

Minutes - Meeting of Tweed Shire Council

IN ATTENDANCE

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

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

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

"If any of you lacks wisdom, he should ask God, who gives generously to all without finding fault, and it will be given to him. And when he asks, he must believe and not doubt" (James 1:5-6)

Almighty God, Creator of all, Lord of the Universe and Lord of our world, we acknowledge we need Your help and we look to You for wisdom and guidance.

Give us courage and determination to deal with the difficult issues and not just to settle for easy solutions or for soft decisions that are to our political advantage. Enable us to work together in unity as the elected representatives of the residents of our Shire so that we can play our part in bringing a new prosperity to our Shire and to its people.

Father God, we need wisdom and grace (yes! Your wisdom and grace) that we might make the right decisions with integrity and without prejudice or bias. Lord, grant us that wisdom! Grant us that grace!

Lord, let Your presence fill this place and let Your peace be upon us; for we ask these our prayers in the name of Jesus Christ our Lord. Amen"

CONFIRMATION OF MINUTES

220

Cr Luff

Cr Lawrie

RESOLVED that the Minutes of the Ordinary Meeting held 16 August 2000 be confirmed as an accurate record of the proceedings of that Meeting with the following amendment:-

Minute No 163 – Crs Polglase and Marshall were listed as voting but were absent from this meeting.

Voting – Unanimous

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221

Cr Luff

Cr Lawrie

RESOLVED that the Minutes of the Extraordinary Meeting held 21 August 2000 be confirmed as an accurate record of the proceedings of that Meeting.

Voting – Unanimous

222

Cr Luff

Cr Lawrie

RESOLVED that the Minutes of the Extraordinary Meeting (postponed) held 16 August 2000 be confirmed as an accurate record of the proceedings of that Meeting.

Voting - Unanimous

ABSENT

Councillor R D Brinsmead.

Councillor Cr Brinsmead has advised the General Manager that he would be absent from the Meeting due to being out of the area.

223

Cr Marshall

Cr Luff

RESOLVED that the apology of Cr Brinsmead be accepted.

Voting – Unanimous

DISCLOSURE OF INTEREST

Nil

ITEMS TO BE MOVED TO OR FROM CONFIDENTIAL

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

224

Cr Marshall

Cr Luff

RESOLVED that this report be received and noted.

Voting - Unanimous

MAYORAL MINUTE

Nil.

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SUSPENSION OF STANDING ORDERS

225

Cr James

Cr Boyd

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

Voting – Unanimous

ORDERS OF THE DAY

1. Ward System - Referendum

Elections - Referendum, Notice of Motion

Cr Lawrie

Cr Youngblutt

PROPOSED that Council conducts a referendum about the possible introduction of the Ward system of voting by no later than September 2001.

The Motion was **Lost**

Voting For

Cr Beck

Cr Lawrie

Cr Youngblutt

Voting Against

Cr Boyd

Cr Carroll

Cr Davidson

Cr James

Cr Luff

Cr Marshall

Cr Polglase

2. Coolangatta Airport Draft Master Plan

Airport - Runway Extension, Rescission Motion

Cr Beck

Cr Youngblutt

PROPOSED that Council resolution at Minute No 158 in relation to Item 3 of the Meeting held 16 August 2000 being:-

".....that the Federal Minister for Transport be informed that:-

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

be rescinded."

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226

Cr Luff

Cr James

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

Voting – Unanimous

The Motion of Rescission was **Lost**

Voting For

Cr Beck

Cr Youngblutt

Voting Against

Cr Boyd

Cr Carroll

Cr Davidson

Cr James

Cr Lawrie

Cr Luff

Cr Marshall

Cr Polglase

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

Geographical Names Board, Rescission Motion

Cr Luff

Cr Boyd

PROPOSED that Council resolution at Minute No 170 in relation to Item 27 of the Meeting held 16 August 2000 being:-

".....that:-

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

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

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

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

The Board acknowledged that there are differences of opinion on the interpretation of a descriptive account made some 228 years ago. However, the Board unanimously concluded

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that the point of land, at present named Point Danger, was the feature named and mapped by James Cook as Point Danger in May 1770.”

be rescinded.”

227

Cr Boyd

Cr Luff

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

Voting - Unanimous

AMENDMENT

228

Cr Boyd

Cr Youngblutt

RESOLVED that this item be deferred to later in the meeting to allow further information to be presented.

The Amendment was **Carried**

Voting – Unanimous

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

Voting - Unanimous

4. Southern Boat Harbour - Commercial Charter Operations Boating Facilities, Jetties, Southern Boat Harbour, Rescission Motion

229

Cr Lawrie

Cr Youngblutt

RESOLVED that Council resolution at Minute No 200 in relation to Item 26 of the Meeting held 16 August 2000 being:-

".....that:-

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

be rescinded.”

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COMMITTEE OF THE WHOLE

230

Cr Marshall

Cr James

RESOLVED that Council resolves itself into a Confidential Committee of the Whole to discuss this item.

Voting – Unanimous

PROCEDURAL MOTION

231

Cr Luff

Cr Boyd

RESOLVED that the Motion of Rescission be put.

Voting For

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

Voting Against

Cr James

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

Voting For

Cr Beck
Cr Lawrie
Cr Marshall
Cr Polglase
Cr Youngblutt

Voting Against

Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Luff

232

Cr Luff

Cr James

RESOLVED that:-

1. Council applies for development approval for the operation of a floating office adjacent to the public pontoon at River Terrace, Tweed Heads.
2. In the event the application is approved, Council offers a licence at \$1.00/rental for 3 months, and then renewable monthly at Council's sole discretion, to the Tweed River

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Charter Operators Association Incorporated to manage the operations of the office for the operators.

3. Council officers deal with this issue as a matter of extreme urgency.

Voting – Unanimous

5. **Public Telephone - Murwillumbah Swimming Pool**

Pool - Murwillumbah, Telephones, Notice of Motion

233

Cr Marshall

Cr Youngblutt

RESOLVED that the General Manager be requested to bring forward a report to Council by the meeting of 20 September 2000 on the possible installation, costs etc of a public telephone at the Murwillumbah Swimming Pool.

Voting - Unanimous

6. **Water Management Bill 2000**

Water Management, Notice of Motion

234

Cr Marshall

Cr Polglase

RESOLVED that the General Manager be requested to forward a letter with copies of its submission previous forwarded to the Minister for Land and Water Conservation, the Premier of NSW and the local member expressing extreme concern at the current content and direction of the White Paper called the Water Management Bill 2000 which would appear to have adverse and severe ramifications on the Tweed Shire should it be passed by the State Government with copies forwarded to the Member for Richmond, the Hon Larry Anthony; Member for Ballina, Mr Don Page, the Hon Brian Pezzutti and the Hon Janelle Saffin.

AMENDMENT

Cr Luff

Cr James

PROPOSED that Council forwards copies of Council officer's submissions to the White Paper on Water Management to Mr Don Page, the Hon Brian Pezzutti and the Hon Janelle Saffin.

The Amendment was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

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

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The Motion was **Carried**

Voting For

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

Voting Against

Cr James
Cr Luff

RESUMPTION OF STANDING ORDERS

235

Cr Luff

Cr James

RESOLVED that Standing Orders be resumed.

Voting - Unanimous

ITEMS DEFERRED

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

DA0425/20 Pt1

236

Cr James

Cr Marshall

RESOLVED that this item be deferred until the next meeting of Council.

Voting - Unanimous

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

1. **Finalising of Tweed Local Environmental Plan 2000 (Amendment No 2000/4) - Proposed Rezoning of Land Located at the Corner of Piggabeen Road and Carramar Street, Tweed Heads West to Enable Residential Development.**

GT1/LEP/2000/4 Pt1

237

Cr James

Cr Luff

RESOLVED that Council forwards draft Amendment No 2000/4 to Tweed Local Environmental Plan 2000 to the Secretary of the Department of Urban Affairs and Planning and requests that the Minister for Urban Affairs and Planning approves the draft Amendment.

Voting – Unanimous

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TEMPORARY ABSENCE FROM MEETING

GC6/1/2 Pt1

Cr Youngblutt left the meeting.

238

Cr James

Cr Luff

RESOLVED that:-

1. Council initiates a rezoning under Section 54 of the Environmental Planning and Assessment Act to rezone the sportsfields and ancillary infrastructure at Carramar Drive to 6a Open Space.
2. A Report be prepared on zones appropriate for the allotment to the south containing the water quality control pond currently zoned 6b.

Voting – Unanimous

SUSPENSION OF STANDING ORDERS

239

Cr Davidson

Cr James

RESOLVED that standing orders be suspended to deal with Item 26 of the Agenda.

Voting - Unanimous

RETURN TO MEETING

Cr Youngblutt returned to the meeting.

26. **Relocation of Cabarita Beach Surf Life Saving Club to Temporary Premises and Demolition of Council Owned Premises**

Surf Lifesaving, 4100.30

240

Cr Davidson

Cr James

RESOLVED that Council confirms the action taken and determines the source of funding for the assistance and building demolition in its budget review process.

Voting – Unanimous

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.45pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.52pm.

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RESUMPTION OF STANDING ORDERS

241

Cr Boyd

Cr Luff

RESOLVED that Standing Orders be resumed.

Voting - Unanimous

2. **Services Agreement - Department of Urban Affairs and Planning and Tweed Shire Council - Certificate under Part 4A of the Environmental Planning and Assessment Act, 1979 as amended.**

GS4/95/119 Pt3; DA1180/10 Pt4

242

Cr Boyd

Cr Luff

RESOLVED that the Services Agreement between the Department of Urban Affairs and Planning and Council be executed under the Common Seal of Council subject to the endorsement of the Agreement by the General Manager.

Voting For

Cr Boyd

Cr Carroll

Cr Davidson

Cr James

Cr Luff

Cr Marshall

Cr Polglase

Cr Youngblutt

Voting Against

Cr Beck

Cr Lawrie

3. **Integrated Development Application K99/1815 - Proposed Urban Subdivision Creating 45 Residential Lots and The Dedication of Two Public Reserves and Construction of Roads and Associated Civil Works at Lot 335 DP 844423 Champagne Drive, Tweed Heads South – Vintage Lakes Estate – Stages 8A and 8B**
DA1020/245 Pt2

243

Cr Boyd

Cr Davidson

RESOLVED that Integrated Development Application K99/1815 – proposed residential subdivision creating 45 lots and the dedication of two public reserves and construction of roads and associated civil works be approved on a “deferred commencement” basis subject to the following conditions:-

“Deferred Commencement”

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

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

Schedule "A"

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

1. Submission of "Contaminated Sites" report in accordance with Environment Protection Authority guidelines to the satisfaction of the Director of Environment and Community Services. Remedial action shall be carried out where necessary to the satisfaction of the Director of Environment and Health.

Schedule "B"

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

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

1. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, and submitted for approval by Council, prior to issue of the Construction Certificate. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.
2. **Prior** to the commencement of work the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-
 - a. Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
 - b. AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
3. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be submitted to and approved by the Director of Environment and Community Services **PRIOR** to the issue of a construction certificate.

The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of.

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GENERAL

4. The development shall be completed in general accordance with Figure 5 Revision A of Plans No. 2719/1 prepared by Cardno MBK and dated 14 June 2000, except where varied by these conditions.
5. 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.
6. No soil, sand, gravel, clay or other material shall be disposed of off the site. Unless it is in accordance with the approved Waste Management Plan referred to in condition 3.
7. 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.
8. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.
9. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No K99/1815 have been complied with.
10. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:
 - i. Easements for sewer, water supply and drainage over **ALL** services on private property.
 - ii. Restriction to user on Lots 27 and 28 limiting dwelling design and construction to single storey only.
 - iii. Restriction as to user on all lots except 10, 46 and 47 preventing cutting and or filling operations that modifies the fall of the land and drainage patterns. The design of any prospective dwelling is to take this into account.

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.

11. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (Manual for Uniform Traffic Control

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- Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
12. 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.
 13. 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.
 14. 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.
 15. 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.
 16. 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.
 17. 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.
 18. 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.

CONTRIBUTIONS

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

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

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

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

Stage 8A

a. Tweed Road Contribution Plan:

38 lots @ \$1684 \$63,992.00

S94 Plan No. 4 (Version 4.0)

(Tweed South – Residential)

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. Banora Point West/Tweed Heads South (DCP3)

Open Space (Structured): 38 lots @ \$2407 \$91,446.00

S94 Plan No. 1

c. South Tweed Heads Master Drainage (DCP3 area):

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7.728ha @ \$8805 \$68,045.00

S94 Plan No. 2

Note: In accordance with Councils letter to Cardno MBK dated 15 February 2000 a credit of \$8396.40 applies to Stage 8A.

- d. Community Facilities (DCP3 area):
- 38 lots @ \$512.60 \$19,478.80
- S94 Plan No. 3
- e. Street Trees: 38 lots @ \$42.90 \$1,630.20
- S94 Plan No. 6
- f. Shirewide Library Facilities: 38 lots @ \$300 \$11,400.00
- S94 Plan No. 11
- g. Eviron Cemetery/Crematorium Facilities:
- 38 lots @ \$126 \$4,788.00
- S94 Plan No. 13
- h. Bus Shelters: 38 lots @ \$23 \$874.00
- S94 Plan No. 12
- i. Emergency Facilities (Surf Lifesaving)
- 38 lots @ \$80 \$3,040.00
- S94 Plan No. 16
- j. Extensions to Council Administration Offices
& Technical Support Facilities
- 38 lots @ \$344.81 \$13,102.78
- S94 Plan No. 18
- k. Cycleways – 38 lots @ \$160 \$6,080.00
- S94 Plan No. 22

Stage 8B

- a. Tweed Road Contribution Plan:
- 6 lots @ \$1684 \$10,104.00
- S94 Plan No. 4 (Version 4.0)

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(Tweed South – Residential)

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. Banora Point West/Tweed Heads South (DCP3)

Open Space (Structured): 6 lots @ \$2407\$14,442.00

S94 Plan No. 1

c. South Tweed Heads Master Drainage (DCP3 area):

0.50ha @ \$8805 \$4,402.50

S94 Plan No. 2

d. Community Facilities (DCP3 area):

6 lots @ \$512.60 \$3,075.60

S94 Plan No. 3

e. Street Trees: 6 lots @ \$42.90 \$257.40

S94 Plan No. 6

f. Shirewide Library Facilities: 6 lots @ \$300 \$1,800.00

S94 Plan No. 11

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- g. Eviron Cemetery/Crematorium Facilities:
6 lots @ \$126 \$756.00
S94 Plan No. 13
- h Bus Shelters: 6 lots @ \$23 \$138.00
S94 Plan No. 12
- i Emergency Facilities (Surf Lifesaving)
6 lots @ \$80 \$480.00
S94 Plan No. 16
- j Extensions to Council Administration Offices
& Technical Support Facilities
6 lots @ \$344.81 \$2,068.86
S94 Plan No. 18
- k. Cycleways 6 lots @ \$160 \$960.00
S94 Plan No. 22
20. A **certificate of compliance** (CC) under Part 3 Division 2 of the Water Supply Authorities Act 1987 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall **NOT** be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

Stage 8A

Water: 38 lots @ \$3590 \$136,420.00

Sewer: 38 lots @ \$2970 \$112,860

Stage 8B

Water: 6 lots @ \$3590 \$21,540.00

Sewer: 6 lots @ \$2970 \$17,820.00

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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.

21. The final plan of subdivision for Stage 8A is to allow for the dedication of proposed Lot 46 as Drainage Reserve, and proposed Lot 47 as Public Reserve. The area between Lot 27 and Fraser Drive shall be dedicated as Public Reserve.
22. A 3m wide grassed buffer is required between the proposed rock boulder retaining walls at the rear of Lots 10 to 27 and the lake system/proposed drainage reserve, including any modifications to the depths of blocks that may be required.
23.
 - i. The proposed Lot 10 is to be dedicated as public reserve with Stage 8A, and suitably embellished including a minimum of 100mm thick of quality topsoil, grassing, seating playground equipment and shade cover in accordance with plans to be submitted with the construction certificate for Stage 8A.
 - ii. The proposed public reserve between Fraser Drive and the extension of Leisure Drive and proposed Lot 27, 28 and 29 shall be retained in its natural state subject to condition 42(ii).
24. The playground equipment referred to in condition 23 is to include turfing to a minimum of 10m beyond the bounds of the playground area. Alternatively, the developer may pay a cash contribution for the installation of playground equipment by Council when a minimum of 30% of the estate is occupied.

