

Minutes - Meeting of Tweed Shire Council

IN ATTENDANCE

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

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

Cr Carroll and Cr Luff were not present at the commencement of the meeting.

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

*"Blessed is the nation whose God is the LORD,
the people He chose for His inheritance.*

(Psalm 33:12)

Sovereign Lord of the Universe, You bless and guide all who turn to You and seek Your help. Guide us, then, we pray, in our meeting this day. Grant us wisdom to make the right decision in the matters before us.

Gracious Father, give us listening ears and attentive minds as we each share our point of view. Help us to work together in unity for the well being of the residents and visitors of our Shire.

Loving God, we pray for one another and ask your blessing upon each other. We thank You for those who have faithfully served the Shire many years. Bless them as we acknowledge their contribution to our community. We pray for our Mayor, Lynne. Grant her grace as she continues to give leadership within the Shire.

Lord, bring us to the end of this day with a sense of achievement and knowing that we have made a difference to our Shire and its people; for this we ask in the Name of Jesus Christ our Lord. Amen."

CONFIRMATION OF MINUTES

350

Cr Polglase

Cr Youngblutt

RESOLVED that the Minutes of the Ordinary Meeting held 20 September 2000 be confirmed as an accurate record of the proceedings of that Meeting.

Voting - Unanimous

ABSENT

Councillor G J Lawrie.

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Councillor Cr Lawrie was granted Leave of Absence by Council at its Meeting on 20 September 2000.

351

Cr Davidson

Cr James

RESOLVED that the apology of Cr Lawrie be accepted.

Voting - Unanimous

DISCLOSURE OF INTEREST

Nil

ITEMS TO BE MOVED TO OR FROM CONFIDENTIAL

Nil

SCHEDULE OF OUTSTANDING RESOLUTIONS

352

Cr Polglase

Cr Davidson

RESOLVED that this report be received and noted.

Voting - Unanimous

MAYORAL MINUTE

Nil

ITEMS DEFERRED

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

GT1/DCP/3 Pt8

353

Cr James

Cr Davidson

RESOLVED that this item be dealt with at Item 5 of this Agenda.

Voting - Unanimous

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REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

1. **Proposed Alterations and Additions to an Existing Dwelling and Construction of a Swimming Pool at Lot A DP 406115 Seaview Street, Kingscliff**

DA4970/190 Pt1

354

Cr Boyd

Cr James

RESOLVED that the application submitted by Peter Gladwin and Jude Robb for alterations and additions to an existing dwelling at Lot A DP 406115 Seaview Street, Kingscliff be approved as per the following conditions of consent:-

GENERAL

1. The development shall be completed in general accordance with Plan Nos CD-01 to CD-08 dated 18/4/2000 and CD-10a dated 14/8/2000 prepared by Philip Follent Architects, 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. 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.
4. 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.
5. 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.
6. A balustrade or barrier more than four (4) metres above finished ground level must not be provided with horizontal elements to facilitate climbing as prescribed under the provisions of the Building Code of Australia.
7. 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 brickwork or any wall sheeting
 - d. final inspection prior to occupation of the building
 - e. completion of work

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8. The building is to be used for single dwelling purposes only.
9. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
 - i. All required erosion and sedimentation control devices have been installed and are operational.
 - ii. Required toilet facilities have been provided on the site in accordance with Section 78i of the Environmental Planning & Assessment Amendment Regulations 1998.
 - iii. A sign has been erected on the site in accordance with Section 78H of the Environmental Planning & Assessment Amendment Regulations 1998.
 - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
 - v. That the licensee has complied with the provisions of Section 78c of the Environmental Planning and Assessment Amendment Regulations 1998.
10. All front boundary retaining walls and fencing are to be limited to 1.2m high from natural ground level.

PRESCRIBED (BUILDING)

11. 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).
12. 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:
 - (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

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

ENGINEERING (BUILDING)

15. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all footings, frame, wind bracing, prior to work being commenced on that part.

FIRE (BUILDING)

16. An automatic fire detection and alarm system, designed to ensure the occupants are given adequate warning so they can evacuate the building in an emergency, must be installed in Class 1a building, or dwelling or dual occupancy and within sole occupancy units in a townhouse.

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Smoke detection and alarm systems must be installed in accordance with Part 3.7.2.3 of the Building Code of Australia and must comply with Australian Standard AS 3786.

Smoke alarms must be connected to the consumer mains power where consumer power is supplied to the building.

Smoke alarms must be installed on or near the ceiling in -

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

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

SWIMMING POOLS

- 17. A. The swimming pool is to be installed and access thereto restricted in accordance with Council's "Code for the Installation of New Swimming Pools" and Australian Standard AS 1926-1986 (Copy of code enclosed).
- B. Swimming pools shall have suitable means for the drainage and disposal of overflow water.
- C. The pool filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
- D. It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the adjoining premises. Due regard must be given to the affect that landscaping will have on the future effectiveness of the security fencing. (Section 7 Swimming Pool Act 1992).
- E. The resuscitation poster must be permanently displayed in close proximity to the swimming pool. (Section 17 Swimming Pool Act 1992).
- F. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction.
 - a. Steel reinforcing prior to the pouring of concrete.
 - b. Swimming pool safety fencing prior to filling the pool with water.
- G. In the event that Council is not utilised as the inspection/certifying authority:-
 - a. Within seven (7) days of the filling of the pool a Compliance Certificate in the prescribed form shall be submitted to Council together with the prescribed

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

- b. The Certifying authority is to be given 24 hours notice in writing for an inspection of the swimming pool safety fencing prior to filling the pool with water.

18. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.

DRAINAGE/FLOODING

19. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2-1998. Note All roof water must be connected to an interallotment drainage system where available.

ENVIRONMENT PROTECTION

20. 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.
21. 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.
22. 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.

23. Any building materials likely to contain asbestos ie. roof and wall linings attached to existing building, are to be handled in strict accordance with the requirements of the WorkCover Authority.

