent S97/93 be approved by the amendment of Condition No. 12 as follows:-

“12. The Lot 2 car park shall provide 579 spaces to Council’s satisfaction.” ; and

the inclusion of the following condition:-

“39. Provision of bicycle bays to accommodate 100 bikes to the satisfaction of the Director of Development Services.”

2. The Section 96 application to modify Development Consent K99/675 be approved by the amendment of Condition No. 13 to read as follows:-

“13. The buildings are not to be occupied until the extension to the car parking area on Lot 2 DP 881169 to create 579 spaces has been completed to the satisfaction of the Director, Development Services”.

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3. Subject to compliance with Condition 12 of Development Consent S97/93 and Condition 13 of Development Consent K99/675, Council agree to release the bond held for the outstanding works.
4. Upon request from New Seagulls Council agree to amend the Deed of Agreement in accordance with the above recommendations subject to the applicant paying all costs associated with any amendment.

AMENDMENT

Cr James

Cr Luff

PROPOSED that Council defers this matter and undertakes negotiations with the applicants with a view to securing the construction of the subject car parking spaces at a later date.

The Amendment was **Lost**

Voting For

Cr Beck
Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

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

The Motion was **Carried**

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

7. **Proposed Amendment to Development Control Plan No 3 - Banora Point West - Tweed Heads South (DCP No 3)**

GT1/DCP/3 Pt8

451

Cr Luff

Cr Marshall

RESOLVED that Council:-

- A. Adopts the Development Control Plan No. 3 amendment as exhibited subject to inclusion of the following principles in the Plan relating to development of the "Neighbourhood Business" site with Flame Tree Park Estate Stage 4 (Lot 433):-

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1. Orienting the proposed service station and shop layout so that at least one of the businesses capable of providing a suitable "public area" located on the (quiet) side road frontage. It should be set back sufficiently to allow an intervening treed outdoor area that has no included parking between the development and the street, the parking for it being off the service station concourse. Freestanding frontage advertising is acceptable subject to obtaining any necessary consents.
 2. Providing an integrated public transport stop and shelter.
 3. Integrating safe separated pedestrian and cycle movement into and through the site.
 4. Controlling design, façade design advertising and lighting to minimise the adverse visual impact of the development on Fraser Drive and providing effective landscaping on the perimeter and through the site.
 5. Confining security lighting spill within the site.
- B. Gives public notice of the amendment in accordance with the Act and Regulations.

Voting – Unanimous

TEMPORARY ABSENCE FROM MEETING

GC6/1/2 Pt1

Cr Carroll left the meeting.

8. Tweed Local Environmental Plan 2000, Proposed Amendment - Tourist Information Centre, Tweed Heads.

GT1/LEP/2000 Pt1 Tourist Office-Tweed Heads

452

Cr Boyd

Cr Luff

RESOLVED that Council advises the property owner of the Tourist Information Centre at Tweed Heads that there is no justification to proceed with an Amendment to the Tweed Local Environmental Plan in the manner proposed.

Voting - Unanimous

RETURN TO MEETING

Cr Carroll returned to the meeting.

9. Erection of a Dwelling House at Lot 58 DP 237806 Pacific Highway, Tweed Heads

DA4030/3730 Pt1

453

Cr Polglase

Cr Youngblutt

RESOLVED that the Development Application for the erection of a dwelling house at Lot 58 DP 237806 Pacific Highway, Tweed Heads be approved with the following conditions:-

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GENERAL

1. The development shall be completed in general accordance with Plan No 1318/2000 prepared by Ian Webb and dated May 2000, except where varied by these conditions.
2. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
3. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.
4. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.
5. 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. completion of work
6. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
 - (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
 - (ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA 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.

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7. 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.
8. 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)

9. 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.
10. 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).
11. 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:
 - i. in the case of work to be done by a licensee under that Act:

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- (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
 - ii. 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 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.
12. 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.
13. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

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ENGINEERING (BUILDING)

14. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all footings and floor slab, prior to work being commenced on that part.