FURTHER APPROVALS

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

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

(i) Subdivision Work

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

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

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

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

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

26. Subdivision work in accordance with a development consent must not be commenced until:-
- (a) a construction certificate for the subdivision work has been issued by:
 - (i) the consent authority, or
 - (ii) an accredited certifier, and
 - (b) the person having the benefit of the development consent:
 - (i) has appointed a principal certifying authority, and
 - (ii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment, and
 - (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the subdivision work.
27. **Prior** to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works (minimum \$1,000).

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The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the Director, Development Services.

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

28. 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

(ii) Documentary evidence that **all** matters contained in Section 109J of the Act have been complied with.

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

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

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

Sewer Pump Station

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

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

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

30. 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.

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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.

31. 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.

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

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

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

33. Before the commencement of the relevant stages of road construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.
- a. That the pavement has been designed and constructed in accordance with subgrade analysis as per Austroads Pavement Design, A Guide to the Structural Design of Road Pavements.
 - b. That the pavement materials used comply with the specifications in RTA Form 3051 (June 1998)
 - c. That the pavement layers have been compacted to RTA specifications.
 - d. That site fill areas have been compacted to the specified standard.
 - e. That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
 - f. That pavement testing has been completed in accordance with Table 8.1 of AS 3798-1996.
34. All lots must be graded and trimmed to prevent the ponding of surface water. Additionally, all lots must be adequately vegetated and action must be taken to prevent erosion from wind and/or water to the satisfaction of the Director, Development Services.
35. 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.

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ROADS/STREETS

36. Provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet.
37. All proposed road/streets, drainage and associated works within the subdivision shall be designed and constructed in accordance with the development consent plans referred to in Condition 4 **AND** the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.
38. Engineering drawings to accompany the construction certificate application are to cater for the construction of stormwater drainage system generally in accordance with Figure 11 prepared by Cardno MBK dated October 1999, except where varied by the following:-
 - i. The eastern most cul-de-sac is to drain to the west, and the sub-surface drainage is not to drain into Fraser Drive but connect to the system that discharges through Lots 14 and 15.
39. The typical cross section for proposed local roads "Traminer Court and Madiera Street", is to be 7.5m wide nominal pavement width, with upright kerb and gutter to both sides, contained in a 14m and 15m wide road reserve respectively.
40. The north-south road shall be called Madiera Street and the east-west road shall be called Traminer Court. These names are to be shown on the final linen plans.
41. Engineering drawings to accompany the Construction Certificate Application for the stage 8A temporary access to Fraser Drive, are to be generally in accordance with Figure 13B prepared by Cardno MBK Pty Ltd dated 28/2/00, except where varied by the following;
 - i) The typical cross section is to be 7m wide pavement with upright Kerb & Gutter to both sides within a 12 m road reserve.
 - ii) The road centre line is to be offset so as the footpath 3m wide on the northern side and 2 m wide on the southern side.
 - iii) A left turn de-acceleration lane from Fraser Drive in accordance with Austroads is to be provided.
 - iv) A left turn acceleration lane into Fraser Drive that extends northwards so that the merging traffic enters Fraser Drive to the north of the entrance to the Football club is to be provided.
 - v) A "No U turn" sign is to be provided on the left turn exit, in conjunction with a raised median island to prevent right turn into and out of the development. A "No right turn" sign is to be erected on the western end of the median island.
42. i) Subject to giving the developer a minimum 120 days notice of Council's intention to let a contract for the signalised section, the developer shall, within four (4) months from the completion of the signalised intersection of Fraser Drive and

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Leisure Drive by Council the developer shall construct the extension of Leisure Drive within Flame Tree Park Estate.

- ii) Within three (3) months of compliance with Condition 42(i), the temporary access created in stage 8A is to be closed and dedicated as public reserve. The land is to be fully embellished including removal of pavement, and placement of topsoil, grassing and landscaping in accordance with plans to be submitted and approved by Director Development Services with the Construction Certificate Application for stage 8B.
43. A bond, equal in value to the estimated cost of construction plus 25% and to the satisfaction of Director Development Services, is to be paid prior to the issue of Subdivision Certificate for stage 8A, for the following items;
- i) Closure and embellishment of the temporary access road to Fraser Drive as per condition 42(ii).
 - ii) Construction of the Leisure Drive extension as per condition 43(i).
 - iii) Construction of the bus bay and ancillary works as per condition 44.
 - iv) Landscaping works
44. Construction of a bus bay and shelter, in conjunction with the closure and embellishment of the temporary access to Fraser Drive. The location is to be designed in conjunction with Fraser Drive & Leisure Drive intersection treatment, including the following specific work to be shown on the engineering drawings submitted with the Construction Certificate Application for stage 8B;
- i) The geometric layout is to provide for a de-acceleration taper of 21m length, 3m wide holding lane of 25m length and an acceleration taper of 15m length, or to the satisfaction of Director Engineering Services.
 - ii) The pavement is to be 200mm thick 32MPA concrete reinforced with F82 mesh and control joints.
 - iii) Upright kerb & gutter is to be provided for the full length, including a concrete ribbon footpath 100mm thick extending from the bus shelter to link up with the path as indicated in Figure 13 prepared by Cardno MBK dated December 1999.
 - iv) All associated surface and sub-surface drainage.
45. i. Construction of concrete ribbon footpath, minimum 100mm thick and 1.2m wide, along the northern side of the proposed "Traminer Court" and Madiera Street and the northern side of the extension of Leisure Drive generally in accordance with Figure 13 prepared by Cardno MBK dated December 1999.
- ii. Alternatively, the developer may pay a cash contribution to the value of the works plus 25% in lieu of construction and Council will construct the footpath when the subdivision is substantially built out. The cost of these works shall be validated by a schedule of rates.

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- iii. If the developer elects to construct the footpath prior to the issue of a Subdivision Certificate, a cash maintenance bond equal to 25% of the contract value of the footpath shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths are built on. The maintenance bond shall be lodged prior to release of the subdivision certificate.
46. Provision of temporary turning areas for refuse vehicles at the end of roads which will be extended in subsequent stages until such time as the road is extended or a dedicated turning area is provided at the end of the road. These temporary turning areas shall be constructed with a minimum 9m radius, 150mm pavement (CBR 45) and shall have a right of carriageway registered over the turning area until such time as the road is extended.
47. The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering Services Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.
48. Submission of landscaping plans with the construction certificate application, generally in accordance with figure 14 and 15 prepared by Cardno MBK dated December 1999 for works to be completed prior to the issue of a Subdivision Certificate for Stage 8A to the satisfaction of the Manger Recreation Services
49. Prior to the issue of a Subdivision Certificate for stage 8A(i), an open style fence of minimum 1200mm and a maximum of 1600mm in height with protective capping treatment generally in accordance with the "security fence" as depicted in Figure 15, or other approved style, is to be installed to the rear of all lots having benefit of the rock retaining wall i.e. Lots 9 and 11 to 27.
- 49a. (ii)A 1.8m high solid fence, with a minimum surface density of 15kg/m², should be provided to screen lots 27 and 28 from Fraser Drive to ensure compliance with EPA guidelines. The existing vegetation between the retaining wall and Fraser Drive shall remain.
50. The landscaping works as approved, are to be maintained to a standard that is satisfactory to the Manger Recreation Services, until stage 8A is accepted as "Off Maintenance

DRAINAGE/FLOODING

51. Construction a levee in accordance with figures 20 & 21 2719/1 dated 10/2/00 prepared by Cardno MBK, including landscaping and pathway to be completed in conjunction with bulk earthworks, and prior to any pavement construction, in accordance with plans to be submitted with the Construction Certificate Application for stage 8A."
52. The Operational Phase Stormwater Quality Management strategy is to be generally in accordance with Figure 12 prepared by Cardno MBK dated October 1999, except that a suitably sized Gross Pollutant Trap including a hard stand area for maintenance is to be installed/constructed instead of the trash rack device.

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53. 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 Application for stage 8A. The use of the existing finger pond as a temporary sedimentation pond is not permitted. A temporary sedimentation pond for use during the construction phase can be placed in a clear area of the proposed buffer zone between the pond and the pathway. The sedimentation pond is to be filled and suitably embellished upon completion of the civil works in accordance with the Vegetation Management Plan referred to in Condition 99.
54. The overland flow path between proposed lots 14 and 15, as shown on Figure 11 prepared by Cardno MBK dated October 1999, is to be designed and constructed to cater for a Q100 storm event including the following provisions;
- i) Minimum of 300mm of freeboard.
 - ii) The width of the drainage reserve to be dedicated as Public Pathway is to be sufficient to provide for a minimum of 3m pathway and any retaining structures required to obtain a minimum of 300mm of freeboard.
 - iii) Not withstanding item ii) above, the absolute minimum overall width shall be 4m.
 - iv) A pathway, minimum 3m in width, extending from the kerb and gutter to the trash rack outlet device, including provisions for the maintenance of the track rack to the satisfaction of the Director Engineering Services, is to be constructed to a minimum 150mm 25Mpa concrete reinforced with F82 mesh, complete with control joints and lockable bollards.

Detailed calculations are to be submitted with the Construction Certificate Application for stage 8A.

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

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

57. Inter allotment drainage shall be provided to ALL lots where roof water from dwellings, driveways and paved accesses cannot be conveyed to the street gutter by gravitational means. Where inter-allotment drainage has not been provided, Certification by a duly qualified Engineer is to be provided stating that roof water from the building envelope can be conveyed to the street gutter by gravitational means.
58. i. Dedication of the proposed drainage reserve at no cost to Council.
- ii. An accurate plan of the proposed drainage reserve shall be submitted to Council 60 days prior to lodgement of Application for Subdivision Certificate (form 13) to allow the land to be classified.

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Failure to comply with this condition may result in delays in the issue of the Subdivision Certificate.

59. Permanent Stormwater Quality Treatment

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

60. The land to be filled to the design flood level of RL 2.65m AHD.

61. The earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with Appendix 6, AS 3798-1996. In addition, the frequency of field density testing shall be to a Type 1 standard in accordance with Table 8.1 of AS 3798-1996. The geotechnical report shall be accompanied by a certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798-1996.

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

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

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63. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of fill shall be submitted to the satisfaction of the Director Development Services.
64. All stormwater discharged from the site including dewatering discharge is to be directed to a sediment pond prior to final discharge into any waterway. The sediment ponds or other approved devices are to be maintained in good condition until the maintenance bond is released.
65. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

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

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

66. All lots shall drain to the street or other approved drainage structure with a minimum allotment grade of 1%.

SERVICES

Sewer

67. Prior to the issue of a Subdivision Certificate for stage 8A, construction of a sewer reticulation system is to be provided to all lots, including a minimum 150mm diameter sewer junction terminated at least 1.0m inside the property boundary, generally in accordance with engineering drawings to be submitted and approved with the Construction Certificate Application. The sewer strategy chosen can be one of the following;
 - i) Construction of sewer reticulation generally in accordance with Figure 9 of plan No 2719-1 prepared by Cardno MBK dated October 1999 including connection into the existing main at the intersection Ellis and Botanical Circuit in Flame Tree Park. OR
 - ii) Construction of a temporary gravity sewer main that commences at the lowest receiving manhole and extends in a southerly direction, eventually connecting with the existing gravity main at the intersection of Ellis St and Botanical Circuit.

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

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Water

68. Prior to issuing a Subdivision Certificate, Town Water shall be provided to each lot including a minimum size 25mm outside diameter water service terminated 1.0m inside the property boundary of each lot generally in accordance with Figure 10 prepared by Cardno MBK and dated December 1999, in accordance with engineering drawings 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

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

Electricity

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

ENVIRONMENT PROTECTION

71. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be submitted to and approved by the Director of Environment and Community Services PRIOR to the issue of a construction certificate.

The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of

72. 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.
73. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
74. 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.
75. 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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76. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17° or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.

Such plans shall generally incorporate the following and preferably be prepared by a landscape architect:

- i) Contours and terraces where the height exceeds 1m.
 - ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
 - iii) Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
 - iv) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.
 - v) The landscaping shall be completed to the satisfaction of the Director Development Services PRIOR to the issue of a Subdivision Certificate.
 - vi) A bond shall be lodged prior to the issue of the Subdivision Certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.
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.

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B. Long term period - the duration.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

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

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

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

82. 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.
83. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
84. 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.
85. To reduce the problem of insect pests, a bright diversionary light such as a mercury vapour street lamp is to be installed on the edge of the lake. The light shall be situated where it is visible from as much of the lake as possible. A good site would be on one of the lake side fringes of the proposed park, between the lake and Stage 8. The exact location shall be to the satisfaction of Councils Entomologist.
86. Care shall be exercised with tree planting so that growth will not foul the existing power lines on the footpath and consequently require frequent pruning.

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87. If items such as stone artefacts, bone or other cultural materials are believed to have been discovered then works at and adjacent to the material must cease and the National Parks and Wildlife Service and the local Aboriginal Land Council are to be informed immediately. Works shall not recommence until approval by both bodies if necessary has been granted.
88. Prior to the removal of any vegetation, the Tweed Byron Aboriginal Land Council is to be advised so that they may be afforded the opportunity to have their representative on site to monitor the works.
89. All imported fill material is to be from an approved source and shall be free from any contamination whatsoever including any potential to generate acid sulfate material. The haulage route for the transportation route is to be approved by Councils Director of Development Services.
90. The development is to be carried out in accordance with the Flora and Fauna Assessment carried out by Woodward Clyde particularly the "Amelioration of Impacts" for Vintage Lakes Stages 5 and 6 (GS4/94/147).

CONDITIONS IMPOSED BY NSW FISHERIES PURSUANT TO SECTION 91A OF THE ACT

91. Native fish shall be removed from the shallow water ponds by a net approved by the NSW Fisheries prior to reclamation and release at a location agreed to by NSW Fisheries.
92. The existing shallow water pits on the site shall be reclaimed as per the details supplied in the Integrated Development Application K99/1815.
93. Reclamation of the shallow water ponds shall not be completed until a permit has been obtained from NSW Fisheries under S201 of the Fisheries Management Act, 1994.

CONDITIONS IMPOSED BY DEPARTMENT OF LAND & WATER CONSERVATION PURSUANT TO SECTION 91A OF THE ACT

94. Prior to the issue of a Construction Certificate for Stage 8A, a Vegetation Management Plan is to be submitted for the approval of Council and NPWS. The Vegetation Management Plan shall make provisions for:
 - i. Re-vegetation of a 20m buffer zone between the high bank of the lake and the base of the retaining wall to assist in the protection of the Comb Crested Jacana habitat.
 - ii. An access/maintenance track 3m in width immediately adjacent to the northern boundary of Lots 9 to 27 inclusive.
 - iii. The erection of a suitably sized structure to the satisfaction of the Manager Recreation Services that contains education material on the Comb Crested Jacana and the need to maintain the surrounding habitat at a location immediately adjacent to the access/maintenance track adjoining the proposed Lot 10.

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- iv. The prevention of removal or damage to, any trees, shrubs, bushes or grasses to create the temporary sedimentation basin device prior to a joint inspection and approval by an officer of Council and DLAWC.
- v. The prevention of removal or damage to, any trees, shrubs, bushes or grasses to construct the stormwater outlet device prior to a joint inspection and approval by an officer of Council and DLAWC.
- vi. Appropriate sedimentation and erosion control measure to be implemented and maintained during the construction of each stage.
- vii. The revegetation is to be completed prior to the commencement of any filling works.
- viii. Suitable screening of the revegetated buffer for duration of the construction works.
- ix. Regular maintenance of the revegetation until the expiry of the defects liability period, including the payment of a bond equal in value to 10% of the cost of the revegetation works to ensure adequate maintenance is carried out. The bond is to be returned upon the expiry of the defect liability period.
- x. The construction of a secondary education structure in the form of a viewing platform built adjacent to the stormwater outlet device. The design and construction of this platform is to take future and ongoing maintenance of the outlet device into account.
- xi. The construction of a temporary sedimentation pond for use during the construction phase can be placed in a clear area of the proposed buffer zone between the pond and proposed drainage/public pathway. The sedimentation pond is to be filled and suitably revegetated in accordance with item (i).