A WorkCover Health Safety Note is attached to this consent which provides a short guide to the requirements for working with asbestos.

Detailed information and advice relating to the handling of asbestos material should be obtained from the WorkCover Authority prior to the commencement of any works.

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Voting For

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

Voting Against

Cr Polglase

2. **Release of Caveat over Lot 3 DP 881169 Gollan Drive, Tweed Heads West (Former Seagulls Stadium Site) - Villa World Limited**

GS4/97/93 Pt2

355

Cr Boyd

Cr Polglase

RESOLVED that :-

1. The caveat over Lot 3 DP 881169 be released; and
2. All documentation be executed under the Common Seal of Council.

Voting - Unanimous

3. **Request to Delete Condition 1(i)(j) of Consent 0545/2000DA Requiring a Monetary Contribution of \$19,710.00 in Lieu of a Shortfall of Two (2) Off Street Car Parking Spaces at Lot 188 DP 259164, No. 88 Hastings Road, Bogangar**

DA2380/650 Pt1

356

Cr Marshall

Cr Polglase

RESOLVED that this item be deferred to allow the applicant to address the Community Access Meeting on Wednesday, 11 October 2000.

Voting - Unanimous

4. **Establishment of a Telecommunications Facility and Tower at Lot 35 DP 258721 No. 42 Industry Drive, Tweed Heads South**

DA2620/450 Pt1

357

Cr Polglase

Cr Marshall

RESOLVED that Development Application 0857/2000DA submitted by AAPT CDMA Pty Ltd for the establishment of a telecommunications facility and tower at Lot 35 DP 258721 No. 42 Industry Drive, Tweed Heads South be approved subject to the following conditions:-

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GENERAL

1. The development shall be completed in general accordance with Plans Nos AQL1064F-01 and 02 prepared by Fisher Stewart and dated 19/07/2000, 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. completion of work
6. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.

PRESCRIBED BUILDING

7. 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).
8. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

ENGINEERING

9. A certificate signed by a practising structural engineer is to be submitted to the Private Certifying Authority on completion of works to certify the structural adequacy of the structure.

ENVIRONMENT PROTECTION

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

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11. 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.
12. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays.
13. 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.
14. 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.
15. The installation and electromagnetic emissions from the entire facility are to comply at all times with the provisions of AS 2772 and AS/NZS2272.1 (Int.) 1998.
16. Council is to be provided with a report from an appropriately qualified person confirming that the radiation levels from the facility comply with AS/NZS 2772.1 (Int.) 1998 on completion of the installation and prior to its commercial use.
17. Up grading of the facility is not to occur without the prior consent of Tweed Shire Council and/or other relevant authorities.

Voting - Unanimous

ATTENDANCE AT MEETING

GC6/1/2 Pt1

Cr Luff attended the meeting at 3.10pm.

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

GT1/DCP/3 Pt8

358

Cr Beck

Cr Youngblutt

RESOLVED that this item be deferred so that further material may be exhibited in relation to Development Control Plan No. 3.

Voting - Unanimous

REPORTS FROM DIRECTOR CORPORATE SERVICES

6. **Tweed Economic Development Corporation (TEDC) Monthly Performance Report - August 2000**

TEDC

359

Cr Polglase

Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

7. **Pecuniary Interest Ordinary Returns and Register**

Pecuniary Interest

360

Cr Polglase

Cr Marshall

RESOLVED that this report be received and noted.

The Manager Administration Services tabled the Pecuniary Interest Register in accordance with Section 450A of the Local Government Act 1993.

Voting - Unanimous

8. **National General Assembly of Local Government 2000**

Councillors-Conferences

361

Cr Boyd

Cr Youngblutt

RESOLVED that the Mayor be authorised to attend the National General Assembly from 3-6 December 2000.

Voting - Unanimous

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LATE ITEM

362

Cr Boyd

Cr Marshall

RESOLVED that Item 8a being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

Voting - Unanimous

8a. Federal Government Television Black Spots Program

Media Other (including Television Black Spot Program)

363

Cr Luff

Cr Boyd

RESOLVED that Council endorses an application as Co-ordinating Body to the Television Black Spots Program through the Department of Communications Information Technology and the Arts with an understanding that if Council is successful with its application that it will accept the ongoing responsibility, upkeep and maintenance of the equipment and ultimately assume ownership.

Voting - Unanimous

ATTENDANCE AT MEETING

GC6/1/2 Pt1

Cr Carroll attended the meeting at 3.33pm.

REPORTS FROM DIRECTOR ENGINEERING SERVICES

9. Possible Loss of Parking Space as a Result of Request for On-Street Dining – Marine Parade, Kingscliff

R3340 Pt4

Cr Luff

Cr James

PROPOSED that:-

1. Council further explores with the applicants Kathmandu Kitchen Restaurant and Zanzibar Café of Marine Parade Kingscliff, options for the temporary exclusion of the two on-street car park spaces outside of normal business hours only; and
2. As from 1st January 2001, no further on-street car parking spaces be removed from the CBD areas of shire villages for the purposes of creating *al fresco* footpath dining without replacement nearby, or purchase of those car park spaces at the scheduled rate in Section 94 Plan No. 23.

AMENDMENT 1

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Cr Marshall

Cr Youngblutt

PROPOSED that:-

1. Council supports 'in principle' the converting of the existing car parking to an outdoor dining area for Kathmandu Kitchen Restaurant and conditions be brought forward for consideration of approval by Council and further discussions be held with the Zanzibar Café regarding their application.
2. The General Manager bring forwards a report outlining future prospects of Kingscliff's business districts parking structure.