ENVIRONMENT PROTECTION

15. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays.
16. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "*Tweed Shire Council Aus-Spec D7 - Stormwater Quality*" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond has been released.

PLUMBING & DRAINAGE

17. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a internal drainage, prior to slab preparation;
 - b water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - c external drainage prior to backfilling.
 - d. completion of work.
18. A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.
19. 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.
20. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.

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21. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-

- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- * 50⁰C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

22. Prior to commencement of works arrangements are to be made with Council's Engineering Services Division for the relocation of the existing sewer junction point.

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr Luff
Cr Marshall

10. Report on the Local Environmental Study Prepared for the Bogangar Release Area (Amendment No 2000/7 of Tweed Local Environmental Plan 2000).

GT1/LEP/2000/7 Pt1

454

Cr Polglase

Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM DIRECTOR CORPORATE SERVICES

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

Geographical Names Board

Cr James

Cr Luff

PROPOSED that:-

1. This report be received and noted.
2. The new plaque at Pt Danger be mounted on the outside of the east panel or alternatively on the outside of the south panel.

The Motion was not accepted by the Chairman.

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MOTION OF DISSENT

455

Cr Luff

PROPOSED a motion of dissent against the ruling of the Chairman.

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

456

Cr Boyd

Cr Lawrie

RESOLVED that this item be received and noted.

Voting - Unanimous

12. **Tweed and Coolangatta Tourism Inc (TACTIC) Monthly Performance Report - August 2000**

TACTIC

457

Cr Davidson

Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

13. **Tweed and Coolangatta Tourism Inc (TACTIC) Monthly Performance Report - September 2000**

TACTIC

458

Cr Davidson

Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

14. Quarterly Corporate Report

Quarterly Report

459

Cr Luff

Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM DIRECTOR ENGINEERING SERVICES

15. Tweed Road Contributions Plan CP No. 4, Provision for Annual Payment of TRCP Contributions

GT1/S94/4 Pt4

Cr Luff

Cr James

PROPOSED that:-

1. Council uses the provisions of s. 80A (1) (d) of the Environmental Planning & Assessment Act (1979) to include a condition of development consent for Eligible Business Enterprises (EBE) that permits annual payment of Tweed Road Contributions Plan (Section 94 Plan No. 4) contributions. This condition will also provide for consent and the development activity to cease on non payment of due annual payments.
2. Eligible Business Enterprises are defined as retail, commercial and light industrial activities to be established in rented premises with a GFA of not more than 1,000 m². Professional chambers are not included in the definition. Final determination of the eligibility of a business into this category will be at the discretion of the Director Development Services.
3. Annual payments for "1." will be calculated by ensuring the net present value (NPV) of all the annual payments will be approximately equal to the full contribution.

AMENDMENT

460

Cr Boyd

Cr Brinsmead

RESOLVED that this matter be deferred and the proposed changes to the TRCP be put on public exhibition for a period of 28 days inviting submissions.

The Amendment was **Carried**

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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 Marshall
Cr Polglase
Cr Youngblutt

Voting Against

Cr James
Cr Luff

SUSPENSION OF STANDING ORDERS

461

Cr Marshall

Cr Youngblutt

RESOLVED that standing orders be suspended to deal with Orders of the Day of the Agenda.

Voting – Unanimous

ORDERS OF THE DAY

1. **McAllisters Road, Farrants Hill Road Sealing**

Farrants Hill Rd, R2000 Pt1, McAllisters Rd, R3130 Pt1, Rescission Motion

Cr Luff

Cr Boyd

PROPOSED that Council resolution at Minute No 416 in relation to Item 21 of the Meeting held 18 October 2000 being:-

".....that Council:-

- 1. Approves the sealing of McAllisters Road and Farrants Hill Road.*

Minutes - Meeting of Tweed Shire Council

2. *Defers the Fingal Road project and Cudgen Road project to be considered in next year's budget."*

be rescinded.

462

Cr Luff

Cr James

RESOLVED that an extension of 3 minutes be granted to Cr Boyd.