AMENDMENT

Cr Marshall

Cr Youngblutt

PROPOSED that Integrated Development Application K99/1815 – proposed residential subdivision creating 45 lots and the dedication of two public reserves and construction of roads and associated civil works be approved on a “deferred commencement” basis subject to the following conditions:-

“Deferred Commencement”

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

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule “A”, the consent shall become operative and take effect from the date of notification

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under Section 67 of the Environmental Planning and Assessment Regulations subject to the conditions set out in Schedule "B".

Schedule "A"

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

1. Submission of "Contaminated Sites" report in accordance with Environment Protection Authority guidelines to the satisfaction of the Director of Environment and Community Services. Remedial action shall be carried out where necessary to the satisfaction of the Director of Environment and Health.

Schedule "B"

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

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

1. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, and submitted for approval by Council, prior to issue of the Construction Certificate. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.
2. **Prior** to the commencement of work the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-
 - a. Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
 - b. AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
3. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be submitted to and approved by the Director of Environment and Community Services **PRIOR** to the issue of a construction certificate.

The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of.

GENERAL

4. The development shall be completed in general accordance with Figure 5 Revision A of Plans No. 2719/1 prepared by Cardno MBK and dated 14 June 2000, except where varied by these conditions.

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5. 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.
6. No soil, sand, gravel, clay or other material shall be disposed of off the site. Unless it is in accordance with the approved Waste Management Plan referred to in condition 3.
7. 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.
8. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.
9. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No K99/1815 have been complied with.
10. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:
 - i. Easements for sewer, water supply and drainage over **ALL** services on private property.
 - ii. Restriction to user on Lots 27 and 28 limiting dwelling design and construction to single storey only.
 - iii. Restriction as to user on all lots except 10, 46 and 47 preventing cutting and or filling operations that modifies the fall of the land and drainage patterns. The design of any prospective dwelling is to take this into account.

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.

11. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (Manual for Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
12. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the

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- disabled in accordance with AS1428-1993 Parts 1 to 4 - Design for Access and Mobility.
13. 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.
 14. 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.
 15. 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.
 16. 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.
 17. 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.
 18. 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.

CONTRIBUTIONS

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

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

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

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

Stage 8A

a. Tweed Road Contribution Plan:

38 lots @ \$1684 \$63,992.00

S94 Plan No. 4 (Version 4.0)

(Tweed South – Residential)

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. Banora Point West/Tweed Heads South (DCP3)

Open Space (Structured): 38 lots @ \$2407 \$91,446.00

S94 Plan No. 1

c. South Tweed Heads Master Drainage (DCP3 area):

7.728ha @ \$8805 \$68,045.00

S94 Plan No. 2

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Note: In accordance with Councils letter to Cardno MBK dated 15 February 2000 a credit of \$8396.40 applies to Stage 8A.

- d. Community Facilities (DCP3 area):
38 lots @ \$512.60 \$19,478.80
S94 Plan No. 3
- e. Street Trees: 38 lots @ \$42.90 \$1,630.20
S94 Plan No. 6
- f. Shirewide Library Facilities: 38 lots @ \$300 \$11,400.00
S94 Plan No. 11
- g. Eviron Cemetery/Crematorium Facilities:
38 lots @ \$126 \$4,788.00
S94 Plan No. 13
- h. Bus Shelters: 38 lots @ \$23 \$874.00
S94 Plan No. 12
- i. Emergency Facilities (Surf Lifesaving)
38 lots @ \$80 \$3,040.00
S94 Plan No. 16
- j. Extensions to Council Administration Offices
& Technical Support Facilities
38 lots @ \$344.81 \$13,102.78
S94 Plan No. 18
- k. Cycleways – 38 lots @ \$160 \$6,080.00
S94 Plan No. 22

Stage 8B

- a. Tweed Road Contribution Plan:
6 lots @ \$1684 \$10,104.00
S94 Plan No. 4 (Version 4.0)
(Tweed South – Residential)

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Heavy Haulage Component

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

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

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

b. Banora Point West/Tweed Heads South (DCP3)

Open Space (Structured): 6 lots @ \$2407\$14,442.00

S94 Plan No. 1

c. South Tweed Heads Master Drainage (DCP3 area):

0.50ha @ \$8805 \$4,402.50

S94 Plan No. 2

d. Community Facilities (DCP3 area):

6 lots @ \$512.60 \$3,075.60

S94 Plan No. 3

e. Street Trees: 6 lots @ \$42.90 \$257.40

S94 Plan No. 6

f. Shirewide Library Facilities: 6 lots @ \$300 \$1,800.00

S94 Plan No. 11

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- g. Eviron Cemetery/Crematorium Facilities:
6 lots @ \$126 \$756.00
S94 Plan No. 13
- h. Bus Shelters: 6 lots @ \$23 \$138.00
S94 Plan No. 12
- i. Emergency Facilities (Surf Lifesaving)
6 lots @ \$80 \$480.00
S94 Plan No. 16
- j. Extensions to Council Administration Offices
& Technical Support Facilities
6 lots @ \$344.81 \$2,068.86
S94 Plan No. 18
- k. Cycleways 6 lots @ \$160 \$960.00
S94 Plan No. 22
20. A **certificate of compliance** (CC) under Part 3 Division 2 of the Water Supply Authorities Act 1987 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall **NOT** be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

Stage 8A

Water: 38 lots @ \$3590 \$136,420.00

Sewer: 38 lots @ \$2970 \$112,860

Stage 8B

Water: 6 lots @ \$3590 \$21,540.00

Sewer: 6 lots @ \$2970 \$17,820.00

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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.

21. The final plan of subdivision for Stage 8A is to allow for the dedication of proposed Lot 46 as Drainage Reserve, and proposed Lot 47 as Public Reserve. The area between Lot 27 and Fraser Drive shall be dedicated as Public Reserve.
22. A 3m wide grassed buffer is required between the proposed rock boulder retaining walls at the rear of Lots 10 to 27 and the lake system/proposed drainage reserve, including any modifications to the depths of blocks that may be required.
23.
 - i. The proposed Lot 10 is to be dedicated as public reserve with Stage 8A, and suitably embellished including a minimum of 100mm thick of quality topsoil, grassing, seating playground equipment and shade cover in accordance with plans to be submitted with the construction certificate for Stage 8A.
 - ii. The proposed public reserve between Fraser Drive and the extension of Leisure Drive and proposed Lot 27, 28 and 29 shall be retained in its natural state subject to condition 42(ii).
24. The playground equipment referred to in condition 23 is to include turfing to a minimum of 10m beyond the bounds of the playground area. Alternatively, the developer may pay a cash contribution for the installation of playground equipment by Council when a minimum of 30% of the estate is occupied.

FURTHER APPROVALS

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

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

(i) Subdivision Work

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

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

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

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

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

26. Subdivision work in accordance with a development consent must not be commenced until:-
- (a) a construction certificate for the subdivision work has been issued by:
 - (i) the consent authority, or
 - (ii) an accredited certifier, and
 - (b) the person having the benefit of the development consent:
 - (i) has appointed a principal certifying authority, and
 - (ii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment, and
 - (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the subdivision work.
27. **Prior** to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works (minimum \$1,000).

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The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the Director, Development Services.

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

28. 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

(ii) Documentary evidence that **all** matters contained in Section 109J of the Act have been complied with.

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

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

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

Sewer Pump Station

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

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

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

30. 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.

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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.

31. 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.

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

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

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

33. Before the commencement of the relevant stages of road construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.
- a. That the pavement has been designed and constructed in accordance with subgrade analysis as per Austroads Pavement Design, A Guide to the Structural Design of Road Pavements.
 - b. That the pavement materials used comply with the specifications in RTA Form 3051 (June 1998)
 - c. That the pavement layers have been compacted to RTA specifications.
 - d. That site fill areas have been compacted to the specified standard.
 - e. That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
 - f. That pavement testing has been completed in accordance with Table 8.1 of AS 3798-1996.
34. All lots must be graded and trimmed to prevent the ponding of surface water. Additionally, all lots must be adequately vegetated and action must be taken to prevent erosion from wind and/or water to the satisfaction of the Director, Development Services.
35. 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.

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ROADS/STREETS

36. Provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet.
37. All proposed road/streets, drainage and associated works within the subdivision shall be designed and constructed in accordance with the development consent plans referred to in Condition 4 **AND** the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.
38. Engineering drawings to accompany the construction certificate application are to cater for the construction of stormwater drainage system generally in accordance with Figure 11 prepared by Cardno MBK dated October 1999, except where varied by the following:-
 - i. The eastern most cul-de-sac is to drain to the west, and the sub-surface drainage is not to drain into Fraser Drive but connect to the system that discharges through Lots 14 and 15.
39. The typical cross section for proposed local roads "Traminer Court and Madiera Street", is to be 7.5m wide nominal pavement width, with upright kerb and gutter to both sides, contained in a 14m and 15m wide road reserve respectively.
40. The north-south road shall be called Madiera Street and the east-west road shall be called Traminer Court. These names are to be shown on the final linen plans.
41. Engineering drawings to accompany the Construction Certificate Application for the stage 8A temporary access to Fraser Drive, are to be generally in accordance with Figure 13B prepared by Cardno MBK Pty Ltd dated 28/2/00, except where varied by the following;
 - i) The typical cross section is to be 7m wide pavement with upright Kerb & Gutter to both sides within a 12 m road reserve.
 - ii) The road centre line is to be offset so as the footpath 3m wide on the northern side and 2 m wide on the southern side.
 - iii) A left turn de-acceleration lane from Fraser Drive in accordance with Austroads is to be provided.
 - iv) A left turn acceleration lane into Fraser Drive that extends northwards so that the merging traffic enters Fraser Drive to the north of the entrance to the Football club is to be provided.
 - v) A "No U turn" sign is to be provided on the left turn exit, in conjunction with a raised median island to prevent right turn into and out of the development. A "No right turn" sign is to be erected on the western end of the median island.
42. i) Subject to giving the developer a minimum 120 days notice of Council's intention to let a contract for the signalised section, the developer shall, within four (4) months from the completion of the signalised intersection of Fraser Drive and

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- Leisure Drive by Council the developer shall construct the extension of Leisure Drive within Flame Tree Park Estate.
- ii) Within three (3) months of compliance with Condition 42(i), the temporary access created in stage 8A is to be closed and dedicated as public reserve. The land is to be fully embellished including removal of pavement, and placement of topsoil, grassing and landscaping in accordance with plans to be submitted and approved by Director Development Services with the Construction Certificate Application for stage 8B.
43. A bond, equal in value to the estimated cost of construction plus 25% and to the satisfaction of Director Development Services, is to be paid prior to the issue of Subdivision Certificate for stage 8A, for the following items;
- i) Closure and embellishment of the temporary access road to Fraser Drive as per condition 42(ii).
 - ii) Construction of the Leisure Drive extension as per condition 43(i).
 - iii) Construction of the bus bay and ancillary works as per condition 44.
 - iv) Landscaping works
44. Construction of a bus bay and shelter, in conjunction with the closure and embellishment of the temporary access to Fraser Drive. The location is to be designed in conjunction with Fraser Drive & Leisure Drive intersection treatment, including the following specific work to be shown on the engineering drawings submitted with the Construction Certificate Application for stage 8B;
- i) The geometric layout is to provide for a de-acceleration taper of 21m length, 3m wide holding lane of 25m length and an acceleration taper of 15m length, or to the satisfaction of Director Engineering Services.
 - ii) The pavement is to be 200mm thick 32MPA concrete reinforced with F82 mesh and control joints.
 - iii) Upright kerb & gutter is to be provided for the full length, including a concrete ribbon footpath 100mm thick extending from the bus shelter to link up with the path as indicated in Figure 13 prepared by Cardno MBK dated December 1999.
 - iv) All associated surface and sub-surface drainage.
45. i. Construction of concrete ribbon footpath, minimum 100mm thick and 1.2m wide, along the northern side of the proposed "Traminer Court" and Madiera Street and the northern side of the extension of Leisure Drive generally in accordance with Figure 13 prepared by Cardno MBK dated December 1999.
- ii. Alternatively, the developer may pay a cash contribution to the value of the works plus 25% in lieu of construction and Council will construct the footpath when the subdivision is substantially built out. The cost of these works shall be validated by a schedule of rates.

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- iii. If the developer elects to construct the footpath prior to the issue of a Subdivision Certificate, a cash maintenance bond equal to 25% of the contract value of the footpath shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths are built on. The maintenance bond shall be lodged prior to release of the subdivision certificate.
46. Provision of temporary turning areas for refuse vehicles at the end of roads which will be extended in subsequent stages until such time as the road is extended or a dedicated turning area is provided at the end of the road. These temporary turning areas shall be constructed with a minimum 9m radius, 150mm pavement (CBR 45) and shall have a right of carriageway registered over the turning area until such time as the road is extended.
47. The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering Services Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.
48. Submission of landscaping plans with the construction certificate application, generally in accordance with figure 14 and 15 prepared by Cardno MBK dated December 1999 for works to be completed prior to the issue of a Subdivision Certificate for Stage 8A to the satisfaction of the Manger Recreation Services
49. Prior to the issue of a Subdivision Certificate for stage 8A(i), an open style fence of minimum 1200mm and a maximum of 1600mm in height with protective capping treatment generally in accordance with the "security fence" as depicted in Figure 15, or other approved style, is to be installed to the rear of all lots having benefit of the rock retaining wall i.e. Lots 9 and 11 to 27.
- 49a. (ii)A 1.8m high solid fence, with a minimum surface density of 15kg/m², should be provided to screen lots 27 and 28 from Fraser Drive to ensure compliance with EPA guidelines. The existing vegetation between the retaining wall and Fraser Drive shall remain.
50. The landscaping works as approved, are to be maintained to a standard that is satisfactory to the Manger Recreation Services, until stage 8A is accepted as "Off Maintenance

DRAINAGE/FLOODING

51. Construction a levee in accordance with figures 20 & 21 2719/1 dated 10/2/00 prepared by Cardno MBK, including landscaping and pathway to be completed in conjunction with bulk earthworks, and prior to any pavement construction, in accordance with plans to be submitted with the Construction Certificate Application for stage 8A."
52. The Operational Phase Stormwater Quality Management strategy is to be generally in accordance with Figure 12 prepared by Cardno MBK dated October 1999, except that a suitably sized Gross Pollutant Trap including a hard stand area for maintenance is to be installed/constructed instead of the trash rack device.

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53. 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 Application for stage 8A. The use of the existing finger pond as a temporary sedimentation pond is not permitted. A temporary sedimentation pond for use during the construction phase can be placed in a clear area of the proposed buffer zone between the pond and the pathway. The sedimentation pond is to be filled and suitably embellished upon completion of the civil works in accordance with the Vegetation Management Plan referred to in Condition 99.
54. The overland flow path between proposed lots 14 and 15, as shown on Figure 11 prepared by Cardno MBK dated October 1999, is to be designed and constructed to cater for a Q100 storm event including the following provisions;
- i) Minimum of 300mm of freeboard.
 - ii) The width of the drainage reserve to be dedicated as Public Pathway is to be sufficient to provide for a minimum of 3m pathway and any retaining structures required to obtain a minimum of 300mm of freeboard.
 - iii) Not withstanding item ii) above, the absolute minimum overall width shall be 4m.
 - iv) A pathway, minimum 3m in width, extending from the kerb and gutter to the trash rack outlet device, including provisions for the maintenance of the track rack to the satisfaction of the Director Engineering Services, is to be constructed to a minimum 150mm 25Mpa concrete reinforced with F82 mesh, complete with control joints and lockable bollards.

Detailed calculations are to be submitted with the Construction Certificate Application for stage 8A.

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

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

57. Inter allotment drainage shall be provided to ALL lots where roof water from dwellings, driveways and paved accesses cannot be conveyed to the street gutter by gravitational means. Where inter-allotment drainage has not been provided, Certification by a duly qualified Engineer is to be provided stating that roof water from the building envelope can be conveyed to the street gutter by gravitational means.
58. i. Dedication of the proposed drainage reserve at no cost to Council.
- ii. An accurate plan of the proposed drainage reserve shall be submitted to Council 60 days prior to lodgement of Application for Subdivision Certificate (form 13) to allow the land to be classified.