Amendment 1 was **Lost**

Voting For

Cr Brinsmead
Cr Marshall
Cr Youngblutt

Voting Against

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

AMENDMENT 2

364

Cr Polglase

Cr Davidson

RESOLVED that Council:-

1. Supports 'in principle' the converting of the existing car parking to an outdoor dining area for Kathmandu Kitchen Restaurant and Zanzibar Café and conditions be brought forward for consideration of approval by Council.
2. Explores with the Business Corporation and community groups a car parking fee structure/facilities in the Kingscliff area generally and a report be brought forward to Council.

Amendment 2 was **Carried**

Voting For

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

Voting Against

Cr Boyd
Cr James
Cr Luff

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

Voting For

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

Voting Against

Cr Boyd
Cr James

10. Stormwater Trust Grant - Combined Industrial Audit Project with Ballina, Byron & Tweed Shire Councils

Stormwater Trust Grants/Water Pollution

365

Cr Marshall

Cr Luff

RESOLVED that:-

1. Council adopts the Memorandum of Understanding between Ballina, Byron and Tweed Shire Councils for implementation of the Far North Coast Combined Councils: Industrial Areas Stormwater Auditing And Education Project.
2. All necessary documentation be completed under the Common Seal of Council.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

11. Naming of Park, North Kingscliff

Parks-Naming

366

Cr James

Cr Marshall

RESOLVED that Council names the cleared area north of Kingscliff North Caravan Park "Casperson Park" and erect appropriate signage.

Voting - Unanimous

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12. Preliminary Proposal for Possible Murwillumbah Community Building 3770.10 Knox Park

Cr Boyd

Cr Luff

PROPOSED that Council undertakes the necessary planning process for the provision of a purpose-built Community Centre in Knox Park, such to be funded by the future sale of No 1 Nullum Street and No 2 Mayal Street, Murwillumbah.

AMENDMENT

367

Cr Marshall

Cr Davidson

RESOLVED that Council commences a planning process for the provision of a community site in Knox Park by either adjoining or adding to the existing community centre. Such to occur over the next couple of years and to be funded by the sale of both Mayal and Nullum Street properties at an appropriate time.

The Amendment was **Carried**

Voting For

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

Voting Against

Cr Boyd
Cr James
Cr Luff

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

Voting - Unanimous

TEMPORARY ABSENCE FROM MEETING

GC6/1/2 Pt1

Cr Polglase left the meeting.

REPORTS FROM SUB-COMMITTEES

1. **Minutes of the Communication Committee Meeting held Wednesday, 13 September 2000**

File No: Communications Taskforce

1. **Ill-health of Communication Committee Member**

Communication Committee

368

Cr Luff

Cr James

RESOLVED that the term of the community representatives be two (2) years.

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Voting - Unanimous

369

Cr Luff

Cr James

RESOLVED that the balance of the Minutes of the Communication Committee Meeting be adopted.

Voting - Unanimous

2. Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 14 September 2000

Dune care

1. Naming of Park

Naming Reserves

This item was dealt with a Minute No. 308.

RETURN TO MEETING

Cr Polglase returned to the meeting.

4. Vandalism of Vegetation

Dune Care

370

Cr James

Cr Luff

RESOLVED that Council seeks a report to Council on the issue of options available to deal with destruction of dunal vegetation.

Voting - Unanimous

7. Bush Fires, Hastings Point

Dune Care

371

Cr James

Cr Luff

RESOLVED that Council:-

1. Mounts an investigation to determine who was responsible for the fire in the SEPP 26 Littoral Rainforest at Hastings Point.
2. Takes appropriate action on the outcome of the investigation.

Voting - Unanimous

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Cr Luff

Cr James

RESOLVED that Council brings together Department Land and Water Conservation, National Parks and Wildlife Services, the Senior Fire Control Officer, and Council staff to develop a bushfire plan of management for various bushland areas.

Voting - Unanimous

373

Cr Boyd

Cr Luff

RESOLVED that the balance of the Minutes of the Tweed Dune Care Advisory Committee Meeting be adopted.

Voting - Unanimous

3. **Minutes of the Local Traffic Committee Meeting held Friday 22 September 2000**
Traffic Committee

6. **Bellerive Place and Tralee Drive, Banora Point**

R5551

374

Cr James

Cr Polglase

RESOLVED that a "Stop" sign be erected on Bellerive Place at the Tralee Drive intersection.

Voting - Unanimous

2. **Murwillumbah Street, Murwillumbah**

R3640 Pt2 DW560621

375

Cr Boyd

Cr James

RESOLVED that Council does not pursue the possible relocation of the Kirklands bus service operations to the Rainforest Information Centre.

Voting For

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

Voting Against

Cr Davidson
Cr Marshall

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3. Ducat Street, Tweed Heads

R1690 Pt2 DW560923

376

Cr James

Cr Polglase

RESOLVED that the refuge be relocated on Ducat Street, pending budgetary constraints, to an appropriate position on Ducat Street to service the bus stops.

Voting - Unanimous

9. Murwillumbah (Main) Street, Murwillumbah

R3640 Pt2

377

Cr James

Cr Polglase

RESOLVED that the applicant be advised that a 2 hour parking limit will be provided on both sides of Murwillumbah Street between Queensland Road and Nullum Street/Mooball Street.

Voting - Unanimous

10. Coast Road, Bogangar

R1181 Pt10

378

Cr James

Cr Polglase

RESOLVED that 2 hour parking limits be imposed on the Coast Road, Bogangar/Cabarita Beach between Banksia Avenue to Rosewood Avenue, on both sides.

Voting - Unanimous

11. Orient Street, Kingscliff

R3960

379

Cr James

Cr Polglase

RESOLVED that a school crossing be installed in Orient Street near Sutherland Street.

Voting - Unanimous

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12. Henry Lawson Drive, Terranora

R2435

380

Cr James

Cr Polglase

RESOLVED that:-

1. Signage be erected for a school bus zone on Henry Lawson Drive in the existing bus bay.
2. The signage should incorporate times of operation as 8:30am – 9:30am and 2:30pm – 3:30pm.