Voting For

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

Voting Against

Cr Beck
Cr Brinsmead
Cr Marshall
Cr Youngblutt

The Rescission Motion was **Lost**

Voting For

Cr Beck
Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

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

RESUMPTION OF STANDING ORDERS

463

Cr Marshall

Cr Davidson

RESOLVED that Standing Orders be resumed.

Voting - Unanimous

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.32pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.45pm.

Minutes - Meeting of Tweed Shire Council

1. McAllisters Road, Farrants Hill Road Sealing
Farrants Hill Rd, R2000 Pt1, McAllisters Rd, R3130 Pt1

464

Cr Brinsmead

Cr Youngblutt

RESOLVED that Farrants Hill Road be sealed this financial year provided the residents contribute as previously agreed.

Voting For

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

Voting Against

Cr Lawrie
Cr Polglase

465

Cr Boyd

Cr Brinsmead

RESOLVED that Council:-

1. Requests a report as outlined in the Director Engineering Services' memo to Councillors on gravel roads dated 24 October 2000 and
2. Formulates a firm policy based upon this report.

Voting - Unanimous

16. Classification of Land as Operational - Proposed Lot 207 Franklin Street, Banora Point

GS4/95/5 Pt12

466

Cr Polglase

Cr Marshall

RESOLVED that Council classifies the proposed Lot 207, being a subdivision of Lot 274 DP 1015373, as Operational land.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

17. Floodplain Management - 2000/2001 Construction Program

Floodplain Management - Programs

467

Cr Polglase

Cr Marshall

RESOLVED that the project be funded by revising the current flood subprogram in the 2000/2001 adopted budget to provide Council's contribution of \$28,500 from within the allocated \$40,000.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

18. Proposed New Clubhouse - Cabarita Beach Surf Life Saving Club

Surf Lifesaving Section 94 Plans,GT1/S94/16

468

Cr James

Cr Luff

RESOLVED that:-

1. A report be prepared on the cost of borrowing against the projected income of \$500,000 for a new surf clubhouse at South Kingscliff/Cabarita under draft S94 Plan No 16.
2. Costs be calculated on the basis of repayment over 15, 20, 25 and 30 years.
3. The Director Development Services provides an answer to the committee on the question of where funds collected under draft S94 Plan No 16 can be spent.

Voting For

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

Voting Against

Cr Lawrie
Cr Polglase

19. International Day of People with a Disability

Disability Matters

469

Cr Boyd

Cr Luff

RESOLVED that Council :-

1. Authorises the International Day of People with Disability as an activity of Council.

Minutes - Meeting of Tweed Shire Council

2. Waives the hire fee charged on the Tweed Civic Centre Auditorium for the concert on Friday, 1 December 2000.

Voting - Unanimous

20. Markets on Public Land - Sale of Food and Drinks

Vending of Food on Public Reserves, Streets and Roads

470

Cr Marshall

Cr Youngblutt

RESOLVED that Council varies its current Policy E10.10 Vending of Food on Public Reserves, Streets and Roads, to read:-

“E10.10 Vending of Food on Public Reserves, Streets and Roads

Objective

To control the vending of food on public reserves, streets and roads to maintain the highest levels of public health, safety and convenience of persons using public reserves, streets and roads and to cause minimum financial impact to nearby retail outlets.

Policy

Approval will not be given for the vending of food on Public Reserves, Streets and Roads within the Tweed Council area except in the following circumstances:

1. *Where a specific one-off event has been approved by Council then the organising body may apply for approval for the vending of food. Such approval will be subject to the vendors complying with Council’s “Code for the Vending of food at Markets and One-Day Events”.*
2. *Where Council approval has been granted for the conducting of a Market or similar on a regular basis on a reserve only “home made” or “home grown” produce may be sold, provided “home made” products are correctly pre-packaged and labelled and their sale complies with the “Code for the Vending of Food at Markets and One Day Events”.*
3. *“Where Council approval has been granted for the conducting of a market or similar, on a regular basis on a reserve, then approval is given for the operation of a maximum of two (2) food and drink vendors which comply with the requirements of the “Code for the Vending of Food at Markets and One Day Events”.*

AMENDMENT 1

Cr James

Cr Boyd

PROPOSED that Council varies its current Policy E10.10 Vending of Food on Public Reserves, Streets and Roads, to read:-

Minutes - Meeting of Tweed Shire Council

“E10.10 Vending of Food on Public Reserves, Streets and Roads

Objective

To control the vending of food on public reserves, streets and roads to maintain the highest levels of public health, safety and convenience of persons using public reserves, streets and roads and to cause minimum financial impact to nearby retail outlets.