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Failure to comply with this condition may result in delays in the issue of the Subdivision Certificate.

59. Permanent Stormwater Quality Treatment

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

60. The land to be filled to the design flood level of RL 2.65m AHD.

61. The earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with Appendix 6, AS 3798-1996. In addition, the frequency of field density testing shall be to a Type 1 standard in accordance with Table 8.1 of AS 3798-1996. The geotechnical report shall be accompanied by a certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798-1996.

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

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

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63. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of fill shall be submitted to the satisfaction of the Director Development Services.
64. All stormwater discharged from the site including dewatering discharge is to be directed to a sediment pond prior to final discharge into any waterway. The sediment ponds or other approved devices are to be maintained in good condition until the maintenance bond is released.
65. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

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

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

66. All lots shall drain to the street or other approved drainage structure with a minimum allotment grade of 1%.

SERVICES

Sewer

67. Prior to the issue of a Subdivision Certificate for stage 8A, construction of a sewer reticulation system is to be provided to all lots, including a minimum 150mm diameter sewer junction terminated at least 1.0m inside the property boundary, generally in accordance with engineering drawings to be submitted and approved with the Construction Certificate Application. The sewer strategy chosen can be one of the following;
 - i) Construction of sewer reticulation generally in accordance with Figure 9 of plan No 2719-1 prepared by Cardno MBK dated October 1999 including connection into the existing main at the intersection Ellis and Botanical Circuit in Flame Tree Park. OR
 - ii) Construction of a temporary gravity sewer main that commences at the lowest receiving manhole and extends in a southerly direction, eventually connecting with the existing gravity main at the intersection of Ellis St and Botanical Circuit.

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

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Water

68. Prior to issuing a Subdivision Certificate, Town Water shall be provided to each lot including a minimum size 25mm outside diameter water service terminated 1.0m inside the property boundary of each lot generally in accordance with Figure 10 prepared by Cardno MBK and dated December 1999, in accordance with engineering drawings 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

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

Electricity

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

ENVIRONMENT PROTECTION

71. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be submitted to and approved by the Director of Environment and Community Services PRIOR to the issue of a construction certificate.

The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of

72. 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.
73. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
74. 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.
75. 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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76. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17° or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.

Such plans shall generally incorporate the following and preferably be prepared by a landscape architect:

- i) Contours and terraces where the height exceeds 1m.
 - ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
 - iii) Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
 - iv) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.
 - v) The landscaping shall be completed to the satisfaction of the Director Development Services PRIOR to the issue of a Subdivision Certificate.
 - vi) A bond shall be lodged prior to the issue of the Subdivision Certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.
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.

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- B. Long term period - the duration.
- L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.
81. i. Owners of dogs within the development shall have yards fenced to securely contain the dog(s) within the property.
- ii. Cats shall be restrained within the house or a secure night cage between the hours of 6.00pm or 6.00am.
82. 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.
83. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
84. 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.
85. To reduce the problem of insect pests, a bright diversionary light such as a mercury vapour street lamp is to be installed on the edge of the lake. The light shall be situated where it is visible from as much of the lake as possible. A good site would be on one of the lake side fringes of the proposed park, between the lake and Stage 8. The exact location shall be to the satisfaction of Councils Entomologist.
86. Care shall be exercised with tree planting so that growth will not foul the existing power lines on the footpath and consequently require frequent pruning.
87. If items such as stone artefacts, bone or other cultural materials are believed to have been discovered then works at and adjacent to the material must cease and the National Parks and Wildlife Service and the local Aboriginal Land Council are to be informed immediately. Works shall not recommence until approval by both bodies if necessary has been granted.
88. Prior to the removal of any vegetation, the Tweed Byron Aboriginal Land Council is to be advised so that they may be afforded the opportunity to have their representative on site to monitor the works.
89. All imported fill material is to be from an approved source and shall be free from any contamination whatsoever including any potential to generate acid sulfate material. The haulage route for the transportation route is to be approved by Councils Director of Development Services.

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90. The development is to be carried out in accordance with the Flora and Fauna Assessment carried out by Woodward Clyde particularly the "Amelioration of Impacts" for Vintage Lakes Stages 5 and 6 (GS4/94/147).

CONDITIONS IMPOSED BY NSW FISHERIES PURSUANT TO SECTION 91A OF THE ACT

91. Native fish shall be removed from the shallow water ponds by a net approved by the NSW Fisheries prior to reclamation and release at a location agreed to by NSW Fisheries.
92. The existing shallow water pits on the site shall be reclaimed as per the details supplied in the Integrated Development Application K99/1815.
93. Reclamation of the shallow water ponds shall not be completed until a permit has been obtained from NSW Fisheries under S201 of the Fisheries Management Act, 1994.

CONDITIONS IMPOSED BY DEPARTMENT OF LAND & WATER CONSERVATION PURSUANT TO SECTION 91A OF THE ACT

94. Prior to the issue of a Construction Certificate for Stage 8A, a Vegetation Management Plan is to be submitted for the approval of Council and NPWS. The Vegetation Management Plan shall make provisions for:
- i. Re-vegetation of a 20m buffer zone between the high bank of the lake and the base of the retaining wall to assist in the protection of the Comb Crested Jacana habitat.
 - ii. An access/maintenance track 3m in width immediately adjacent to the northern boundary of Lots 9 to 27 inclusive.
 - iii. The erection of a suitably sized structure to the satisfaction of the Manager Recreation Services that contains education material on the Comb Crested Jacana and the need to maintain the surrounding habitat at a location immediately adjacent to the access/maintenance track adjoining the proposed Lot 10.
 - iv. The prevention of removal or damage to, any trees, shrubs, bushes or grasses to create the temporary sedimentation basin device prior to a joint inspection and approval by an officer of Council and DLAWC.
 - v. The prevention of removal or damage to, any trees, shrubs, bushes or grasses to construct the stormwater outlet device prior to a joint inspection and approval by an officer of Council and DLAWC.
 - vi. Appropriate sedimentation and erosion control measure to be implemented and maintained during the construction of each stage.
 - vii. The revegetation is to be completed prior to the commencement of any filling works.
 - viii. Suitable screening of the revegetated buffer for duration of the construction works.

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- ix. Regular maintenance of the revegetation until the expiry of the defects liability period, including the payment of a bond equal in value to 10% of the cost of the revegetation works to ensure adequate maintenance is carried out. The bond is to be returned upon the expiry of the defect liability period.
- x. The construction of a secondary education structure in the form of a viewing platform built adjacent to the stormwater outlet device. The design and construction of this platform is to take future and ongoing maintenance of the outlet device into account.
- xi. The construction of a temporary sedimentation pond for use during the construction phase can be placed in a clear area of the proposed buffer zone between the pond and proposed drainage/public pathway. The sedimentation pond is to be filled and suitably revegetated in accordance with item (i).

The Amendment was **Lost**

Voting For

Cr Beck
Cr Marshall
Cr Youngblutt

Voting Against

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

The Motion was **Carried**

Voting For

Cr Beck
Cr Boyd
Cr Carroll
Cr Davidson
Cr Lawrie
Cr Luff
Cr Polglase

Voting Against

Cr James
Cr Marshall
Cr Youngblutt

4. Proposed Amendment to Development Control Plan No. 3- Banora Point West - Tweed Heads South

GT1/DCP/3 Pt8

244

**Cr Marshall
Cr Davidson**

RESOLVED that Council:-



CHAIRMAN

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- 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):-
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

5. **Proposed 81 Lot Subdivision at Part Lot 52 DP 881261 Fraser Drive, Tweed Heads South (Flame Tree Park Stage 4)**

DA0659/55 Pt2

245

Cr Polglase

Cr Boyd

RESOLVED that development application K99/165 for an 81 lot subdivision of Part Lot 52 DP 881261 Fraser Drive, Banora Point West (Flame Tree Park Estate Stage 4) be approved subject to the following conditions:-

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

General

1. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, and submitted for approval by Council, prior to issue of the Construction Certificate. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.

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- 2. **Prior** to the commencement of work the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-
 - a. Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
 - b. AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.

Contributions

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

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

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

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

Stage 4A

- a. Tweed Road Contribution Plan:
 - 32 lots @ \$1684 per lot\$53,888.00
 - S94 Plan No. 4 (Version 4.0)
 - (Tweed Heads South Residential)

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:

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



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and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

b. Banora Point West/Tweed Heads South (DCP3)

Open Space (Structured): 32 lots @ \$2407 \$77,024.00

S94 Plan No. 1

c. South Tweed Heads Master Drainage (DCP3 area):

3.662ha @ \$8805 \$32,244.00

S94 Plan No. 2

d. Community Facilities (DCP3 area):

32 lots @ \$512.60 \$16,403.20

S94 Plan No. 3

e. Street Trees: 32 lots @ \$42.90 \$1,372.80

S94 Plan No. 6

f. Shirewide Library Facilities:

32 lots @ \$300 \$9,600.00

S94 Plan No. 11

g. Eviron Cemetery/Crematorium Facilities:

32 lots @ \$126 \$4,032.00

S94 Plan No. 13

h. Bus Shelters:

32 lots @ \$23 \$736.00

S94 Plan No. 12

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- i. Emergency Facilities (Surf Lifesaving)
32 lots @ \$80 \$2,560.00
S94 Plan No. 16
- j. Extensions to Council Administration Offices
& Technical Support Facilities
32 lots @ \$344.81 \$11,033.90
S94 Plan No. 18
- k. Cycleways: 32 lots @ \$160 \$5,120.00
S94 Plan No. 22

Stage 4B

- a. Tweed Road Contribution Plan:
20 lots @ \$1684 per lot \$33,680.00
S94 Plan No. 4 (Version 4.0)
(Tweed Heads South Residential)

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

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- b. Banora Point West/Tweed Heads South (DCP3)
Open Space (Structured): 20 lots @ \$2407 \$48,140.00
S94 Plan No. 1
- c. South Tweed Heads Master Drainage (DCP3 area):
2.138ha @ \$8805 \$18,825.00
S94 Plan No. 2
- d. Community Facilities (DCP3 area):
20 lots @ \$512.60 \$10,252.00
S94 Plan No. 3
- e. Street Trees: 20 lots @ \$42.90 \$858.00
S94 Plan No. 6
- f. Shirewide Library Facilities:
20 lots @ \$300 \$6,000.00
S94 Plan No. 11
- g. Eviron Cemetery/Crematorium Facilities:
20 lots @ \$126 \$2,520.00
S94 Plan No. 13
- h. Bus Shelters:
20 lots @ \$23 \$460.00
S94 Plan No. 12
- i. Emergency Facilities (Surf Lifesaving)
20 lots @ \$80 \$1,600.00
S94 Plan No. 16
- j. Extensions to Council Administration Offices
& Technical Support Facilities
20 lots @ \$344.81 \$6,896.20
S94 Plan No. 18

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- k. Cycleways: 20 lots @ \$160 \$3,200.00

S94 Plan No. 22

Stage 4C

- a. Tweed Road Contribution Plan:

29 lots @ \$1684 per lot \$48,836.00

S94 Plan No. 4 (Version 4.0)

(Tweed Heads South Residential)

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:-

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

where:

$\$Con_{TRCP - Heavy}$ 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)

$\$Unit$ 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. Banora Point West/Tweed Heads South (DCP3)

Open Space (Structured): 29 lots @ \$2407 \$69,803.00

S94 Plan No. 1

- c. South Tweed Heads Master Drainage (DCP3 area):

3.238ha @ \$8805 \$28,510.00

S94 Plan No. 2

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- d. Community Facilities (DCP3 area):
29 lots @ \$512.60 \$14,865.40
S94 Plan No. 3
- e. Street Trees: 29 lots @ \$42.90 \$1,244.10
S94 Plan No. 6
- f. Shirewide Library Facilities:
29 lots @ \$300 \$8,700.00
S94 Plan No. 11
- g. Eviron Cemetery/Crematorium Facilities:
29 lots @ \$126 \$3,654.00
S94 Plan No. 13
- h. Bus Shelters:
29 lots @ \$23 \$667.00
S94 Plan No. 12
- i. Emergency Facilities (Surf Lifesaving)
29 lots @ \$80 \$2,320.00
S94 Plan No. 16
- j. Extensions to Council Administration Offices
& Technical Support Facilities
29 lots @ \$344.81 \$9,999.50
S94 Plan No. 18
- k. Pursuant to the provisions of S94 Plan No. 1 proposed lot 436 shall be increased in area to 2000m² and dedicated as passive open space and suitably embellished at no cost to Council including grassing, landscaping, seating, playground equipment and shade cover in accordance with detailed plans to accompany the Construction Certificate application. The embellishment shall be completed prior to the issue of a Subdivision Certificate for Stage 4C.
- l. Cycleways: 29 lots @ \$160 \$4,640.00
S94 Plan No. 22

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Stage 4D

- a. Tweed Road Contribution Plan:
2 lots @ \$1684 per lot \$3,368.00
S94 Plan No. 4 (Version 4.0)
(Tweed Heads South Residential)

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. Banora Point West/Tweed Heads South (DCP3)
Open Space (Structured): 1 lot @ \$2407 \$2,407.00
S94 Plan No. 1
- c. South Tweed Heads Master Drainage (DCP3 area):
1.388ha @ \$8805 \$12,221.00
S94 Plan No. 2
- d. Community Facilities (DCP3 area):
1 lot @ \$512.60 \$512.60
S94 Plan No. 3

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- e. Street Trees: 2 lots @ \$42.90 \$85,80
S94 Plan No. 6
- f. Shirewide Library Facilities:
1 lot @ \$300 \$300.00
S94 Plan No. 11
- g. Eviron Cemetery/Crematorium Facilities:
1 lot @ \$126 \$126.00
S94 Plan No. 13
- h. Bus Shelters:
2 lots @ \$23 \$46.00
S94 Plan No. 12
- i. Emergency Facilities (Surf Lifesaving)
1 lot @ \$80 \$80.00
S94 Plan No. 16
- j. Extensions to Council Administration Offices
& Technical Support Facilities
1 lot @ \$344.81 \$344.81
S94 Plan No. 18
- k. Cycleways: 1 lot @ \$160 \$160.00
S94 Plan No. 22

Council acknowledges that the developer has constructed the Western Drainage Scheme channel within the Flame Tree Park in accordance with S94 Plan No. 2 and as such credit is available and the contribution will be reduced by an amount determined based on the unit rates contained in the section 94 plan.

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

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall **NOT** be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted

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Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

Stage 4A

Water: 32 lots @ \$3590 \$114,880

Sewer: 32 lots @ \$2970 \$95,040

Stage 4B

Water: 20 lots @ \$3590 \$71,800

Sewer: 20 lots @ \$2970 \$59,400

Stage 4C

Water: 29 lots @ \$3590 \$104,110

Sewer: 29 lots @ \$2970 \$86,130

Stage 4D

Water: 2 lots @ \$3590 \$7,180

Sewer: 2 lots @ \$2970 \$5,940

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.

5. Subdivision work in accordance with a development consent must not be commenced until:-
 - (a) a construction certificate for the subdivision work has been issued by:
 - (i) the consent authority, or
 - (ii) an accredited certifier, and
 - (b) the person having the benefit of the development consent:
 - (i) has appointed a principal certifying authority, and
 - (ii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment, and

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- (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the subdivision work.

6. **Prior** to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works (minimum \$1,000).

The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the Director, Development Services.

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

GENERAL

8. Any future development application for shops and/or a service station on proposed Lot 433 shall address SEPP33 – Hazardous and Offensive Development and the specific provisions of DCP No. 3, as amended relating to the development of this site.
9. The development shall be completed in general accordance with Drawing G248/94-CP16E prepared by Heilbronn and Partners Pty Ltd and dated 16/8/2000, except where varied by these conditions.
10. 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.
11. No soil, sand, gravel, clay or other material shall be disposed of off the site.
12. 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.
13. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.
14. A Subdivision Certificate will not be issued by the General Manager for each stage until such time as all conditions of Development Consent No K99/165 relating to that stage have been complied with.
15. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:
- i. Easements for sewer, water supply and drainage over **ALL** services on private property.
 - ii. All lots with frontages to Fraser Drive (except Lot 433) and the proposed Stage 1 access road shall have a restriction as to user placed to prevent direct vehicular access.