Voting - Unanimous

14. Chevell Place, Smiths Creek

R1055

381

Cr James

Cr Polglase

RESOLVED that 50kph speed zone signage be provided in Chevell Place, Smiths Creek.

Voting - Unanimous

20. Sextons Hill, Banora Point

R4031 Pt12

382

Cr James

Cr Polglase

RESOLVED that both items be deferred to the next meeting as the RTA Representative needed to leave the meeting early.

Voting - Unanimous

23. Lindisfarne School, Mahers Lane

R3260

383

Cr James

Cr Polglase

RESOLVED that

1. That a temporary school bus zone be installed on Mahers Lane opposite the entrance driveway.
2. Council staff discuss ways of resolving the perceived liability problem with Ms Peta Smith, Principal of Lindisfarne School.

Voting - Unanimous

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Cr James

Cr Polglase

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

Voting - Unanimous

OUTSTANDING INSPECTIONS

Nil

ORDERS OF THE DAY

1. Development Control Plan for Dual Occupancy

Development Control Plan, Notice of Motion

385

Cr Luff

Cr Boyd

RESOLVED that:-

1. When Council has prepared a Development Control Plan for Dual Occupancy it gives publicity additional to a brief advertisement that it is on exhibition, including holding a public meeting at Tweed Heads. The meeting format is to consist of Council staff presenting:
 - (1) a brief history of planning rules regarding dual occupancy;
 - (2) the goals of the proposed DCP;
 - (3) examples and scenarios to illustrate its implementation.
2. Questions to be put to staff after each presentation or staff speaker.
3. The Mayor will introduce each staff speaker, also invite questions after the staff presentations.

Voting For

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

Voting Against

Cr Beck
Cr Brinsmead
Cr Youngblutt

2. Agenda 21 - Energy Efficient Housing

Energy Efficient Housing, Agenda 21, Notice of Motion

Minutes - Meeting of Tweed Shire Council

Cr Beck

Cr Youngblutt

PROPOSED that:-

1. The Director of Environment and Community Services be requested to bring forward a report by the next ordinary meeting on his recent trip to London detailing the authorities and facilities visited/inspected;
2. The Manager Financial Service provides at the next Ordinary Meeting a detailed break down of the cost to the rate-payers of the travel by the Director and Mr Salan.
3. Council hereafter adopts a policy that any Councillor or staff member who travels to a conference or on a tour either within Australia or overseas at the rate-payer's expense, provides a written report to the next ordinary Council meeting summarising the benefits and experience gained from attending the conference/tour.

AMENDMENT

Cr Boyd

Cr James

PROPOSED that a workshop be held to allow the Director Environment & Community Services Mr Don Buckley to make a presentation to Council on his trip to London regarding Agenda 21 – Energy Efficient Housing.

The Amendment was **Lost**

Voting For

Cr Boyd
Cr James
Cr Luff

Voting Against

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

The Motion was **Lost**

Voting For

Cr Beck
Cr Brinsmead
Cr Youngblutt

Voting Against

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

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3. Proposed Tavern at Lot 437 DP 755740, No 126 Pacific Highway, Tweed Heads (Pier 2 Development Site)

DA4030/3985 Pt2, Notice of Rescission

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Cr Marshall

Cr Boyd

RESOLVED that Council resolution at Minute No 299 in relation to Item 9 of the Meeting held 20 September 2000 (Report attached to this business paper) being:-

".....that Development Application 0770/2000DA for the erection of a tavern at Lot 437 DP 755740, No. 126 Pacific Highway, Tweed Heads (Pier Two Development Site) be approved subject to the following conditions:-

PRE-REQUISITES - CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE

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

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

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

Water: \$8,328

Sewer: \$6,890

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.

2. Any carparking floodlighting shall not spill beyond the boundaries of the site. A plan of the lighting shall be approved by the Director of Development Services PRIOR to the issue of a Construction Certificate.

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GENERAL

3. The development shall be completed in general accordance with Plan Nos SK01A, SK02 & SK03A prepared by DBI Design Corporation and dated May 2000, except where varied by these conditions.
4. 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.
5. 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.
6. The use being restricted to the floor area designated on the approved plan.
7. Advertising structures/signs to be the subject of a separate development application, where statutorily required.
8. No items or goods are to be stored or displayed outside the confines of the premises.
9. 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.
10. 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.
11. 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. Required toilet facilities have been provided on the site in accordance with Section 78i of the Environmental Planning & Assessment Amendment Regulations 1998.
 - ii. A sign has been erected on the site in accordance with Section 78H of the Environmental Planning & Assessment Amendment Regulations 1998.
 - iii. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
 - iv. That the licensee has complied with the provisions of Section 78c of the Environmental Planning and Assessment Amendment Regulations 1998.
12. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority,

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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.

13. In accordance with Section 109F(i) of the Environmental Planning & Assessment Act, 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment.
14. A 2 metre wide unobstructed pedestrian passage is to be maintained along the entire frontage of the boardwalk, measured from the front balustrade. A physical barrier is to be erected which clearly defines this passage and maintains its integrity at all times. Details to be submitted to Council and approved by the Director of Development Services prior to the issue of a construction certificate for the tavern Fitout.
15. The first floor area is only to be used by centre management as offices and is not to be used as part of the general tavern area.
16. Hours of operation of the tavern are restricted to 10am to 10pm Sunday to Wednesday and 10am to 11pm Thursday to Saturday.
17. Compliance with all conditions of development consents 98/211 and K98/539 where relevant to the tavern development.