Policy

Approval will not be given for the vending of food on Public Reserves, Streets and Roads within the Tweed Council area except in the following circumstances:

- 1. Where a specific one-off event has been approved by Council then the organising body may apply for approval for the vending of food. Such approval will be subject to the vendors complying with Council’s “Code for the Vending of food at Markets and One-Day Events”.*
- 2. Where Council approval has been granted for the conducting of a Market or similar on a regular basis on a reserve only “home made” or “home grown” produce may be sold, provided “home made” products are correctly pre-packaged and labelled and their sale complies with the “Code for the Vending of Food at Markets and One Day Events”.*
- 3. Where Council approval has been granted for the conducting of market or similar, on a regular basis on a reserve, then approval is granted to permit up to two stalls per market from which the sale of food and drinks is undertaken by community or charitable groups who are approved by the Director Environment & Community Services subject to compliance with the “Code for the Vending of Food at Markets and One Day Events”.*

PROCEDURAL MOTION

471

Cr Polglase

Cr Lawrie

RESOLVED that the motion be put.

Voting - Unanimous

Amendment 1 was **Lost**

Minutes - Meeting of Tweed Shire Council

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

AMENDMENT 2

Cr Luff

Cr James

PROPOSED that Council varies its current Policy E10.10 Vending of Food on Public Reserves, Streets and Roads, to read:-

“E10.10 Vending of Food on Public Reserves, Streets and Roads

Objective

To control the vending of food on public reserves, streets and roads to maintain the highest levels of public health, safety and convenience of persons using public reserves, streets and roads and to cause minimum financial impact to nearby retail outlets.

Policy

Approval will not be given for the vending of food on Public Reserves, Streets and Roads within the Tweed Council area except in the following circumstances:

- 1. Where a specific one-off event has been approved by Council then the organising body may apply for approval for the vending of food. Such approval will be subject to the vendors complying with Council’s “Code for the Vending of food at Markets and One-Day Events”.*
- 2. Where Council approval has been granted for the conducting of a Market or similar on a regular basis on a reserve only “home made” or “home grown” produce may be sold, provided “home made” products are correctly pre-packaged and labelled and their sale complies with the “Code for the Vending of Food at Markets and One Day Events”.*
- 3. That approval may be given to a maximum of two stalls or vans which may sell food and/or drink provided there are no retail outlets within 45 metres from the nearest point of the markets selling such food or drinks and the sale of such food and drinks complies with the requirements “Code for the Vending of Food at Markets and One Day Events”*

Amendment 2 was **Lost**

Minutes - Meeting of Tweed Shire Council

Voting For

Cr Boyd
Cr James
Cr Luff

Voting Against

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

The Motion was **Carried**

Voting For

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

Voting Against

Cr Beck
Cr Boyd
Cr James
Cr Luff

21. Works Program for Toilet Block Construction Purposes

Public Toilets

472

Cr Youngblutt

Cr Lawrie

RESOLVED that:-

1. Council adopts the following construction works program for public toilets:
 - Hastings Point refurbishment
 - Cudgen Headland toilet service provision
 - Pioneer Park toilets sewer connection
 - Boyds Bay Boat Hire & Tweed Heads Rowing Club sewer connection
 - Knox Park, Murwillumbah Community Centre toilet replacement
2. The Director Environment & Community Services be requested to bring forward a report on the Queen Street toilet block as a matter of urgency.
3. A report be submitted on the upgrading of the toilet block at Minjungbal Drive, South Tweed Heads.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

22. Alterations and Additions to an Existing Building – Oyster Point Road, Banora Point

DA4000/670 Pt1

473

Cr Luff

Cr James

RESOLVED that Council defers consideration of the application for the three storey addition on premises described as Lot 16 DP244426 Oyster Point Road, Banora Point to allow objectors and/or the applicant to address Council's Community Access meeting and to allow Councillors to inspect the site.