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- iii. All lots with frontage to Fraser Drive shall have a 1 storey height limit and a 6 metre setback from Fraser Drive.

However, those lots within Stage 4A with a frontage to Fraser Drive shall be subject to the following setbacks:-

- a. The non-habitable areas of the building may be constructed within the 6 metre setback and the habitable portions/areas of dwellings may also be constructed within the 6 metre setback subject to suitable acoustic attenuation to the satisfaction of the Director of Environment and Community Services.
- b. Those lots with frontage to both Fraser Drive and internal roads shall have a three (3) metre setback for dwellings to the internal road and a five point four (5.4) metre setback for garages to the internal roads.
- c. Dwellings may be 2 storeys if they are setback from Fraser Drive of 6 metres and have acoustic treatment of the upper floor to the satisfaction of the Director of Environment and Community Services.
- iv. A restriction as to use shall be created over Lot 433 prohibiting vehicular access from Fraser Drive other than at a location approved by Council.

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.

16. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (Manual for Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
17. 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.
18. 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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19. All unnecessary easements shall be extinguished prior to release of the linen plan of subdivision for the relevant stage.
20. 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.
21. All retaining walls in excess of 1.0 metre in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.
22. 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.
23. All traffic control devices, where proposed, shall be accurately notated on a plan, which shall be lodged with the Roads and Traffic Authority for official approval and recording.
24. No retaining walls or similar structures are to be constructed over Council's sewer main.
25. In accordance with Section 109F(i) of the Environmental Planning & Assessment Act, 1979 (as amended), a construction certificate for **SUBDIVISION WORKS OR BUILDING WORKS** shall **NOT** be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment.
26. The pathway proposed between Lots 473/474 and 414/415 shall be relocated to a location adjacent to Lots 462/444 or alternatively an additional pathway shall be provided adjacent to Lot 462/444.

FURTHER APPROVALS

- 27A. 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) **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

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

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

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

- 27B. Notwithstanding Condition 27A a construction certificate may be issued for earthworks and earthworks may be carried out prior to the issue of a construction certificate for all civil works subject to compliance with the following conditions: 10, 11, 12, 13, 16, 18, 22, 23, 24, 25, 34, 40, 43, 44, 45, 48, 49, 50, 51, 54, 55, 61, 62, 63, 64, 65, 66, 67, 68, 71, 72, 73 and 75.
28. 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

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

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

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

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(v) Compliance Certificate - Drainage

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

Roadworks

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

Water Reticulation, Sewer Reticulation, Drainage

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

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Sewer Pump Station

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

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

- iii. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Supply Authorities Act, 1987 to be certified by an "accredited certifier".
30. 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.

31. 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.

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

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

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

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

33. Before the commencement of the relevant stages of road construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.
- That the pavement has been designed and constructed in accordance with subgrade analysis as per Austroads Pavement Design, A Guide to the Structural Design of Road Pavements.
 - That the pavement materials used comply with the specifications in RTA Form 3051 (June 1998)
 - That the pavement layers have been compacted to RTA specifications.
 - That site fill areas have been compacted to the specified standard.
 - That supervision of Bulk Earthworks has been to Level 2 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
 - That pavement testing has been completed in accordance with Table 8.1 of AS 3798-1996.
34. All lots must be graded and trimmed to prevent the ponding of surface water. Additionally, all lots must be adequately vegetated and action must be taken to prevent erosion from wind and/or water to the satisfaction of the Director, Development Services.
35. 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

36. All proposed road/streets, drainage and associated works within the subdivision shall be designed and constructed in accordance with the development consent plans referred to in Condition 9 **AND** the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.
37. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-
- Construction of a stormwater drainage system that will convey all waters through the site to a legal point of discharge. The sub-surface and over-land drainage systems shall convey the respective flows from minor and major storm events.

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Clearly defined upstream catchment areas and supporting stormwater calculations shall accompany the engineering design plans.

- ii. Those lots/stages with frontage to Fraser Drive shall have a 2.1m high noise barrier constructed in accordance with the noise report by Richard Heggie Associates Pty Ltd dated 28 April 1995. A plan detailing location and construction details shall be submitted. This construction shall be completed prior to linen release of each relevant stage.
- iii. A cycleway and concrete kerb and gutter is to be constructed along the entire frontage to Fraser Drive to the satisfaction of the Director of Development Services. This construction shall be completed prior to the linen plan release of each relevant stage.

Council acknowledges that if the developer constructs this cycleway a credit will apply against the contributions required by Section 94 Plan No. 22 based on the unit rates contained in the Plan.

- iv. Subject to giving the developer a minimum 120 days notice of Council's intention to let a contract for the signalised section, the developer shall, within four (4) months from the completion of the signalised intersection of Fraser Drive and Leisure Drive by Council the developer shall construct the road connecting Fraser Drive and Botanical Circuit within Stages 4A, 4C and 4D.
- v. Condition 21(i)(d) of Development Consent S95/5 shall be complied with immediately following commissioning of the signalised intersection of Fraser Drive and Leisure Drive.
- vi. To ensure that pedestrian access from the estate across Fraser Drive is available at a signalised intersection, the linen plan for Stages 4C and 4D shall not be released until the signalised intersection is completed.
- vii. As a condition of any future development of Lot 433, sufficient land shall be dedicated within the north eastern section of Lot 433 to provide for a left turn lane, two through lanes and a right turn lane on the Fraser Drive frontage of the site. The dedication shall include a splay corner to maintain a 3.5m wide footpath.
- viii. Any two way access driveway to the site from the new access road off Fraser Drive (extension of Leisure Drive) shall be 60 metres from Fraser Drive to minimise traffic confusion in accordance with Austroads Guide to Traffic Generating Development Part 5 Clause 3.2
- ix. The new access road (extension of Leisure Drive) is to include 1 through lane and 1 turning lane in each direction with a 1.2 metre median island, the exact dimensions will be determined by the intersection design which will be undertaken by Council.

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- x. A bus layby and shelter shall be provided on the Fraser Drive frontage south of the access driveway. A credit will apply to the contributions required pursuant to this consent pursuant to Section 94 Plan No. 12.
38. i. In accordance with Development Control Plan No. 16 a 1.2m wide footpath constructed of concrete or paving blocks shall be provided for the full length of the 18m wide road in Stages 4A and 4C and a 2.2m wide footpath on the southern side of the 24m wide road in Stages 4C and 4D. The design and construction standard shall comply with Draft Auspec TSC Version.
- ii. Alternatively, the developer may pay a cash contribution to the value of the works plus 25% in lieu of construction and Council will construct the footpath when the subdivision is substantially built out. The cost of these works shall be validated by a schedule of rates.
- iii. If the developer elects to construct the footpath prior to the issue of a Subdivision Certificate, a cash maintenance bond equal to 25% of the contract value of the footpath shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths are built on. The maintenance bond shall be lodged prior to release of the subdivision certificate.
39. Provision of temporary turning areas for refuse vehicles at the end of roads which will be extended in subsequent stages until such time as the road is extended or a dedicated turning area is provided at the end of the road. These temporary turning areas shall be constructed with a minimum 150mm pavement (CBR 45) and shall have a right of carriageway registered over the turning area until such time as the road is extended.
40. The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering Services Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.
41. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.

DRAINAGE/FLOODING

42. Prior to the issue of a construction certificate for Stage 4C:
- i. The Western Drainage Scheme shall be commissioned and fully operational; and
- ii. The existing easement to drain water parallel to the northern boundary of the site shall be extinguished.
43. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped.
44. No filling is to be placed hydraulically within twenty metres (20m) of any boundary that abuts private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.

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

45. 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.

46. Inter allotment drainage shall be provided to **ALL** lots where roof water from dwellings, driveways and paved accesses cannot be conveyed to the street gutter by gravitational means. Where inter-allotment drainage has not been provided, Certification by a duly qualified Engineer is to be provided stating that roof water from the building envelope can be conveyed to the street gutter by gravitational means or that all Q20 24 hour runoff from impervious areas of the site can be disposed of, on site, by means of infiltration.
47. All proposed building pads are to be above the Q100 design flood level, including provision for any localised overland flow, such that at least 300mm freeboard is provided to the satisfaction of the Director Development Services.
48. 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*.
49. The land to be filled to the design flood level of RL 2.65m AHD.
50. The earthworks shall be carried out in accordance with AS 3798-1996, "Guidelines on Earthworks for Commercial and Residential Developments". In general, material shall be placed in layers not exceeding 300mm in depth, watered and compacted to achieve the specified density ratio as monitored in Table 5.1 - Guidelines for Minimum Relative Compaction.

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51. The earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 2 standard in accordance with Appendix 6, AS 3798-1996. In addition, the frequency of field density testing shall be to a Type 1 standard in accordance with Table 8.1 of AS 3798-1996. The geotechnical report shall be accompanied by a certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798-1996.
52. All stormwater from roof catchment to be connected directly into road drainage pits if available, or to kerb and gutter, along the frontage of the site.
53. Prior to final the issue of a compliance certificate for stormwater work and also prior to the end of the defects liability period CCTV inspections of the stormwater pipes will be required to demonstrate that the standard of the stormwater system is acceptable to Council.

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

54. All imported fill material shall be from a source approved by the Director, Engineering Services

If fill is to be hauled by truck from an approved fill site, then the following requirements shall apply:

- i. The haul route shall be via the Pacific Highway, Dry Dock Road, Terranora Road and Fraser Drive only. The final route shall be approved by Council prior to haulage commencing.
55. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

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

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

SERVICES

Sewer

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

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

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

Water

57. 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.

58. The temporary stage 1 water connection shall be closed prior to linen release for Stage 4A when the permanent connection shall be provided.

Telephone

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

Electricity

60. 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

61. 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.
62. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
63. 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.
64. 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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65. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17° or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.

Such plans shall generally incorporate the following and preferably be prepared by a landscape architect:

- i) Contours and terraces where the height exceeds 1m.
 - ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
 - iii) Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
 - iv) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.
 - v) The landscaping shall be completed to the satisfaction of the Director Development Services **PRIOR** to the issue of a Subdivision Certificate.
 - vi) A bond shall be lodged prior to the issue of the subdivision certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.
66. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
67. 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.
68. 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.
69. 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.

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L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

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

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

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

71. 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.
72. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
73. 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.
74. All lots are to comply with DCP37 which requires 80% of all lots to achieve a five star rating with the remainder achieving a minimum of three or four stars.
75. Water quality management mitigation measures shall be in accordance with the Revised Soil and Water Management Plan Flame Tree Park Stage 2 by Gilbert and Sutherland, November 1997.

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AMENDMENT

Cr Marshall

Cr Youngblutt

PROPOSED that that development application K99/165 for an 81 lot subdivision of Part Lot 52 DP 881261 Fraser Drive, Banora Point West (Flame Tree Park Estate Stage 4) be approved subject to the following conditions:-

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

General

1. A traffic control plan that complies with the provisions of the RTA document “Traffic Control at Work Sites” Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, and submitted for approval by Council, prior to issue of the Construction Certificate. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.
2. **Prior** to the commencement of work the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-
 - a. Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
 - b. AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.

Contributions

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

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

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

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

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Stage 4A

- a. Tweed Road Contribution Plan:
32 lots @ \$1684 per lot \$53,888.00
S94 Plan No. 4 (Version 4.0)
(Tweed Heads South Residential)

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. Banora Point West/Tweed Heads South (DCP3)
Open Space (Structured): 32 lots @ \$2407 \$77,024.00
S94 Plan No. 1
- c. South Tweed Heads Master Drainage (DCP3 area):
3.662ha @ \$8805 \$32,244.00
S94 Plan No. 2
- d. Community Facilities (DCP3 area):
32 lots @ \$512.60 \$16,403.20
S94 Plan No. 3

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- e. Street Trees: 32 lots @ \$42.90 \$1,372.80
S94 Plan No. 6
- f. Shirewide Library Facilities:
32 lots @ \$300 \$9,600.00
S94 Plan No. 11
- g. Eviron Cemetery/Crematorium Facilities:
32 lots @ \$126 \$4,032.00
S94 Plan No. 13
- h. Bus Shelters:
32 lots @ \$23 \$736.00
S94 Plan No. 12
- i. Emergency Facilities (Surf Lifesaving)
32 lots @ \$80 \$2,560.00
S94 Plan No. 16
- j. Extensions to Council Administration Offices
& Technical Support Facilities
32 lots @ \$344.81 \$11,033.90
S94 Plan No. 18
- k. Cycleways: 32 lots @ \$160 \$5,120.00
S94 Plan No. 22

Stage 4B

- a. Tweed Road Contribution Plan:
20 lots @ \$1684 per lot\$33,680.00
S94 Plan No. 4 (Version 4.0)
(Tweed Heads South Residential)

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

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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. Banora Point West/Tweed Heads South (DCP3)

Open Space (Structured): 20 lots @ \$2407 \$48,140.00

S94 Plan No. 1

c. South Tweed Heads Master Drainage (DCP3 area):

2.138ha @ \$8805 \$18,825.00

S94 Plan No. 2

d. Community Facilities (DCP3 area):

20 lots @ \$512.60 \$10,252.00

S94 Plan No. 3

e. Street Trees: 20 lots @ \$42.90 \$858.00

S94 Plan No. 6

f. Shirewide Library Facilities:

20 lots @ \$300 \$6,000.00

S94 Plan No. 11

g. Eviron Cemetery/Crematorium Facilities:

20 lots @ \$126 \$2,520.00

S94 Plan No. 13

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- h. Bus Shelters:
 20 lots @ \$23 \$460.00
 S94 Plan No. 12
- i. Emergency Facilities (Surf Lifesaving)
 20 lots @ \$80 \$1,600.00
 S94 Plan No. 16
- j. Extensions to Council Administration Offices
 & Technical Support Facilities
 20 lots @ \$344.81 \$6,896.20
 S94 Plan No. 18
- k. Cycleways: 20 lots @ \$160 \$3,200.00
 S94 Plan No. 22

Stage 4C

- a. Tweed Road Contribution Plan:
 29 lots @ \$1684 per lot \$48,836.00
 S94 Plan No. 4 (Version 4.0)
 (Tweed Heads South Residential)

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

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(trip one way)

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

Admin. Administration component - 5% - see Section 6.5

b. Banora Point West/Tweed Heads South (DCP3)

Open Space (Structured): 29 lots @ \$2407 \$69,803.00

S94 Plan No. 1

c. South Tweed Heads Master Drainage (DCP3 area):

3.238ha @ \$8805 \$28,510.00

S94 Plan No. 2

d. Community Facilities (DCP3 area):

29 lots @ \$512.60 \$14,865.40

S94 Plan No. 3

e. Street Trees: 29 lots @ \$42.90 \$1,244.10

S94 Plan No. 6

f. Shirewide Library Facilities:

29 lots @ \$300 \$8,700.00

S94 Plan No. 11

g. Eviron Cemetery/Crematorium Facilities:

29 lots @ \$126 \$3,654.00

S94 Plan No. 13

h. Bus Shelters:

29 lots @ \$23 \$667.00

S94 Plan No. 12

i. Emergency Facilities (Surf Lifesaving)

29 lots @ \$80 \$2,320.00

S94 Plan No. 16

j. Extensions to Council Administration Offices

& Technical Support Facilities

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29 lots @ \$344.81 \$9,999.50

S94 Plan No. 18

- k. Pursuant to the provisions of S94 Plan No. 1 proposed lot 436 shall be increased in area to 2000m² and dedicated as passive open space and suitably embellished at no cost to Council including grassing, landscaping, seating, playground equipment and shade cover in accordance with detailed plans to accompany the Construction Certificate application. The embellishment shall be completed prior to the issue of a Subdivision Certificate for Stage 4C.

