

# Minutes - Meeting of Tweed Shire Council

## IN ATTENDANCE

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

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

Also present were 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), Ms Janine Boyd and Mrs Kerrie McConnell (Minutes Secretary).

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

***"Glory to God in the highest,  
and on earth peace, goodwill toward men."***

*(Luke 2:14)*

*Almighty God, we remember again the gift of Your Son Jesus. We thank You for His birth long ago. In the midst of the turmoil in our world, we hear again the angel song which heralded His birth:*

***"Peace on earth, goodwill toward men."***

*Heavenly Father, in the busyness of our lives, grant us Your presence and peace. Let Your peace settle over this chamber today and enable us to be people of goodwill. Give us wisdom and grace to make the right decisions with integrity and justice that we may truly represent those who have elected us.*

*Loving God, we pray for each other in our varied responsibilities and especially for our Mayor, Warren, as he chairs our meeting and gives leadership within our Shire. As we celebrate another Christmas, Lord, grant Your blessing to Councillors, Directors, staff and their families. Refresh and renew us; give us peace and joy for we ask it in the Name of Jesus Christ our Lord.*

*Amen."*

## CONFIRMATION OF MINUTES

534

Cr Luff

Cr Lawrie

**RESOLVED** that the Minutes of the Ordinary Meeting held 5 December 2001 be confirmed as an accurate record of the proceedings of that Meeting, with the following change:

*"Page 65 – The absence of Cr Davidson occurred after the voting on Minute No. 502."*

**Voting - Unanimous**

## ABSENT

Nil

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## DISCLOSURE OF INTEREST

### Cr Polglase

Declared an interest in Item No 13d. The nature of the interest is that Cr Polglase owns a neighbouring property the subject of the report.

## ITEMS TO BE MOVED TO OR FROM CONFIDENTIAL

Nil

## SCHEDULE OF OUTSTANDING RESOLUTIONS

535

### Cr Boyd

### Cr Davidson

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

**Voting - Unanimous**

## MAYORAL MINUTE

### Minutes Silence – Kay Burke

### Condolences

A minutes silence was held for the Kay Burke, the wife of Gerald Burke, Health & Building Surveyor.

### 1. Lindisfarne Production

### Invitations

This item was received and noted.

### 2. International Day of People with a Disability

### Disabled Matters

This item was received and noted.

### 3. National Year of Volunteers

### Volunteers

This item was received and noted.

### 4. Resort Development Terranora

### Invitations

This item was received and noted.

### 5. SouthROC Meeting

### SROC

This item was received and noted.

### 6. Findlater & Associates Christmas Function

### Invitations

This item was received and noted.

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**7. TEDC**

**Invitations**

This item was received and noted.

**8. Tweed Shire Council Christmas Function**

**Invitations**

This item was received and noted.

**9. South Tweed Rotary**

**Invitations**

This item was received and noted.

**10. Bridge to Bridge Swim**

**Invitations**

This item was received and noted.

**11. Uniting Church**

**Invitations**

This item was received and noted.

**12. Christmas on the Harbour Carols**

**Invitations**

This item was received and noted.

**13. Junior Soccer – South Tweed**

**Sport & Rec General**

This item was received and noted.

**14. Autumn Club**

**Invitations**

This item was received and noted.

**Adoption of Mayoral Minute**

**536**

**Cr Davidson**

**Cr Lawrie**

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

**Voting - Unanimous**

**ITEMS DEFERRED**

Nil

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## REPORTS THROUGH GENERAL MANAGER

### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

1. **Draft Library Strategy Plan and Proposed Review and Amendment of Section 94 Contributions Plan No 11 - Library Facilities**

**GT1/S94/11 Pt1**

**Cr Boyd**

**Cr Davidson**

**PROPOSED** that Council:

1. Endorses the public exhibition for 28 days of the draft Strategic Plan for Libraries and the draft amended Contributions Plan No 11 – Library Facilities in accordance with Clause 27 of the Environmental Planning & Assessment Act Regulations.
2. Notes that the exhibition of the draft Strategic Plan for Libraries and the draft amendment to Contributions Plan No 11 – Library Facilities will be in conjunction with the re-exhibition of the Kingscliff District Centres Study.
3. Considers in the Draft 2002/2003 Budget the increased costs associated with the Library Strategy Plan.