Voting - Unanimous

23. Successful Tender for Residential Respite in the Far North Coast Community Options Project

474

Cr Marshall

Cr Davidson

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM COMMITTEES/WORKING GROUPS

1. Minutes of the Cabarita Beach Surf Life Saving Club Clubhouse Working Party Meeting held Tuesday 10 October 2000

File No: Surf Lifesaving, Cabarita Headland

1. Report from Richard Harry Engineering Services Pty Ltd

Surf Lifesaving, Cabarita Headland

475

Cr James

Cr Marshall

RESOLVED that Council:-

1. Approves the continued temporary use of the clubhouse for this season, subject to the recommendations of the engineer's report being put into effect.
2. Reviews the situation in April 2001.

Voting - Unanimous

TEMPORARY ABSENCE FROM MEETING

GC6/1/2 Pt1

Cr Brinsmead left the meeting.

Minutes - Meeting of Tweed Shire Council

2. Plans for New Club

Surf Lifesaving, Cabarita Headland

476

Cr Davidson

Cr Marshall

RESOLVED that :-

1. Council advises the Cabarita Beach Surf Life Saving Club that considering the continued short term use of the current building, Council defers the decision on the future of Lot 6 until the completion of the Coastal Study and opportunities for commercial development in conjunction with the construction of the Surf Club are investigated and reported to Council by staff.
2. The Club be requested to provide sketch plans and an estimate of cost for its proposed building to allow these factors to be included in any investigation into land usage.

Voting - Unanimous

477

Cr Boyd

Cr Luff

RESOLVED that the balance of the Minutes of the Cabarita Beach Surf Life Saving Club Clubhouse Working Party Meeting be adopted.

Voting - Unanimous

2. **Minutes of the Sports Advisory Committee Meeting held Tuesday 17 October 2000**
GS9/2/3 Pt3 116 398
5. **Les Burger Building**

Les Burger

478

Cr Polglase

Cr Boyd

RESOLVED that Council requests a report outlining the funding options available to upgrade the building at Les Burger Field.

Voting - Unanimous

1. **Pottsville Cricket Club**

Pottsville Oval

479

Cr Polglase

Cr Boyd

RESOLVED that Council contributes financially towards training nets for the Pottsville Cricket Club on a dollar for dollar basis, to an amount no greater than \$5,000.00 from the Sportsfield Assets Reserve Funds.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

2. Les Burger Lighting

GS9/2/3 Pt3 116 398

480

Cr Polglase

Cr Boyd

RESOLVED that Council contribute financially towards the installation and supply of lights at the Les Burger Sports Field on a dollar for dollar basis, from the Sports Field Assets Reserves Fund.

Voting - Unanimous

481

Cr Polglase

Cr Boyd

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

Voting - Unanimous

RETURN TO MEETING

Cr Brinsmead returned to the meeting.

3. Minutes of the Local Traffic Committee Meeting held Friday 20 October 2000

Traffic Committee

20. Sextons Hill, Banora Point

R4031 Pt12

482

Cr Boyd

Cr Marshall

RESOLVED that an application be made to the Roads & Traffic Authority for:

1. The installation of additional street lighting between Darlington Drive interchange and Barney's Point Bridge; and
2. A speed camera for the Sextons Hill section of the motorway.
3. Council advertises its intention to support the banning of right turn movements from the Pacific Highway into Short Street and the closure of the central median and seeking public comment.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

22. Wharf Street, Tweed Heads

R5901

483

Cr Boyd

Cr Marshall

RESOLVED that the relocation of the advertising sign on the Markwells site be pursued with the owner and the footpath and pram ramps be relocated utilising funds saved in the current footpaving program.