- l. Cycleways: 29 lots @ \$160 \$4,640.00

S94 Plan No. 22

Stage 4D

- a. Tweed Road Contribution Plan:

2 lots @ \$1684 per lot \$3,368.00

S94 Plan No. 4 (Version 4.0)

(Tweed Heads South Residential)

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)

\\$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

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- b. Banora Point West/Tweed Heads South (DCP3)
Open Space (Structured): 1 lot @ \$2407 \$2,407.00
S94 Plan No. 1
- c. South Tweed Heads Master Drainage (DCP3 area):
1.388ha @ \$8805 \$12,221.00
S94 Plan No. 2
- d. Community Facilities (DCP3 area):
1 lot @ \$512.60 \$512.60
S94 Plan No. 3
- e. Street Trees: 2 lots @ \$42.90 \$85,80
S94 Plan No. 6
- f. Shirewide Library Facilities:
1 lot @ \$300 \$300.00
S94 Plan No. 11
- g. Eviron Cemetery/Crematorium Facilities:
1 lot @ \$126 \$126.00
S94 Plan No. 13
- h. Bus Shelters:
2 lots @ \$23 \$46.00
S94 Plan No. 12
- i. Emergency Facilities (Surf Lifesaving)
1 lot @ \$80 \$80.00
S94 Plan No. 16
- j. Extensions to Council Administration Offices
& Technical Support Facilities
1 lot @ \$344.81 \$344.81
S94 Plan No. 18
- k. Cycleways: 1 lot @ \$160 \$160.00

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S94 Plan No. 22

Council acknowledges that the developer has constructed the Western Drainage Scheme channel within the Flame Tree Park in accordance with S94 Plan No. 2 and as such credit is available and the contribution will be reduced by an amount determined based on the unit rates contained in the section 94 plan.

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

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall **NOT** be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

Stage 4A

Water: 32 lots @ \$3590 \$114,880

Sewer: 32 lots @ \$2970 \$95,040

Stage 4B

Water: 20 lots @ \$3590 \$71,800

Sewer: 20 lots @ \$2970 \$59,400

Stage 4C

Water: 29 lots @ \$3590 \$104,110

Sewer: 29 lots @ \$2970 \$86,130

Stage 4D

Water: 2 lots @ \$3590 \$7,180

Sewer: 2 lots @ \$2970 \$5,940

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

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

5. Subdivision work in accordance with a development consent must not be commenced until:-
 - (a) a construction certificate for the subdivision work has been issued by:
 - (i) the consent authority, or
 - (ii) an accredited certifier, and
 - (b) the person having the benefit of the development consent:
 - (i) has appointed a principal certifying authority, and
 - (ii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment, and
 - (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the subdivision work.
6. **Prior** to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works (minimum \$1,000).

The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the Director, Development Services.

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

GENERAL

8. Any future development application for shops and/or a service station on proposed Lot 433 shall address SEPP33 – Hazardous and Offensive Development and the specific provisions of DCP No. 3, as amended relating to the development of this site.
9. The development shall be completed in general accordance with Drawing G248/94-CP16E prepared by Heilbronn and Partners Pty Ltd and dated 16/8/2000, except where varied by these conditions.
10. 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.
11. No soil, sand, gravel, clay or other material shall be disposed of off the site.
12. 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.

13. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.
14. A Subdivision Certificate will not be issued by the General Manager for each stage until such time as all conditions of Development Consent No K99/165 relating to that stage have been complied with.
15. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:
 - i. Easements for sewer, water supply and drainage over **ALL** services on private property.
 - ii. All lots with frontages to Fraser Drive (except Lot 433) and the proposed Stage 1 access road shall have a restriction as to user placed to prevent direct vehicular access.
 - iii. All lots with frontage to Fraser Drive shall have a 1 storey height limit and a 6 metre setback from Fraser Drive.

However, those lots within Stage 4A with a frontage to Fraser Drive shall be subject to the following setbacks:-

- a. The non-habitable areas of the building may be constructed within the 6 metre setback and the habitable portions/areas of dwellings may also be constructed within the 6 metre setback subject to suitable acoustic attenuation to the satisfaction of the Director of Environment and Community Services.
- b. Those lots with frontage to both Fraser Drive and internal roads shall have a three (3) metre setback for dwellings to the internal road and a five point four (5.4) metre setback for garages to the internal roads.
- c. Dwellings may be 2 storeys if they are setback from Fraser Drive of 6 metres and have acoustic treatment of the upper floor to the satisfaction of the Director of Environment and Community Services.
- iv. A restriction as to use shall be created over Lot 433 prohibiting vehicular access from Fraser Drive other than at a location approved by Council.

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.

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- 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.
16. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (Manual for Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
 17. 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.
 18. 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.
 19. All unnecessary easements shall be extinguished prior to release of the linen plan of subdivision for the relevant stage.
 20. 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.
 21. All retaining walls in excess of 1.0 metre in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.
 22. 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.
 23. All traffic control devices, where proposed, shall be accurately notated on a plan, which shall be lodged with the Roads and Traffic Authority for official approval and recording.
 24. No retaining walls or similar structures are to be constructed over Council's sewer main.
 25. In accordance with Section 109F(i) of the Environmental Planning & Assessment Act, 1979 (as amended), a construction certificate for **SUBDIVISION WORKS OR BUILDING WORKS** shall **NOT** be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986

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(or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment.

26. The pathway proposed between Lots 473/474 and 414/415 shall be relocated to a location adjacent to Lots 462/444 or alternatively an additional pathway shall be provided adjacent to Lot 462/444.

FURTHER APPROVALS

- 27A. 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) Subdivision Work

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

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

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

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

- 27B. Notwithstanding Condition 27A a construction certificate may be issued for earthworks and earthworks may be carried out prior to the issue of a construction certificate for all civil works subject to compliance with the following conditions: 10, 11, 12, 13, 16, 18, 22, 23, 24, 25, 34, 40, 43, 44, 45, 48, 49, 50, 51, 54, 55, 61, 62, 63, 64, 65, 66, 67, 68, 71, 72, 73 and 75.
28. 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.

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

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

Note: i. Where Council is requested to issue compliance certificates, applications for such certificates must be accompanied by documentary evidence from the Developers Supervising Consulting Engineer certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, DCP16 - Subdivision Manual and good Engineering Practice.

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

Roadworks

- a. Pre-construction commencement erosion and sedimentation control measures
- b. Completion of earthworks
- c. Excavation of subgrade
- d. Pavement - sub-base
- e. Pavement - pre kerb
- f. Pavement - pre seal
- g. Pathways, footways, bikeways - formwork/reinforcement

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- h. Final inspections - on maintenance
- i. Off Maintenance inspection

Water Reticulation, Sewer Reticulation, Drainage

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

Sewer Pump Station

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

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

- iii. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Supply Authorities Act, 1987 to be certified by an "accredited certifier".
30. 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;

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- (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.

31. 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.

32. (i) **PRIOR** to lodging an application for a Subdivision Certificate, the applicant shall obtain the written approval of Council to the proposed road/street names. Approved names are to be in accordance with Council's Road Naming Policy adopted on 7 August 1996 and are to be shown on the Plan of Subdivision accompanying the application for a Subdivision Certificate.
- (ii) To avoid confusion resulting from duplication of private driveway/accessway name and public road/street names, the applicant shall submit to Council for approval the proposed name(s) of any private driveway/accessways.

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

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

33. Before the commencement of the relevant stages of road construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.
- That the pavement has been designed and constructed in accordance with subgrade analysis as per Austroads Pavement Design, A Guide to the Structural Design of Road Pavements.
 - That the pavement materials used comply with the specifications in RTA Form 3051 (June 1998)
 - That the pavement layers have been compacted to RTA specifications.
 - That site fill areas have been compacted to the specified standard.
 - That supervision of Bulk Earthworks has been to Level 2 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
 - That pavement testing has been completed in accordance with Table 8.1 of AS 3798-1996.
34. All lots must be graded and trimmed to prevent the ponding of surface water. Additionally, all lots must be adequately vegetated and action must be taken to prevent

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

35. 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

36. All proposed road/streets, drainage and associated works within the subdivision shall be designed and constructed in accordance with the development consent plans referred to in Condition 9 **AND** the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.
37. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-
- i. Construction of a stormwater drainage system that will convey all waters through the site to a legal point of discharge. The sub-surface and over-land drainage systems shall convey the respective flows from minor and major storm events. Clearly defined upstream catchment areas and supporting stormwater calculations shall accompany the engineering design plans.
 - ii. Those lots/stages with frontage to Fraser Drive shall have a 2.1m high noise barrier constructed in accordance with the noise report by Richard Heggie Associates Pty Ltd dated 28 April 1995. A plan detailing location and construction details shall be submitted. This construction shall be completed prior to linen release of each relevant stage.
 - iii. A cycleway and concrete kerb and gutter is to be constructed along the entire frontage to Fraser Drive to the satisfaction of the Director of Development Services. This construction shall be completed prior to the linen plan release of each relevant stage.

Council acknowledges that if the developer constructs this cycleway a credit will apply against the contributions required by Section 94 Plan No. 22 based on the unit rates contained in the Plan.

- iv. Subject to giving the developer a minimum 120 days notice of Council's intention to let a contract for the signalised section, the developer shall, within four (4) months from the completion of the signalised intersection of Fraser Drive and Leisure Drive by Council the developer shall construct the road connecting Fraser Drive and Botanical Circuit within Stages 4A, 4C and 4D.
- v. Condition 21(i)(d) of Development Consent S95/5 shall be complied with immediately following commissioning of the signalised intersection of Fraser Drive and Leisure Drive.

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- vi. To ensure that pedestrian access from the estate across Fraser Drive is available at a signalised intersection, the linen plan for Stages 4C and 4D shall not be released until the signalised intersection is completed.
 - vii. As a condition of any future development of Lot 433, sufficient land shall be dedicated within the north eastern section of Lot 433 to provide for a left turn lane, two through lanes and a right turn lane on the Fraser Drive frontage of the site. The dedication shall include a splay corner to maintain a 3.5m wide footpath.
 - viii. Any two way access driveway to the site from the new access road off Fraser Drive (extension of Leisure Drive) shall be 60 metres from Fraser Drive to minimise traffic confusion in accordance with Austroads Guide to Traffic Generating Development Part 5 Clause 3.2
 - ix. The new access road (extension of Leisure Drive) is to include 1 through lane and 1 turning lane in each direction with a 1.2 metre median island, the exact dimensions will be determined by the intersection design which will be undertaken by Council.
 - x. A bus layby and shelter shall be provided on the Fraser Drive frontage south of the access driveway. A credit will apply to the contributions required pursuant to this consent pursuant to Section 94 Plan No. 12.
38. i. In accordance with Development Control Plan No. 16 a 1.2m wide footpath constructed of concrete or paving blocks shall be provided for the full length of the 18m wide road in Stages 4A and 4C and a 2.2m wide footpath on the southern side of the 24m wide road in Stages 4C and 4D. The design and construction standard shall comply with Draft Auspec TSC Version.
- ii. Alternatively, the developer may pay a cash contribution to the value of the works plus 25% in lieu of construction and Council will construct the footpath when the subdivision is substantially built out. The cost of these works shall be validated by a schedule of rates.
- iii. If the developer elects to construct the footpath prior to the issue of a Subdivision Certificate, a cash maintenance bond equal to 25% of the contract value of the footpath shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths are built on. The maintenance bond shall be lodged prior to release of the subdivision certificate.
39. Provision of temporary turning areas for refuse vehicles at the end of roads which will be extended in subsequent stages until such time as the road is extended or a dedicated turning area is provided at the end of the road. These temporary turning areas shall be constructed with a minimum 150mm pavement (CBR 45) and shall have a right of carriageway registered over the turning area until such time as the road is extended.
40. The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering Services Division forty eight (48) hours notice of

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proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.

41. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.

DRAINAGE/FLOODING

42. Prior to the issue of a construction certificate for Stage 4C:
 - i. The Western Drainage Scheme shall be commissioned and fully operational; and
 - ii. The existing easement to drain water parallel to the northern boundary of the site shall be extinguished.
43. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped.
44. No filling to be placed hydraulically within twenty metres (20m) of any boundary that abuts private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.

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

45. 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.

46. Inter allotment drainage shall be provided to **ALL** lots where roof water from dwellings, driveways and paved accesses cannot be conveyed to the street gutter by gravitational means. Where inter-allotment drainage has not been provided, Certification by a duly qualified Engineer is to be provided stating that roof water from the building envelope can be conveyed to the street gutter by gravitational means or that all Q20 24 hour runoff from impervious areas of the site can be disposed of, on site, by means of infiltration.
47. All proposed building pads are to be above the Q100 design flood level, including provision for any localised overland flow, such that at least 300mm freeboard is provided to the satisfaction of the Director Development Services.
48. 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

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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*.
49. The land to be filled to the design flood level of RL 2.65m AHD.
50. The earthworks shall be carried out in accordance with AS 3798-1996, "Guidelines on Earthworks for Commercial and Residential Developments". In general, material shall be placed in layers not exceeding 300mm in depth, watered and compacted to achieve the specified density ratio as monitored in Table 5.1 - Guidelines for Minimum Relative Compaction.
51. The earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 2 standard in accordance with Appendix 6, AS 3798-1996. In addition, the frequency of field density testing shall be to a Type 1 standard in accordance with Table 8.1 of AS 3798-1996. The geotechnical report shall be accompanied by a certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798-1996.
52. All stormwater from roof catchment to be connected directly into road drainage pits if available, or to kerb and gutter, along the frontage of the site.
53. Prior to final the issue of a compliance certificate for stormwater work and also prior to the end of the defects liability period CCTV inspections of the stormwater pipes will be required to demonstrate that the standard of the stormwater system is acceptable to Council.
- All costs associated with the CCTV inspection and repairs shall be borne by the applicants.
54. All imported fill material shall be from a source approved by the Director, Engineering Services
- If fill is to be hauled by truck from an approved fill site, then the following requirements shall apply:
- i. The haul route shall be via the Pacific Highway, Dry Dock Road, Terranora Road and Fraser Drive only. The final route shall be approved by Council prior to haulage commencing.

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

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

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

SERVICES

Sewer

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

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

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

Water

57. 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.

58. The temporary stage 1 water connection shall be closed prior to linen release for Stage 4A when the permanent connection shall be provided.

Telephone

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

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Electricity

60. 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

61. 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.
62. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
63. 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.
64. 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.
65. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17^o or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.

Such plans shall generally incorporate the following and preferably be prepared by a landscape architect:

- i) Contours and terraces where the height exceeds 1m.
- ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
- iii) Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
- iv) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.
- v) The landscaping shall be completed to the satisfaction of the Director Development Services **PRIOR** to the issue of a Subdivision Certificate.
- vi) A bond shall be lodged prior to the issue of the subdivision certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.

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66. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
67. 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.
68. 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.
69. 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.
70. 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.
71. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
72. 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.
73. All lots are to comply with DCP37 which requires 80% of all lots to achieve a five star rating with the remainder achieving a minimum of three or four stars.
74. Water quality management mitigation measures shall be in accordance with the Revised Soil and Water Management Plan Flame Tree Park Stage 2 by Gilbert and Sutherland, November 1997.

The Amendment was **Lost**

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Voting For

Cr Marshall
Cr Youngblutt

Voting Against

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

The Motion was **Carried**

Voting For

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

Voting Against

Cr Marshall
Cr Youngblutt

6. **Release of Caveat over Lot 1 DP 881169 Gollan Drive, Tweed Heads West (Former Seagulls Stadium Site) - Villa World Limited**

GS4/97/93 Pt2

246

Cr Marshall
Cr Youngblutt

RESOLVED that:-

1. The caveat over Lot 1 DP 8811699 be released; and
2. All documents be executed under the Common Seal of Council.

Voting - Unanimous

7. **Proposed Alterations and Additions to an Existing Dwelling at Lot A DP 406115 Seaview Street, Kingscliff**

DA4970/190 Pt1

247

Cr Boyd
Cr Davidson

RESOLVED that this item be deferred to allow the applicant to address Community Access.