### AMENDMENT

**537**

**Cr Beck**

**Cr Marshall**

**RESOLVED** that this item be deferred for the purpose of a workshop.

The Amendment was **Carried** on the casting vote of the Mayor

#### **Voting For**

Cr Polglase  
Cr Beck  
Cr Brinsmead  
Cr Lawrie  
Cr Marshall

#### **Voting Against**

Cr Boyd  
Cr Carroll  
Cr Davidson  
Cr James  
Cr Luff

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

#### **Voting For**

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

#### **Voting Against**

Cr Boyd  
Cr Carroll

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## 2. Kingscliff Centres Study

GT1/29/2 Pt2

538

Cr Marshall

Cr Lawrie

**RESOLVED** that this item be deferred for the purpose of a workshop.

### AMENDMENT

Cr Luff

Cr James

**PROPOSED** that the Kingscliff Centres Study be re-exhibited with the draft Libraries Strategy and draft S94 Contributions Plans, and a Workshop be held with Councillors, authors of submissions, Kingscliff residents and ratepayers, Narui, Gales Holdings and Council's Consultants.

The Amendment was **Lost**

#### Voting For

Cr James

Cr Luff

#### Voting Against

Cr Polglase

Cr Beck

Cr Boyd

Cr Brinsmead

Cr Carroll

Cr Davidson

Cr Lawrie

Cr Marshall

The Motion was **Carried**

**Voting - Unanimous**

## 3. Proposed Dual Occupancy at Lot 273 DP 1015373, No 2 Daintree Close, Banora Point

DA1522/175 Pt1

539

Cr Beck

Cr Lawrie

**RESOLVED** that the application for a proposed dual occupancy at Lot 273 DP 1015373, No 2 Daintree Close, Banora Point be approved with conditions, under delegation to the Director Development Services with consultation with the Mayor.

### AMENDMENT

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**Cr Luff**

**Cr James**

**PROPOSED** that the application for a proposed dual occupancy at Lot 273 DP 1015373, No 2 Daintree Close, Banora Point be deferred until the issue of nominated dual occupancy allotments within the Flame Tree Park Estate is resolved.

The Amendment was **Lost**

**Voting For**

Cr James  
Cr Luff

**Voting Against**

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

The Motion was **Carried**

**Voting For**

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

**Voting Against**

Cr Carroll  
Cr James  
Cr Luff

4. **Section 96 Application 0090/2001 S96 to Modify Development Consent D90/436 for the Erection of a Tavern and 9 Shops at Lot 171, DP629328 Overall Drive Pottsville**

**PF3975/145 Pt5**

**540**

**Cr Davidson**

**Cr Beck**

**RESOLVED** that this item be deferred to allow the applicant to address the next Community Access meeting in February 2002.

**AMENDMENT**

**Cr James**

**Cr Luff**

**PROPOSED** that Section 96 Application 0090/2001 S96 to modify Development Consent D90/436 for the erection of a Tavern and 9 Shops at Lot 171, DP 629328 Overall Drive Pottsville be refused for the following reason:

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1. The proposed increase in trading hours will have a significantly adverse impact upon the existing amenity of the surrounding residential area.

The Amendment was **Declared Lost**

**Voting For**

Cr Boyd  
Cr Carroll  
Cr Davidson  
Cr James  
Cr Luff

**Voting Against**

Cr Polglase  
Cr Beck  
Cr Brinsmead  
Cr Lawrie  
Cr Marshall

The Motion was **Carried**

**Voting For**

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

**Voting Against**

Cr Boyd  
Cr James  
Cr Luff

5. **Draft Tweed Local Environmental Plan 2000, Amendment No 26 - Lot 2, DP 815370, Mooball/Pottsville Road, Pottsville - Rezoning Application**

**GT1/LEP/2000/26 Pt1**

**541**

**Cr Marshall**

**Cr Lawrie**

**RESOLVED** that:

1. Council prepares a draft Local Environmental Plan Amendment, pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, to enable the rezoning of Lot 2 DP 815370, Mooball/Pottsville Road, Pottsville.
2. The proponent be advised that it will be necessary to reimburse Council for costs incurred with processing of the draft Local Environmental Plan and preparation of any associated studies. The cost of this material is to be costed separately once Council has consulted with the relevant State Government agencies and bodies.