FOOD PREMISES (BUILDING)

18. Any premises used for the storage, preparation or sale of food are to comply with the relevant provisions of the Food Act, 1989 and Council's adopted Code for the construction of Food Premises. Details of fittings and equipment are to be submitted to the Principal Certifying Authority prior to installation.
19. Prior to the commencement of work the Principal Certifying Authority is to be provided with Council approved details of the kitchen exhaust system. Such details are to include the location of discharge to the air, capture velocity, size of hood and angle of filters. The system shall comply with Australian Standards SAA 1668 Part 2 Ventilation Requirements.
20. All walls in the food preparation and food storage areas shall be of solid construction, easily washable, lightly coloured and tiled to a height of at least 2 metres above floor level, or where not tiled, cement rendered to provide a smooth even finish to ceiling. Note: Stud framed walls will not be acceptable. Intersections of all floors with walls shall be covered to a radius of not less than 25 millimetres.
21. All flooring materials in the food preparation and storage areas are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation. Where tiling is to be used epoxy grout finished flush with the floor

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surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices.

22. Shop fitters are to liaise with the Principal Certifying Authority prior to fitting out of shop.
23. Windows and doors opening into food preparation and storage areas are to be fully screened in accordance with Council's adopted code for the construction of food premises.

PRESCRIBED (BUILDING)

24. 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.
25. 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).
26. The erection of a building in accordance with a development consent must not be commenced until:
 - a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
 - b. the person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority; and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.
27. 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)
28. 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.
29. 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

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required essential fire safety measure has been designed and installed in accordance with the relevant standards.

FIRE (BUILDING)

30. All fire service connections are to be compatible with those of the NSW Fire Brigade.
31. Portable fire extinguishers containing an extinguishing agent suitable for the risk being protected must be installed in accordance with Australian Standard AS 2444 "Portable Fire Extinguishers - Selection and Location" and Part E1.6 of the Building Code of Australia.
32. An automatic fire detection and alarm system, designed to ensure the occupants are given adequate warning so they can evacuate the building in an emergency, must be installed in Class 2 and 3 buildings and Class 4 part of a building in accordance with the provisions of Specification E2.2a of the Building Code of Australia. Smoke alarms must be installed:
- (i) within each sole occupancy unit, located on or near the ceiling in any storey -
 - (A) containing bedrooms -
 - (aa) between each part of the sole occupancy unit containing bedrooms and the remainder of the sole occupancy unit; and
 - (bb) where bedrooms are served by a hallway, in that hallway; and
 - (B) not containing any bedrooms, in egress paths; and
 - (ii) in a building not protected with a sprinkler system, in public corridors and other internal public spaces, located in accordance with the requirements for smoke detectors in AS 1670 and connected to activate a building occupant warning system in accordance with Specification 2.2a(6) of the Building Code of Australia which states:

A building occupant warning system must comply with Clause 8.7 of AS 1670 to sound through all occupied areas except-

 - a) in a Class 2 and 3 building or Class 4 part provided with a smoke alarm system:
 - (i) the sound pressure level need not be measured within a sole occupancy unit if a level of not less than 85dB(A) is provided at the door providing access to the sole occupancy unit; and
 - (ii) the inbuilt sounders of the smoke alarms may be used to wholly or partially meet the requirements.

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

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DISABLED (BUILDING)

33. 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.
34. 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.
35. Prominently displayed signs and symbols must be provided to identify for disabled persons all routes and areas where architectural barriers do not exist. Such access must comply with the requirements of Australian Standard AS 1428 Parts 1 and 2.
36. 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.
37. Tactile ground surface indicators for orientation of people with vision impairment are to be provided in accordance with Australian Standard AS1428.4-1992.

ENVIRONMENT PROTECTION

38. a. The LA10 noise level emitted from the premises shall not exceed the background noise level (LA90) in any Octave Band Centre Frequency (31.5 Hz – 8kHz inclusive) by more than 5dB between 7am and midnight at the boundary of any affected residence.
b. Notwithstanding compliance with point (a), the noise from the premises shall not be audible within any habitable room in any residential premises between the hours of midnight and 7am weekdays and 12 midnight and 8am weekends.
39. All plant and equipment as specified in the Noise Level Impact Assessment Report by Craig Hill Acoustics and dated April 2000 is to be mounted on resilient mounts to reduce vibration and the transmission of noise with tonal components.
40. Where plant and equipment is proposed to be provided or is placed different than that as used for the basis of noise level assessment Report by Craig Hill Acoustics dated April 2000, then such plant and equipment is not to be installed until Council is provided with a Noise Level Impact Assessment Report from an appropriately qualified Acoustic Engineer which is based upon the manufacturer specified sound pressure level rating for the proposed plant or equipment.

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41. If levels of internal amplified music are proposed other than that which has been allowed for in the Noise Level Assessment Report by Craig Hill Acoustics and dated April 2000, then the recommendations in the report relating to sound shell isolation are to be examined. A report from a qualified acoustic Engineer is to be provided to Council detailing any sound shell isolation measures proposed for approval prior to installation.
42. In the event that any internal or external amplified music is to be played, then a further post construction report prepared by a qualified acoustic engineer is to be prepared and submitted to Council for consideration. Such report shall address the requirement for setting suitable operating levels to prevent the creation of offensive or unreasonable noise levels occurring at adjacent residential properties. No amplified music shall be played prior to Council approving such report.
43. All deliveries including the entering and leaving of delivery vehicles are only to occur between the hours of 8am and 4pm Monday to Friday.
44. A Management Plan is to be prepared which is to address appropriate measures to be taken to ensure that staff and patrons do not cause offensive noise to be created either during the hours of operation of the tavern or following closing of the tavern. Such management plan shall address, but not be limited to the following:
 - a. measures to be taken to ensure that offensive noise is not created by either staff or patrons within car parking areas.
 - b. measures to be taken to ensure that staff do not create offensive noise during the course of operations of the tavern, eg. Dumping of bottles into waste bins during the night or early mornings. Such Management Plan is to be submitted to Council for consideration.
45. Garbage collection is to be limited to between the hours and on the days as specified within the Noise Impact Assessment Report prepared by Craig Hill Acoustics and dated April 2000. A letter from Solo Waste is to be supplied to Council confirming such arrangements.
46. All external lighting associated with the tavern building is to be shielded where necessary so as to prevent nuisance to any adjacent residential premises.
47. No form of public entertainment is to be carried out on the premises unless an approval for a place of public entertainment has been obtained pursuant to the provisions of Section 68 of the Local Government Act, 1993.
48. 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.
49. 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.
50. 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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51. 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.
52. The burning of builders waste on site by open fire is prohibited.
53. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.
54. Owners of buildings served by plant involving the operation of “cooling towers”, “evaporative condensers” or “tepid water systems” must submit to Council, half yearly, a report detailing the maintenance, cleansing and chemical treatment of such plant every three (3) months in accordance with Part 6 of the NSW Public Health Act.
55. Any proposed cooling tower installation must also include details on the proposed means of back flow prevention to the water supply prior to installation.
56. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.