Voting - Unanimous

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8. **Application to Dredge an Area Along the Central and Western Portion of the Harbour Entrance to Improve Navigation for all Vessels to the Southern Boat Harbour and Facilitate the Erection of a Marina - Crown Land Below Mean High Water Mark Within the Back Channel of Terranora Creek Fronting Lot 709 DP 726652 and Afex Park, Tweed Heads**

DA4030/3980 Pt3

248

Cr Marshall

Cr Luff

RESOLVED that Development Application 0675/2000DA submitted by Norva Investments Pty Ltd for permission for dredging of Crown seabed land being the back channel of Terranora Creek, Tweed Heads adjacent to Lot 709 DP 7226652 and Crown Reserve 87361 (Afex Park) and reclamation works of Apex Park, be approved subject to the following conditions:

GENERAL

1. The development shall be completed in general accordance with Plan No 1050-04 and 1050-05 prepared by International Marina Consultants and dated 17 February 2000 and Environmental Impact Statement prepared by Master Planning Services Australia Pty Ltd dated April 2000, except where varied by these conditions.
2. 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.
3. 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.
4. **Prior** to the commencement of work the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-
 - a. Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
 - b. AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
5. A detailed precinct embellishment plan for Afex Park consistent with the preliminary plan previously submitted to Council numbered WDM 01^A January 1999 prepared by Eldon Botcher Architect is to be submitted to Council. This plan is to include planting details and have regard to strategy 10(a) and 10(e) of the Tweed Heads Southern Boatharbour Management Strategy. This plan is to be approved by the Director Development Services prior to commencement of works.
6. The retaining wall must be certified by a Qualified Structural Engineer verifying the structural integrity of the wall after construction.

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7. The embellishment of Afex Park is to be carried out in accordance with the approved plan referred to in condition 5 of this consent at the completion of the marina development referred to in development consent 0685/2000DA.
8. Materials used in the construction of the works are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

ENVIRONMENT PROTECTION

9. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be submitted to and approved by the Director of Environment and Community Services prior to the commencement of works.

The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of.

10. The appointed contractor is to be responsible for the implementation and compliance with the Acid Sulphate Soils Management Plan prepared by Soil Surveys Engineering Pty Ltd Reg KL2520 and dated 9 February 2000. The contractors name and details are to be supplied to Council prior to works commencing on site.
11. The contractor shall appoint an appropriately qualified Geotechnical Engineer to supervise all aspects of the Acid Sulphate Soil Management Plan prepared by Soil Surveys Engineering Pty Ltd Reg. KL2520 and dated 9 February 2000 unless the contractor possesses such appropriate qualifications to satisfy this condition.
12. The name and contact details of any Geotechnical Engineer appointed to supervise the aspects of the Acid Sulphate Soils Management Plan are to be supplied to Council prior to works commencing on site.
13. All works are to be carried out so as to comply with the requirements and provisions of the Acid Sulphate Soil Management Plan prepared by Soil Survey Engineering Pty Ltd KL2520 dated 9 February 2000.
14. Council's Director Environment & Community Services is to be supplied with the results of all monitoring undertaken in accordance with the requirements of the Acid Sulphate Soils Management Plan upon request and generally as required by the Acid Sulphate Soils Management Plan by no later than 24 hours following their availability to the approved contractor.
15. If the sedimentation control pond is located in the immediate vicinity of the public reserve (Afex Park) then it shall be securely fenced off so as to restrict access to the pond by members of the public.
16. A siltation curtain shall be deployed around the dredger and maintained to the satisfaction of the Director Environment and Community Services.
17. Waters from the sedimentation pond are not to be released into the river unless the level of suspended solids is less than 50mg/l. Water quality analysis to verify compliance

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with this requirement is to be carried out and results submitted to Council upon request by Council's Environmental Health Officer.

18. Council is to be provided with details indicating the location of all filter screens and silt fences and the size and location of the proposed sedimentation pond prior to work commencing on site.
19. A turbidity curtain is to be deployed during the period of stabilisation of the spoil associated with the Afex Park foreshore area to control any dispersion of silts.
20. Fuels and other potential contaminants are to be stored in appropriately located and designed areas.
21. Construction site (dredging operation) activities are to be limited within the following times:

Monday to Friday	7am to 6pm
Saturday	8am to 1pm

No construction work is to take place on Sundays or Public Holidays.
22. 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.
23. 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.
24. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
25. 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.
26. 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.

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27. 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.
28. Any imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of fill shall be submitted to the satisfaction of the Director Development Services.
29. All stormwater discharged from the site including dewatering discharge is to be directed to a sediment pond prior to final discharge into any waterway. The sediment ponds or other approved devices are to be maintained in good condition.
30. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

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

31. The water quality control pond shall be fully fenced in accordance with the requirements of AS1926-1993 for children less than five (5) years of age.
32. 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*".
33. The sedimentation pond to be used for controlling the quality of tail water exiting the reclamation area shall be constructed and operated in accordance with part 7 – "*Sediment Control*" of Annexure A "*Code of Practice for Soil and Water Management on Construction Works*" above, if the material dredged contains more than 10% of dispersible fines, treatment shall be in accordance with part 7.7. Water shall not be permitted to discharge from the sediment pond unless it has a suspended solids concentration not exceeding 50mg/l.
34. Submission of an Environmental Management Plan prior to the commencement of works incorporating the provisions of the Environmental Impact Statement and conditions of this consent. This plan is to be to the satisfaction of the Director Development Services.

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35. Submission of a plan prior to the commencement of works detailing the reclamation works prepared and certified by a Structural Engineer and to the satisfaction of the Director Development Services.

PRESCRIBED/BUILDING

36. 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.
37. A sign must be erected on the site in a prominent, visible position stating:
- a. that unauthorised entry to the work site is prohibited; and
 - b. showing the name of the contractor, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.

GENERAL TERMS OF APPROVAL – NSW FISHERIES

38. The intended works are authorised by the Minister for Fisheries prior to the commencement of any work. See page 76 of the Policy and Guidelines booklet – ie. a permit under S.200 and 201 (dredging and reclamation) of the Fisheries Management Act 1994 must be obtained prior to the commencement of works.
39. The works are restricted to the area described by the development application.

Voting For

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

Voting Against

Cr Carroll
Cr James

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9. **Application for the Construction of a 29 Berth Marina Facility at the Entrance to the Southern Boat Harbour - Crown Land Below Mean High Water Mark Fronting Lot 709 DP 726652 and Afex Park, Tweed Heads**

DA4030/3980 Pt3

249

Cr Marshall

Cr Youngblutt

RESOLVED that Council approves the construction of a 29 berth marina on Crown land adjacent to Lot 709 DP 726652 and Afex Park, Tweed Heads subject to the following conditions:-

CONTRIBUTIONS

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

- a. Tweed Road Contribution Plan: \$10,647.00

S94 Plan No. 4 (Version 4.0)

(Tweed Heads – Commercial)

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.

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

Water: \$20,822.00

Sewer: \$17,226.00

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

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

FURTHER APPROVALS

3. 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.

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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
- 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.

4. A Management Plan, approved by Waterways, is to be submitted to Council prior to the issue of a Construction Certificate, detailing the proposed measures to control marine traffic generally using the channel so as to minimise erosion of Greenbank Island. This plan is to be to the satisfaction of the Director Development Services.

GENERAL

5. The development shall be completed in general accordance with Plan No 1050-03 Amendment C & D prepared by International Marina Consultants and dated 16/2/00 and 18/7/00 and accompanying Statement of Environmental Effects dated April 2000, except where varied by these conditions.
6. 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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7. 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.
8. Advertising structures/signs to be the subject of a separate development application, where statutorily required.
9. No items or goods are to be stored or displayed outside the confines of the premises.
10. The marina is not to be used for permanent accommodation or overnight accommodation. The facility is solely for the storage of vessels. Details of the proposed lease arrangements are to be submitted to Council for approval prior to the commencement of the use.
11. Parking associated with the development is to be completed prior to occupation of the Marina.
12. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.
13. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.
14. In accordance with Section 109F(i) of the Environmental Planning & Assessment Act, 1979 (as amended), a construction certificate for **SUBDIVISION WORKS OR BUILDING WORKS** shall **NOT** be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment.
15. On completion of the works a certificate signed by a practising structural engineer is to be submitted to Council to certify the structural adequacy of the completed structure.

PRESCRIBED/BUILDING

16. 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.
17. A sign must be erected on the site in a prominent, visible position stating:
 - a. that unauthorised entry to the work site is prohibited; and

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- b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.

ENVIRONMENT PROTECTION

18. 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.
19. All boats using the Marina are to be directed to use the sewer pump out facility at South Tweed Heads.
20. No discharge of effluent to waterway from boats moored at the Marina is to occur.
21. 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*".
22. Packing material is to be used on the pile driving helmet to mitigate the generation of offensive noise.
23. Flood lighting installed on the Marina is to be shielded to prevent any nuisance to adjacent residential areas.
24. 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.
25. 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.
26. 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.
27. 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.

Minutes - Meeting of Tweed Shire Council

28. Public toilet facilities are to be provided within Lot 437 DP 755740 which are available for use by people using the Marina facility and the general public. Details of the location of this facility, to the satisfaction of the Director Development Services, are to be provided prior to issue of the Construction Certificate.
29. The embellishment works required in association with Development Consent 675/2000 are to be completed in accordance with the approved plan prior to occupation of the Marina.
30. The embankment of Afex Park directly behind the Marina is to be revetted with such materials and by a design to the satisfaction of to the Director Development Services prior to the issue of Construction Certificate.

GENERAL TERMS OF APPROVAL

31. The intended works are to be authorised by the Minister for Fisheries prior to commencement of any works.
32. The works are restricted to the area described by the above Development Application.

AMENDMENT

Cr Boyd

Cr Luff

PROPOSED that this item be deferred to allow further discussion with relevant departmental officers, commercial charter operators and fishing fleet operators.

The Amendment was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

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

The Motion was **Carried**

Minutes - Meeting of Tweed Shire Council

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

TEMPORARY ABSENCE FROM MEETING

GC6/1/2 Pt1

Cr Carroll left the meeting.

10. **Proposed Tourist Accommodation, Swimming Pool, and Shed at Lot 1 DP 807334 Pimble Valley Road, Crabbes Creek**

DA4315/10 Pt1

250

Cr Luff

Cr Boyd

RESOLVED that this item be deferred to allow the applicant to address Community Access.

Voting – Unanimous

RETURN TO MEETING

Cr Carroll returned to the meeting.

11. **Draft Local Environmental Plan - Amendment Lots 21 & 22 DP 858402 and Lots 25 & 29 DP 1000571, Snowgum Drive, Bilambil Heights, Marana Park Estate**

DA5115/155 Pt1

251

Cr Luff

Cr James

RESOLVED that this item be deferred to allow a further report to be brought forward.

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

Minutes - Meeting of Tweed Shire Council

12. Request to Vary Section 94 Contributions for Car parking for Proposed Restaurant at Shop 1, Lot 1 DP 403158, 92 Marine Parade, Kingscliff

DA3340/380 Pt1

Cr Lawrie

Cr Youngblutt

PROPOSED that in the event that the application is approved that there be no requirement for a car parking contribution.

AMENDMENT

252

Cr Marshall

Cr Boyd

RESOLVED that:-

1. The applicants be advised that Council is willing to accept a reduced car parking contribution of \$16,100 based on a dining area of 70m² and a 40% discount in the parking requirements under DCP No 2 subject to the business only operating after 5.30pm.
2. The applicants further be advised that if they are willing to accept a time limited consent of 5 years that this contribution referred to above may be reduced by a further 75% - should the consent be extended beyond the five year period at the conclusion of this period, the full amount of the contribution would be required to be paid at the rate applicable at the time of payment.

The Amendment was Carried

Voting For

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

Voting Against

Cr Beck
Cr Lawrie
Cr Youngblutt

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

Voting For

Cr Boyd
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

13. Ministers Determination on Council's Request to Levy Contributions for Water and Sewerage Headworks - Tweed Heads Hospital

DA2800/60 Pt2

253

Cr Polglase

Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM DIRECTOR CORPORATE SERVICES

**14. Advancing Local Government: Partnerships for a New Century
Council Management, Local Govt & Shires Association - General**

254

Cr Polglase

Cr Marshall

RESOLVED that Council:

1. Accepts the invitation to participate in a workshop.
2. Requires the General Manager to liaise with the existing sub-regional group of Councils:
 - a. to encourage participation in the workshop; and
 - b. preparation of a joint submission following the workshop, from the sub-region for lodgement prior to the submission close date.

Voting - Unanimous

15. Voluntary Structural Reform Group - Stage 1

Voluntary Structural Reform

255

Cr Polglase

Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

16. Shires Association 2000 "A" Division Meeting

Shires Association of NSW - Conference

256

Cr Polglase

Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

REPORTS FROM DIRECTOR ENGINEERING SERVICES

17. Acquisition of Easements for Drainage Within Crown Reserve 1001008 at Cabarita Beach

R4060 Crown Reserves, DA1180/655 Pt1

257

Cr Polglase

Cr Marshall

RESOLVED that:-

1. Council approves the acquisition of easements for drainage within Crown Reserve 1001008 at Cabarita Beach under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991 for the purposes of the Local Government Act, 1993; and
2. All necessary documentation be executed under the Common Seal of Council

Voting - Unanimous

18. Hastings Point Sewage Treatment Works Augmentation Financial Assistance Offer

Sewerage Treatment – Hastings Point-Augment-Stage3

258

Cr Polglase

Cr Marshall

RESOLVED that the Minister's offer for the costs associated with the completion of the Hastings Point Sewage Treatment Works augmentation investigation work be accepted in accordance with the standard conditions of financial assistance.

Voting - Unanimous

19. Murwillumbah Streetscape Improvements

Street Scaping-Mbah

Cr Boyd

Cr Luff

PROPOSED that Council:-

1. Authorises the construction and installation of the additional shade structures, seating and street furniture in the Murwillumbah Streetscape program as scheduled in this report at an estimated cost of \$47,000.
2. Amends its adopted masterplan by approving the conversion of one (1) carparking bay outside the Riverside Thai in Commercial Road to a concrete footpath extension with associated bollards, chain and drain covers, estimated to cost \$3,000.
3. Defers consideration of further potential footpath extensions and parking bay removals outside licensed premises in the Murwillumbah CBD pending receipt of individual development applications with letters of support from the Murwillumbah District Business Chamber Ltd.

Minutes - Meeting of Tweed Shire Council

AMENDMENT

259

Cr Beck

Cr Marshall

RESOLVED that the recommendation (points 1-3) be dealt with individually.

The Amendment was **Carried**

Voting For

Cr Beck
Cr James
Cr Lawrie
Cr Luff
Cr Marshall
Cr Youngblutt

Voting Against

Cr Boyd
Cr Carroll
Cr Davidson
Cr Polglase

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

Voting – Unanimous

260

Cr Lawrie

Cr Youngblutt

RESOLVED that Council authorises the construction and installation of the additional shade structures, seating and street furniture in the Murwillumbah Streetscape program as scheduled in this report at an estimated cost of \$47,000. (1)

Voting For

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

Voting Against

Cr Marshall

261

Cr Carroll

Cr Boyd

RESOLVED that Council amends its adopted masterplan by approving the conversion of one (1) carparking bay outside the Riverside Thai in commercial Road to a concrete footpath extension with association bollards, chain and drain covers, estimated to cost \$3,000.

Minutes - Meeting of Tweed Shire Council

Voting For

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

Voting Against

Cr Beck
Cr Marshall

262

Cr Luff

Cr Boyd

RESOLVED that Council defers consideration of further potential footpath extensions and parking bay removals outside licensed premises in the Murwillumbah CBD pending receipt of individual development applications with letters of support from the Murwillumbah District Business Chamber Ltd.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

20. Proposal to Become Trustee - Reserve No 3766 Lot 7 Section 10 DP 758571 Kingscliff Street, Kingscliff - Former Girl Guides Site

2890.190

263

Cr James

Cr Davidson

RESOLVED that a report be brought forward outlining the costs involved in removing the building situated on Reserve No 3766 Lot 7 Section 10 DP 758571 Kingscliff Street, Kingscliff (former Girl Guides site).

Voting - Unanimous

21. Removal of Cadagi

Tree-Removal/Lopping

264

Cr James

Cr Boyd

RESOLVED that Council:-

1. Thanks the residents for their offer.
2. Informs the residents that:
 - a. It is Council's opinion that removal of any Cadagis in Keith Compton Drive and their replacement with other species of trees should only be undertaken as part of a systematic program in order to mitigate adverse impacts on the streetscape.

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- b. Given there are little or no ecological or practical reasons for the removal of the Cadagis in Keith Compton Drive and the significant cost, Council will not remove them this financial year.
- c. Offers from residents to fund removal of Cadagis would be more acceptable if they were made as part of a co-ordinated proposal from a significant proportion of the residents of affected streets.