**AMENDMENT**

**Cr Luff**

**Cr James**

**PROPOSED** that Council:-

1. Approaches respective landowners to determine their interest, if any, to develop their respective lands for industrial/commerce and trade purposes;

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2. Undertakes preliminary consultation with relevant State Government Agencies to ascertain their views as to the development of an industrial/commerce estate within the Pottsville Study area;
3. Places the assessment of the rezoning application over Lot 2, DP 815370, Mooball/Pottsville Road, Pottsville on hold until the most suitable site is determined by Council;
4. Requests the Director of Development Services to report this matter back to Council in February 2002.

## ATTENDANCE AT MEETING

Cr Youngblutt attended the meeting at 4.10pm.

The Amendment was **Lost**

### Voting For

Cr Boyd  
Cr Carroll  
Cr James  
Cr Luff

### Voting Against

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

The Motion was **Carried**

### Voting For

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

### Voting Against

Cr Boyd  
Cr Carroll  
Cr Luff

6. **A Two (2) Lot Subdivision at Lot 7 DP 1009074 Fraser Drive, Tweed Heads South  
DA2150/878 Pt5**

542

Cr Marshall

Cr Lawrie

**RESOLVED** that development application 0687/2001DA for a two (2) lot subdivision at Lot 7, DP 1009074, Fraser Drive, Tweed Heads South, be approved, subject to the following conditions:



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## GENERAL

1. The development shall be completed in general accordance with the plans prepared by McLauchlan Surveying Pty Ltd and dated 28/6/2001, 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. No soil, sand, gravel, clay or other material shall be disposed of off the site.
4. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.
5. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No 0687/2001DA have been complied with.
6. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:
  1. Easements for sewer, water supply and drainage over **ALL** services on private property.
  2. A restriction as to user for both proposed lots indicating that not all of the land has been filled to a minimum of RL 2.65 AHD and does not have a direct benefit to essential services such as sewer, water, power and telephone supply.
  3. A drainage easement benefiting Council is to be created over the existing drains from Fraser Drive to James Road (marked in red on attached plan) and from Acacia Street to Public Reserve DP28390 and its continuation from the Public Reserve to James Street (marked blue on attached plan). These drainage easements may, with the consent of Council, be realigned at some future date to suit future development proposals.

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.

7. Where new state survey marks and/or permanent marks are placed, a copy of the locality sketch relating to the marks shall be submitted with the final subdivision certificate application.

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## FURTHER APPROVAL

8. 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 \$118.00 per a lot ie. \$236.00
  - 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.
- (iii) Written evidence from Council that the proposed road/street names have been approved.

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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.

## **DRAINAGE/FLOODING**

9. No filling, earthworks or obstruction may be placed on proposed lot 1 that would adversely impact on natural surface run-off from adjoining land.

## **ENVIRONMENT PROTECTION**

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

### **Voting - Unanimous**

7. **Request for Amendment to the Tweed Local Environmental Plan 2000 and Development Application for the Demolition of an Existing Dwelling House, Erection of a Dwelling House and Two (2) Lot Subdivision of Lot 4 & 6, DP 844549; Lot 6, DP 853589 & Lot 3, DP 811390 Scenic Drive, Bilambil Heights  
DA4930/762 Pt1**

543

Cr Luff

Cr Boyd

**RESOLVED** that Council:-

1. Pursuant to Section 54(1) of the Environmental Planning and Assessment Act 1979 prepares a draft Local Environmental Plan to amend Tweed Local Environmental Plan 2000 to include Lot 4 and 6 DP 844549, Lot 6 DP 853589 and Lot 3 DP 811390 Scenic Drive, Bilambil Heights in Schedule 3 to enable development for the purpose of a dwelling house and 2 Lot subdivision.
2. Pursuant to Section 54(4) of the Environmental Planning and Assessment Act 1979 informs the Department of Urban Affairs and Planning of its intention to prepare this draft Local Environmental Plan.
3. Advises the Director General of Planning NSW that it does not consider a Local Environmental Study to be needed albeit the land falls within the NSW Coastal Policy 1997.
4. Advises the applicant that a site remediation plan shall be prepared satisfying the requirements of State Environmental Planning Policy No. 55 – Contaminated Land (SEPP55) in relation to the proposed dwelling site to the satisfaction of the Director Development Services. Until all requirements under SEPP55 are met the amendment to the Tweed Local Environmental Plan 2000 shall not proceed.