PLUMBING & DRAINAGE

57. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by Council prior to any discharge to sewer being commenced.
58. Back flow prevention devices shall be installed where ever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.
59. 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.
60. A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.

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- 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.

TRADE WASTE

61. Any premises proposing to discharge into Councils sewerage system a waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by Councils Manager Water and concurrence received from the Department of Land and Water Conservation, if required, PRIOR to the issuing of a Construction Certificate to discharge to Councils sewerage system.
62. Pre-treatment devices must be serviced by a Council approved waste contractor. The applicant will be required to enter into a service agreement with this waste contractor. Pre-treatment device service frequency will be approved by Council's Manager Water.
63. No amplified music is to be played externally after 8.00pm or before 10.00am on any day.
- B. The applicants be advised that Council does not favour the upper floor being used for accommodation purposes."

be rescinded.

Voting For

Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Luff
Cr Marshall

Voting Against

Cr Beck
Cr Brinsmead
Cr Polglase
Cr Youngblutt

387

Cr Marshall

Cr Boyd

RESOLVED that that Development Application 0770/2000DA for the erection of a tavern at Lot 437 DP 755740, No. 126 Pacific Highway, Tweed Heads (Pier Two Development Site) be approved subject to the following conditions:-

PRE-REQUISITES - CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE

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

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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:

Water: \$8,328

Sewer: \$6,890

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.

2. Any carparking floodlighting shall not spill beyond the boundaries of the site. A plan of the lighting shall be approved by the Director of Development Services PRIOR to the issue of a Construction Certificate.

GENERAL

3. The development shall be completed in general accordance with Plan Nos SK01A, SK02 & SK03A prepared by DBI Design Corporation and dated May 2000, except where varied by these conditions.
4. 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.
5. 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.
6. The use being restricted to the floor area designated on the approved plan.
7. Advertising structures/signs to be the subject of a separate development application, where statutorily required.
8. No items or goods are to be stored or displayed outside the confines of the premises.
9. 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.

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10. 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.
11. 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. Required toilet facilities have been provided on the site in accordance with Section 78i of the Environmental Planning & Assessment Amendment Regulations 1998.
 - ii. A sign has been erected on the site in accordance with Section 78H of the Environmental Planning & Assessment Amendment Regulations 1998.
 - iii. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
 - iv. That the licensee has complied with the provisions of Section 78c of the Environmental Planning and Assessment Amendment Regulations 1998.
12. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.
13. In accordance with Section 109F(i) of the Environmental Planning & Assessment Act, 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment.
14. A 2 metre wide unobstructed pedestrian passage is to be maintained along the entire frontage of the boardwalk, measured from the front balustrade. A physical barrier is to be erected which clearly defines this passage and maintains its integrity at all times. Details to be submitted to Council and approved by the Director of Development Services prior to the issue of a construction certificate for the tavern Fitout.
15. The first floor area is only to be used by centre management as offices and is not to be used as part of the general tavern area.
16. Hours of operation of the tavern are restricted to 10am to 10pm Sunday to Wednesday and 10am to 11pm Thursday to Saturday.

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17. Compliance with all conditions of development consents 98/211 and K98/539 where relevant to the tavern development.

FOOD PREMISES (BUILDING)

18. Any premises used for the storage, preparation or sale of food are to comply with the relevant provisions of the Food Act, 1989 and Council's adopted Code for the construction of Food Premises. Details of fittings and equipment are to be submitted to the Principal Certifying Authority prior to installation.
19. Prior to the commencement of work the Principal Certifying Authority is to be provided with Council approved details of the kitchen exhaust system. Such details are to include the location of discharge to the air, capture velocity, size of hood and angle of filters. The system shall comply with Australian Standards SAA 1668 Part 2 Ventilation Requirements.
20. All walls in the food preparation and food storage areas shall be of solid construction, easily washable, lightly coloured and tiled to a height of at least 2 metres above floor level, or where not tiled, cement rendered to provide a smooth even finish to ceiling. Note: Stud framed walls will not be acceptable. Intersections of all floors with walls shall be covered to a radius of not less than 25 millimetres.
21. All flooring materials in the food preparation and storage areas are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation. Where tiling is to be used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices.
22. Shop fitters are to liaise with the Principal Certifying Authority prior to fitting out of shop.
23. Windows and doors opening into food preparation and storage areas are to be fully screened in accordance with Council's adopted code for the construction of food premises.

PRESCRIBED (BUILDING)

24. 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.
25. 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).
26. The erection of a building in accordance with a development consent must not be commenced until:

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- a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
 - b. the person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority; and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.
27. 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)
28. 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.
29. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.