AMENDMENT

Cr Lawrie

Cr Beck

PROPOSED that Council reconsiders the allocation of funds to commence the removal/replacement program of Cadagi, with residents then having the option to pay for the removal of trees outside this program and with replacement by suitable trees.

The Amendment was **Lost**

Voting For

Cr Beck
Cr Lawrie
Cr Marshall
Cr Youngblutt

Voting Against

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

The Motion was **Carried**

Voting For

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

Voting Against

Cr Lawrie



Minutes - Meeting of Tweed Shire Council

22. Building Enclosure Below Council's Design Flood Level - Lot 90 DP 582072 Fingal Road, Fingal Head

DA2060/115 Pt1

265

Cr James

Cr Boyd

RESOLVED that:

- A. The applicant be informed that Council will not approve the current application unless it is:
1. Modified to reduce the enclosed area at ground level to 50m²; **or**
 2. Accompanied by a report from Hydraulic Engineer that certifies that the proposed dwelling will not significantly restrict flood flows.
- B. A copy of the report be included in the response to the applicant.

Voting - Unanimous

23. Drugs and Community Action Strategy

Drugs Related Matters

266

Cr Marshall

Cr Youngblutt

RESOLVED that Council holds a Workshop with the Project Manager of the Regional Drugs and Community Action Strategy.

Voting - Unanimous

24. Control of Overgrown Private Land

Overgrown Land - Private

267

Cr Marshall

Cr Youngblutt

RESOLVED that Council notes the Penalty Infringement Notices will be issued for non compliance with Orders requiring the clearing of overgrown land, where the land owner has been suitably notified as outlined in this report.

Voting - Unanimous

25. Markets - Sale of Food and Drinks

Markets-General

268

Cr Marshall

Cr Youngblutt

RESOLVED that Council calls for public comment in respect of the current Policy E10.10 Vending of Food on Public Reserves, Streets and Roads including all the options listed in the report.

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Voting - Unanimous

26. Relocation of Cabarita Beach Surf Life Saving Club to Temporary Premises and Demolition of Council Owned Premises

Surf Lifesaving, 4100.30

This item was dealt with previously at Minute No 240.

**27. New South Wales Lantana Biological Control Task Force - Funding
Noxious-Insects/Posts, Weeds/Plants**

269

Cr James

Cr Luff

RESOLVED that:-

1. Council contributes \$1000 per year for the three years 2000/2003
2. The donation for the year 2000/2001 be brought to account at the first quarterly budget review.
3. The Secretary of the NSW Lantana Biological Control Task Force be informed that the payments for the years 2001/2003 are subject to budget review.

Voting – Unanimous

28. Secure Storage Facility - Stotts Creek

Garbage-Depot Stotts Creek

Cr Beck

Cr Marshall

PROPOSED that:-

1. This report be received and noted and that a letter be sent to the Department of Agriculture stating that Tweed Shire Council no longer will be part of the secure storage site and that the agreement be withdrawn.
2. Tweed Shire Council residents who have had land affected by the contaminated soil clean up of the dip sites be compensated.

AMENDMENT

270

Cr Polglase

Cr Luff

RESOLVED that this report be received and noted.

The Amendment was **Carried**

Minutes - Meeting of Tweed Shire Council

Voting For

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

Voting Against

Cr Beck
Cr Lawrie
Cr Marshall
Cr Youngblutt

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

Voting For

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

Voting Against

Cr Beck
Cr Lawrie

LATE ITEM

271

Cr Marshall

Cr James

RESOLVED that Item 28a being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

Voting - Unanimous

28a. Tweed Rural Fire Service

Rural Fire Brigade

272

Cr Marshall

Cr James

RESOLVED that :

1. Council amends the Bush Fire Danger Period to be 9 September 2000 to 31 March 2000.
2. Delegates its function to vary the Bush Fire Danger Period to the General Manager who will be advised by the Fire Control Officer annually.
3. The Fire Control Officer will ensure that the amendment to the period be published in the Government Gazette and Daily News as soon as practicable, in addition to notifying the Commissioner.

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4. Council appoints Mr Kevin Rawson to be Acting Deputy Fire Control Officer (Honorary) for the period 06 September – 18 October 2000 in the absence of Tom Maye.

Voting - Unanimous

REPORTS FROM SUB-COMMITTEES

1. **Minutes of the Tweed Shire Occupational Health & Safety Committee Meeting held Wednesday 12 July 2000**

GP15/3 Pt4 401

1. **Reports on Injuries**

Occupational Health & Safety

273

Cr Luff

Cr Marshall

RESOLVED that the floor surfaces at Norries Headland toilet block be placed on maintenance program.

Voting - Unanimous

274

Cr Marshall

Cr Luff

RESOLVED that the remaining recommendations contained in the Minutes of the Occupational Health & Safety Committee be received and noted.

Voting - Unanimous

TEMPORARY ABSENCE FROM MEETING

GC6/1/2 Pt1

Cr Lawrie left the meeting.

2. **Minutes of the Tweed Coastal Committee Meeting held Wednesday 2 August 2000**
Coastal Committee
5. **SEPP 26 Funding**

Rainforests, SEPP

275

Cr James

Cr Boyd

RESOLVED that Council reviews the decision on providing funds for maintenance in SEPP 26 Littoral Rainforest areas at the next quarterly budget review.

Voting – Unanimous

Minutes - Meeting of Tweed Shire Council

276

Cr Boyd

Cr Luff

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

Voting – Unanimous

RETURN TO MEETING

Cr Lawrie returned to the meeting.

TEMPORARY ABSENCE FROM MEETING

GC6/1/2 Pt1

Cr Polglase left the meeting.

3. **Minutes of the Communication Committee Meeting held Wednesday 9 August 2000**

Communication Taskforce

4. **Report on Council's Communications Policy**

Communication Taskforce

277

Cr Luff

Cr Marshall

RESOLVED that the questions and answers regarding the Tweed Link prepared by the Civic Liaison Officer, at the request of the Communications Committee, be received and noted.

Voting – Unanimous

2. **Wording on Public Signage**

Communication Taskforce

278

Cr Boyd

Cr Luff

RESOLVED that the wording on public signage better reflect legislative and community attitudes.

Voting – Unanimous

279

Cr Boyd

Cr Luff

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

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

RETURN TO MEETING

Cr Polglase returned to the meeting.

4. Minutes of the Local Traffic Committee Meeting held Thursday 17 August 2000 Traffic Committee

1. Speed Review – Nunderi

Speed Zones, R3760

280

Cr Boyd

Cr Marshall

RESOLVED that:-

1. 50kph area signage be installed in the locality of Nunderi on all residential cul-de-sac streets including Garden Avenue, Elvadale Court, Pinegold Place, The Grove and Kyndalyn Court.
2. Norths Lane be signposted as 80kph.
3. Eviron Road have de-restrict signs erected.

Voting - Unanimous

2. Wardrop Valley Road & Fernvale Road

R5810 & R2040

281

Cr Boyd

Cr Marshall

RESOLVED that the banana storage shed owners be requested that they ensure that the gate opposite 554 Wardrop Valley Road is closed when not in use.

Voting - Unanimous

3. Gull Place and Scenic Drive

R2325 & R4930

282

Cr Boyd

Cr Marshall

RESOLVED that “No Stopping” signs be installed on Scenic Drive 30m each side of the junction with Gull Place.

Voting - Unanimous

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4. Sierra Vista Boulevard & Simpson Drive

R5042 & R5050

283

Cr Boyd

Cr Marshall

RESOLVED that a "Give Way" sign be installed on Sierra Vista Boulevard at the intersection of Simpson Drive, Bilambil Heights.

Voting - Unanimous

6. Bellerive Place and Tralee Drive, Banora Point

R5551

284

Cr Boyd

Cr Marshall

RESOLVED that this item be clarified with staff.

Voting - Unanimous

7. Peninsula Drive, Bilambil Heights

R4200

285

Cr Boyd

Cr Marshall

RESOLVED that the installation of a convex safety mirror be installed opposite the driveway of no. 1 Peninsula Drive.

Voting - Unanimous

286

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

287

Cr Polglase

Cr Boyd

RESOLVED that an inspection of Mt Nullum be conducted on Wednesday 11 October 2000 commencing at 12.30pm after lunch at 12 noon..

Voting - Unanimous

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ORDERS OF THE DAY

1. Ward System - Referendum

Elections - Referendum, Notice of Motion

This item was dealt with earlier in the Meeting where the Motion was lost (refer vote following Minute No 225).

2. Coolangatta Airport Draft Master Plan

Airport - Runway Extension, Rescission Motion

This item was dealt with earlier in the Meeting where the Motion of Rescission was Lost (refer vote following Minute Number 226).

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

Geographical Names Board, Rescission Motion

288

Cr Boyd

Cr Luff

RESOLVED that Council resolution at Minute No 170 in relation to Item 27 of the Meeting held 16 August 2000 being:-

".....that:-

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

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

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

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

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

be rescinded."

Minutes - Meeting of Tweed Shire Council

Voting For

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

Voting Against

Cr Beck
Cr Youngblutt

289

Cr James

Cr Luff

RESOLVED that:

1. The current plaques be removed.
2. An inscription be placed on the south panel inside the memorial as follows:-

“When sailing up the east coast of Australia in 1770 Lieutenant James Cook named Pt Danger and Mt Warning following a close encounter with a number of rocky shoals off present day Fingal Head. He described these features and present day Cook Island in the ship’s log and with a rough chart.

In 1971 the Geographical Names Board of NSW decided that:-

“..... little doubt exists that the feature named Point Danger by Captain James Cook was in actual fact the feature now known as Fingal Head. However as the name has been known in its present position for over 130 years and having in mind the wording of the Letters of Patent of 6th June, 1859 in which the position of the Queensland – New South Wales border is linked with the position of Point Danger, the Board was not prepared to assign the name to any feature or position other than that to which it is currently associated”.

As a result of the continuing controversy about this issue a re-enactment voyage authorised by the NSW Geographical Names Board was undertaken in November 1989.

The expert participants and their reported conclusions are as follows:

1. *“From the re-enactment voyage I now have no doubt that Captain Cook’s ... point of land under which lies a small island ... was intended to be today’s Fingal Head”.*

Ron Benjamin, Acting Chief Surveyor

2. *“In my opinion the headland named by Captain Cook as Point Danger is the headland known as Fingal Head”.*

D Halls, Senior Surveyor, North Coast Branch, Land Information Centre

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3. *“From a mariner’s viewpoint I am of the opinion that the present Fingal Head was the headland named by Captain James Cook to be Point Danger.”*

RJ Driver, Senior Inspector FPV Tracker II

In a further review, of 22nd October 1998, the NSW Geographical Names Board adopted a different view and reported the following conclusions:

“From an analysis of Cook’s private log, the official log of the Endeavour, Cook’s journal and the journals of Cook’s Officers and relating that analysis to modern nautical charts and maps of the area, it is suggested that the following conclusions may be drawn:

1. *It seems reasonably certain that Fingal Head was not considered by Cook to be Point Danger, or any part of Point Danger.*
2. *It is reasonably certain that the present Point Danger was considered by Cook to be part of his Point Danger, and that it may have been his Point Danger exclusively.*
3. *There are however, some features of the analysis which indicate the present Point Danger was not exclusively Cook’s Point Danger.*

There is the possibility that Cook, when he was 8 miles offshore and with no prior knowledge of the local terrain, considered that the southerly arc of coastal hills extending from Point Danger through Razorback to Banora Point was one point, and named this point as his Point Danger.

4. *However, even if the wider interpretation of Cook’s Point Danger as proposed in paragraph 3 is accepted it still comes down to the fact that the present Point Danger is the only part of Cook’s Point Danger on the coastline.*
5. *It is the opinion of the Geographical Names Board committee therefore that the present Point Danger is correctly designated.*

However, no claim is made that this analysis “proves” these facts. The Committee acknowledges that there are bound to be differences of opinion on the interpretation of a descriptive account made some 229 years ago.”

The controversy continues, but there is agreement that the two landmark names, Point Danger and Fingal Head should remain as they are currently named.”

3. A plaque be placed at Point Danger as follows:-

“Cook’s original description can be read on the south panel inside the memorial. From the platform in front of this panel you can look south and see Cook Island, Fingal Head, and in heavy southerly seas, the breaking reefs of Cook’s Chart”.

4. A plaque be placed at Fingal Head as follows:

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“The island referred to by Cook (now Cook Island) is visible from the headland. In heavy southerly seas, the breaking reefs of Cook’s chart are visible further out to sea. Present day Point Danger is visible to the north.”

Voting For

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

Voting Against

Cr Beck

**4. Southern Boat Harbour - Commercial Charter Operations
Boating Facilities, Jetties, Southern Boat Harbour, Rescission Motion**

This item was dealt with earlier in the Meeting at Minute Number 229 and 232.

**5. Public Telephone - Murwillumbah Swimming Pool
Pool - Murwillumbah, Telephones, Notice of Motion**

This item was dealt with earlier in the Meeting at Minute Number 233.

**6. Water Management Bill 2000
Water Management, Notice of Motion**

This item was dealt with earlier in the Meeting at Minute Number 234.

QUESTION TIME

Kingscliff Sewerage Treatment Works

Sewerage-Kingscliff

Cr Polglase enquired of the General Manager to advise Council where we are up to with the relocation of the Kingscliff Sewerage Treatment Works.

The Director Engineering Services responded that negotiations were continuing through the Steering Committee with another meeting organised for Tuesday, 12 September 2000.

COMMITTEE OF THE WHOLE

290

Cr Marshall

Cr Luff

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

Voting - Unanimous

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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 CORPORATE SERVICES IN COMMITTEE

1. Chillingham and Tyalgum Community Pre School

Pre School Tyalgum, Pre-School Chillingham, Loans 3780.2880

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*

C43

That:-

1. The General Manager arranges an advance of \$10,000 to the Chillingham and Tyalgum Community Pre-school to assist with the purchase of property at Chillingham from the Uniting Church, and that the amount be repaid by payments of \$333.00pa over a 30 year period.
2. All necessary documentation be executed under the Common Seal of Council.
3. The General Manager determines the Reserve fund as the source of \$10,000 funds and considers at the quarterly reviews of the 2000/2001 budget, means of re-establishing the fund to the correct level, or if this is not possible, to include provision in the 2001/2002 draft budget for consideration by Council.

Voting - Unanimous

2. Legal Services Tender

Legal Services

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*

C44

That

1. The tender submitted by Stacks the Law Firm with Halliday & Stainlay be accepted for a term of three (3) years commencing on and from the signing of the contract.
2. All necessary documentation be completed under the Common Seal of Council.

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Voting For

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

Voting Against

Cr Beck
Cr Lawrie
Cr Marshall

REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

3. **Council's Contribution to Construction Costs of Regional Pumping Station 3027 Shallow Bay Drive and Associated Works and Water Supply Network Augmentation**

PF4030/2820 Pt5

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*

C46

That Council:-

1. Approves the claim for contribution of \$76,578 towards construction of Regional Sewage Pumping Station 3027 Shallow Bay Drive and Associated Works.
2. Votes additional expenditure of \$31,578 from the Sewer Fund Capital Contributions Reserve.
3. Approves payment of the marginal contribution amount of \$19,380.40 for the water supply network augmentation.

Voting - Unanimous

4. **EC200088 - Supply of Ready Mixed Concrete to Areas 3, 4 & 5
Stores & Material Annual Supply**

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*

C47

That the Contract for the supply of Ready Mixed Concrete to Areas 3, 4 and 5 be awarded to CSR Ready Mix. The contract period to be from the date of determination by Council until the 30 June 2001.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

5. EC200026 - Supply and Delivery of Fuels

Annual Supply Petrol & Oils

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*

C48

That the Contract for the Supply and Delivery of Bulk Fuel to Council Depots be awarded to Caltex Australia Pty Ltd for the period from the date of determination by Council until the 30 June, 2003.

Voting - Unanimous

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Cr Boyd

Cr Davidson

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 11.50pm.

RS

Minutes of Meeting Confirmed by Council

at Meeting held Wednesday 20 September 2000

**I hereby certify that I have authorised the affixing of my
electronic signature to the previous pages numbered 1 to 438 of these Minutes**

Chairman

C. F. Beck