Voting - Unanimous

24. Murwillumbah (Main Street) Disabled Parking Issues

R3640 Pt2

484

Cr James

Cr Luff

RESOLVED that the Traffic Committee liaises with the Disability Committee to determine the best location for disabled car parking space towards the western end of Main Street, Murwillumbah Street.

Voting - Unanimous

1. Wharf Street, Tweed Heads

R5901 DW565935

485

Cr Boyd

Cr Marshall

RESOLVED that Tweed Mall Centre Management be advised that the one-way traffic signage between Liquorland and Tweed Mall in Wharf Street, Tweed Heads will be reversed unless the Management wishes to adjust the angle parking. To suit the current signage.

Voting - Unanimous

3. Pacific Drive, Banora Point

R4020

486

Cr Boyd

Cr Marshall

RESOLVED that a Stop sign be erected on Pacific Parade at the intersection of Terranora Road.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

4. Oceanview Crescent and McPhail Avenue, Kingscliff

R3820 & R3240

487

Cr Boyd

Cr Marshall

RESOLVED that a no right turn sign be erected on Oceanview Crescent at the southern intersection with McPhail Avenue.

Voting - Unanimous

488

Cr Boyd

Cr Marshall

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

Voting - Unanimous

OUTSTANDING INSPECTIONS

1. Council Land - Mt Nullum

Land Development – Mt Nullum

This item was received and noted.

2. Motorway Construction

R5495 Pt4

This item was received and noted.

ORDERS OF THE DAY

1. McAllisters Road, Farrants Hill Road Sealing

Farrants Hill Rd, R2000 Pt1, McAllisters Rd, R3130 Pt1, Rescission Motion

This item was dealt with at prior to Minute No 462 of the Agenda.

MAYORAL MINUTE

1. Centenary of Federation 2001 Celebrations

Centenary of Federation

Cr Luff

Cr Beck

PROPOSED that no action be taken on this matter.

AMENDMENT

Minutes - Meeting of Tweed Shire Council

489

Cr Carroll

Cr Boyd

RESOLVED that Council refers this matter to the Cultural Development Officer, Ms Lesley Buckley.

The Amendment was **Carried**

Voting – Unanimous

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

Voting - Unanimous

2. Proposed Closure of Some Rural Banking Services

Banking

490

Cr Boyd

Cr Youngblutt

RESOLVED that a letter of support be forwarded.

Voting - Unanimous

QUESTION TIME

Nil

RAPI Conference – Toowoomba City Hall, 24 November 2000

Xxx

491

Cr Luff

Cr Boyd

RESOLVED that Councillors interested in attending this conference be granted approval to attend.

Voting For

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

Voting Against

Cr Beck
Cr Lawrie
Cr Youngblutt

Minutes - Meeting of Tweed Shire Council

COMMITTEE OF THE WHOLE

492

Cr Boyd

Cr Marshall

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

Voting - Unanimous

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

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES IN COMMITTEE

1. **Section 96 Application to Amend Consent 96/301 for the Establishment of a Brothel/Escort Agency at Lot 9 DP 964880 No. 13 Wharf Street, Tweed Heads - Deemed Refusal Appeal in Land and Environment Court**

PF4040/50 Pt2

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

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

C85

That the deemed refusal appeal by Annette Lockwood trading as Bayside Business Agencies in relation to the application to modify development consent 96/301 by deleting Condition 1 be referred to Council's Solicitors with instructions to defend the appeal.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

2. **Contaminated Land - Clean Up**

Pollution - Contaminated Soils

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

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

C86

That this report be received and noted.

Minutes - Meeting of Tweed Shire Council

Voting For

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

Voting Against

Cr Brinsmead
Cr Luff

URGENCY MOTION

C87

That Council considers the matter of Tweed Endeavour Cruises location.

Voting – Unanimous

Tweed Endeavour Cruises

Southern Boat Harbour Jetties

C88

That Council adheres to its previous resolution and Tweed Endeavour Cruises be encouraged to seek the necessary approvals.

Voting For

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

Voting Against

Cr Beck
Cr Youngblutt

493

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 10.45pm.



Minutes - Meeting of Tweed Shire Council

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