FIRE (BUILDING)

30. All fire service connections are to be compatible with those of the NSW Fire Brigade.
31. Portable fire extinguishers containing an extinguishing agent suitable for the risk being protected must be installed in accordance with Australian Standard AS 2444 "Portable Fire Extinguishers - Selection and Location" and Part E1.6 of the Building Code of Australia.
32. An automatic fire detection and alarm system, designed to ensure the occupants are given adequate warning so they can evacuate the building in an emergency, must be installed in Class 2 and 3 buildings and Class 4 part of a building in accordance with the provisions of Specification E2.2a of the Building Code of Australia. Smoke alarms must be installed:
- (i) within each sole occupancy unit, located on or near the ceiling in any storey -
 - (A) containing bedrooms -

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- (aa) between each part of the sole occupancy unit containing bedrooms and the remainder of the sole occupancy unit; and
- (bb) where bedrooms are served by a hallway, in that hallway; and
- (B) not containing any bedrooms, in egress paths; and
- (ii) in a building not protected with a sprinkler system, in public corridors and other internal public spaces, located in accordance with the requirements for smoke detectors in AS 1670 and connected to activate a building occupant warning system in accordance with Specification 2.2a(6) of the Building Code of Australia which states:

A building occupant warning system must comply with Clause 8.7 of AS 1670 to sound through all occupied areas except-

- a) in a Class 2 and 3 building or Class 4 part provided with a smoke alarm system:
 - (i) the sound pressure level need not be measured within a sole occupancy unit if a level of not less than 85dB(A) is provided at the door providing access to the sole occupancy unit; and
 - (ii) the inbuilt sounders of the smoke alarms may be used to wholly or partially meet the requirements.

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

DISABLED (BUILDING)

- 33. 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.
- 34. 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.
- 35. Prominently displayed signs and symbols must be provided to identify for disabled persons all routes and areas where architectural barriers do not exist. Such access must comply with the requirements of Australian Standard AS 1428 Parts 1 and 2.
- 36. 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

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Part F2.4 of the Building Code of Australia and shall be constructed to the requirements of Australian Standard AS1428.1.

37. Tactile ground surface indicators for orientation of people with vision impairment are to be provided in accordance with Australian Standard AS1428.4-1992.

ENVIRONMENT PROTECTION

38. a. The LA10 noise level emitted from the premises shall not exceed the background noise level (LA90) in any Octave Band Centre Frequency (31.5 Hz – 8kHz inclusive) by more than 5dB between 7am and midnight at the boundary of any affected residence.
- b. Notwithstanding compliance with point (a), the noise from the premises shall not be audible within any habitable room in any residential premises between the hours of midnight and 7am weekdays and 12 midnight and 8am weekends.
39. All plant and equipment as specified in the Noise Level Impact Assessment Report by Craig Hill Acoustics and dated April 2000 is to be mounted on resilient mounts to reduce vibration and the transmission of noise with tonal components.
40. Where plant and equipment is proposed to be provided or is placed different than that as used for the basis of noise level assessment Report by Craig Hill Acoustics dated April 2000, then such plant and equipment is not to be installed until Council is provided with a Noise Level Impact Assessment Report from an appropriately qualified Acoustic Engineer which is based upon the manufacturer specified sound pressure level rating for the proposed plant or equipment.
41. Prior to occupation of the building, a post construction noise level report prepared by a qualified acoustic engineer is to be prepared and submitted to Council for consideration. Such report shall address the requirement for establishing suitable operating noise levels for internal amplified music so as to prevent the creation of offensive or unreasonable noise levels occurring at adjacent residential properties. No internal amplified music shall be played prior to Council approving such a report. Signs specifying any approved maximum noise level for internal amplified music are to be prominently displayed in all areas where there are means available to alter any approved level. The report shall also give consideration to mechanisms to be included in the design of the amplified music installation to restrict the amplified music to any approved maximum internal level.
42. If levels of internal amplified music are proposed other than that which has been allowed for in the Noise Level Assessment Report by Craig Hill Acoustics and dated April 2000, then the recommendations in the report relating to sound shell isolation are to be examined. A report from a qualified acoustic Engineer is to be provided to Council detailing any sound shell isolation measures proposed for approval prior to installation.
43. No amplified music is to be played in any way externally to the building.

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44. All deliveries including the entering and leaving of delivery vehicles are only to occur between the hours of 8am and 4pm Monday to Friday.
45. A Management Plan is to be prepared which is to address appropriate measures to be taken to ensure that staff and patrons do not cause offensive noise to be created either during the hours of operation of the tavern or following closing of the tavern. Such management plan shall address, but not be limited to the following:
 - a. measures to be taken to ensure that offensive noise is not created by either staff or patrons within car parking areas.
 - b. measures to be taken to ensure that staff do not create offensive noise during the course of operations of the tavern, eg. Dumping of bottles into waste bins during the night or early mornings. Such Management Plan is to be submitted to Council for consideration.
46. Garbage collection is to be limited to between the hours and on the days as specified within the Noise Impact Assessment Report prepared by Craig Hill Acoustics and dated April 2000. A letter from Solo Waste is to be supplied to Council confirming such arrangements.
47. All external lighting associated with the tavern building is to be shielded where necessary so as to prevent nuisance to any adjacent residential premises.
48. No form of public entertainment is to be carried out on the premises unless an approval for a place of public entertainment has been obtained pursuant to the provisions of Section 68 of the Local Government Act, 1993.
49. 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.
50. 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.
51. 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.
52. 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.
53. The burning of builders waste on site by open fire is prohibited.
54. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.
55. Owners of buildings served by plant involving the operation of “cooling towers”, “evaporative condensers” or “tepid water systems” must submit to Council, half yearly, a report detailing the maintenance, cleansing and chemical treatment of such plant every three (3) months in accordance with Part 6 of the NSW Public Health Act.

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56. Any proposed cooling tower installation must also include details on the proposed means of back flow prevention to the water supply prior to installation.
57. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.

PLUMBING & DRAINAGE

58. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by Council prior to any discharge to sewer being commenced.
59. Back flow prevention devices shall be installed where ever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.
60. 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.
61. 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.

TRADE WASTE

62. Any premises proposing to discharge into Councils sewerage system a waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by Councils Manager Water and concurrence received from the Department of Land and Water Conservation, if required, PRIOR to the issuing of a Construction Certificate to discharge to Councils sewerage system.
63. Pre-treatment devices must be serviced by a Council approved waste contractor. The applicant will be required to enter into a service agreement with this waste contractor. Pre-treatment device service frequency will be approved by Council's Manager Water.

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64. No amplified music is to be played externally after 8.00pm or before 10.00am on any day.

TRAFFIC

65. Signs satisfactory to the Director Engineering Services be displayed at the exit of the site indicating that all traffic must turn left.
66. The applicant shall install signage satisfactory to the Director Engineering Services at nearby localities advising against illegal u-turns.
- B. The applicants be advised that Council does not favour the upper floor being used for accommodation purposes.

Voting For

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

Voting Against

Cr Beck
Cr Brinsmead

QUESTION TIME

Nil

COMMITTEE OF THE WHOLE

388

Cr Marshall

Cr Luff

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

Voting - Unanimous

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

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

1. Licence to Operate Water Based Activities - Jack Evans Boat Harbour

Licences - Aquatic

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

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

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

C65

That the Water Based Licence for water sports equipment hire in the Jack Evans Boat Harbour for 1 July 2000 to 30 June 2001 be issued to Mr Dean Gillespie of Kirra.

Voting For

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

Voting Against

Cr Luff

2. Tender EC200099 - Supply & Laying of Asphaltic Concrete at Various Locations

GC12/4-200099

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

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

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

C66

That Council accepts the tender from CSR Emoleum for the lump sum of \$270,275 for the Supply & Laying of Asphaltic Concrete at Various Locations.

Voting - Unanimous

3. Tender EC200087 - Supply of All Terrain Crane

Plant & M V Purchase

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

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

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

C67

That Council:-

1. Accepts the private tender from Ladbrooke Machinery Sales for the purchase of the trade for \$25,200 and
2. Purchases the Franna AT-14 Crane from Franna Cranes at a cost of \$190,000.

Voting - Unanimous

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4. Public Jetty/Pontoon - Southern Boat Harbour

Southern Boat Harbour, Jetties

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

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

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

C68

That:-

1. The request for a mooring tenure at the public jetty/pontoon by Tweed Endeavour Cruises be refused.
2. Tweed Endeavour Cruises be issued with a final notice to cease mooring at the pontoon within fourteen (14) days.
3. The General Manager be authorised to take all necessary action to achieve compliance with the final notice.
4. Council advises Tweed Endeavour Cruises that the use of the public jetty is available for dis/embarkation of passengers/goods and that exclusive use for this purpose in prescribed hours can be arranged with Council.

Voting - Unanimous

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.35pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.45pm.

5. Kingscliff Sewage Treatment Plant

Sewerage Treatment - Kingscliff

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

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

C69

That:-

1. Council negotiates with Gales Holdings a Contract of Sale, or equivalent binding legal agreement, for the sale of Council's land at Chinderah comprising part of Lot 32 DP 847319, the current Sewage Treatment Plant site and the purchase of 20 – 30ha from Lot 2 DP 611021 owned by Gales Holdings, generally in the terms of the Gales Holdings offer and this report to Council on 4 October 2000.
2. The draft document be submitted to Council for final adoption.

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3. Proposals be invited from Consultants for the preparation of an Environmental Impact Statement for the establishment of a Sewage Treatment Plant on part of Lot 2 DP 611021.
4. Council under Section 54 of the Environmental Planning and Assessment Act informs the Regional Manager of the Department of Urban Affairs and Planning of its intention to prepare a draft LEP to rezone Lot 32 DP 847319 for industrial purposes and advises Dr Segal and Gales Holdings that Council acknowledges that the completion of the contract depends on the land being rezoned for industrial purposes.
5. Council advises Dr Segal and Gales Holdings that Council cannot at this stage pre-empt its final decision on the rezoning.
6. Council engages independent consultants for the rezoning activities.

Voting - Unanimous

C70

That Council advises Dr Segal that it is unable to sell him any part of the present Sewage Treatment Plant site until the rezoning process and Environmental Impact Statement for the new site are completed.

Voting For

- Cr Beck
- Cr Boyd
- Cr Carroll
- Cr Davidson
- Cr James
- Cr Marshall
- Cr Polglase

Voting Against

- Cr Brinsmead
- Cr Youngblutt

Chinderah Turf Farm

Sewerage – Chinderah Turf Farm

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

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

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

C71

That Council instructs its solicitors to advise Dr Segal that it undertakes to withdraw its appeal in relation to the Chinderah Turf Farm on the condition that each party pay their own legal costs.

Voting - Unanimous

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6. Contract EC2000100 - Construction of Rock Revetment along Chinderah Bay Foreshore.

GC12/6-2000100

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

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

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

C72

That:-

1. Council awards Contract EC2000100 - Construction of Rock Revetment along Chinderah Bay Foreshore to the lowest conforming tender submitted by Storm Construction, a division of GSE Lining Technology Pty Ltd for the lump sum price of \$566,815.
2. All documentation is completed under the Common Seal of Council.
3. Council votes the expenditure.
4. The Director Engineering Services be given Delegated authority to approve variations to the total value of \$30,000.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

7. Dilapidated Dwelling - Tumbulgum

PF0460/270

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

C73

That Council:

1. Issues Orders under Section 121B of the Environmental Planning and Assessment Act 1979 on Mr Stanley James Faulks of 47-49 Bawden Street, Tumbulgum ordering him to:
 - a) demolish the dilapidated and unsightly pergolas/ferneries erected without the prior approval of Council,
 - b) undertake works to repair the dilapidated dwelling.
2. Institute Class 4 proceedings against Mr Stanley James Faulks of 47-49 Bawden Street, Tumbulgum seeking a Court Order under Section 678 of Local Government Act 1993 for Council to undertake work to connect the premises to Council's sewer and remove the disused motor vehicles and waste materials from the site.
3. Raises a debt against the property to recoup all costs.

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Voting - Unanimous

389

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 8.50pm.



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 44 of these Minutes

Chairman