### **Voting - Unanimous**

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8. **Forty-nine (49) Lot Rural Residential Subdivision, Lot 12 DP1005206 and Lot A DP327759 Terranora Road, Terranora**

**DA5440/680 Pt3**

**544**

**Cr Marshall**

**Cr Boyd**

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

## **TEMPORARY ABSENCE FROM MEETING**

Cr Marshall left the meeting.

**Voting - Unanimous**

9. **The Establishment of a Secondary School at Lot 7 DP 1009074 Fraser Drive, Tweed Heads South**

**DA2150/878 Pt5**

**545**

**Cr Luff**

**Cr Boyd**

**RESOLVED** that Development Application 0867/2001DA for the establishment of a secondary school at Lot 7 DP 1009074 Fraser Drive, Tweed Heads South be approved subject to the following conditions for the following reasons:-

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

1. A detailed plan of landscaping is to be submitted and approved by Council's Director, Development Services prior to the issue of a Construction Certificate. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.

The landscaping plan shall detail the planting for the 3.0m wide buffer to the northern boundary to mitigate transfer of particulate matter from vehicle emissions from the proposed development. This landscaping buffer shall return along the eastern boundary to a point that will ensure residences are effectively screened from the parking area.

An estimated cost of the landscaping works shall be provided to establish the amount required to bond the landscaping for a maintenance period.

## **CONTRIBUTIONS**

2. (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.

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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 1

a. Tweed Road Contribution Plan: \$13071.75

S94 Plan No. 4 (Version 4.0)

Tweed South - Commercial

### 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

## Stage 2

a. Tweed Road Contribution Plan: \$17429.00

S94 Plan No. 4 (Version 4.0)

Tweed South - Commercial

### Heavy Haulage Component

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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

### Stage 3

a. Tweed Road Contribution Plan: \$26143.50

S94 Plan No. 4 (Version 4.0)

Tweed South - Commercial

### 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

## Stage 4

a. Tweed Road Contribution Plan: \$13071.75

S94 Plan No. 4 (Version 4.0)

Tweed South - Commercial

### 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

## Stage 5

a. Tweed Road Contribution Plan: \$8714.50

S94 Plan No. 4 (Version 4.0)

Tweed South - Commercial

### 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

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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

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

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

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

## Stage 1

Water: 3 equivalent tenements @ \$3840 \$11520.00

Sewer: 3 equivalent tenements @ \$3215 \$9645.00

## Stage 2

Water: 4 equivalent tenements @ \$3840 \$15360.00

Sewer: 4 equivalent tenements @ \$3215 \$12860.00

## Stage 3

Water: 6 equivalent tenements @ \$3840 \$23040.00



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Sewer: 6 equivalent tenements @ \$3215 \$19290.00

## Stage 4

Water: 3 equivalent tenements @ \$3840 \$11520.00

Sewer: 3 equivalent tenements @ \$3215 \$9645.00

## Stage 5

Water: 2 equivalent tenements @ \$3840 \$7680.00

Sewer: 2 equivalent tenements @ \$3215 \$6430.00

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

4. 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

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marked to the satisfaction of the certifying authority to adequately distinguish the proposed alteration, addition or rebuilding.

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

The specification is:

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

## GENERAL

5. The roofing material for all of the proposed structures is to be provided out of non reflective materials.
6. The development shall be completed in general accordance with Plans by Fulton Trotter and Partners Drawing No. DA101 to DA103 Rev B dated 3 August 2001, Drawing No.

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DA100 Rev B dated 15 November 2001, Drawing No. DA104 Rev A dated 15 November 2001, except where varied by these conditions.

7. 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.
8. No soil, sand, gravel, clay or other material shall be disposed of off the site.
9. 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.
10. A construction certificate shall not be completed until all conditions of Development Consent 0687/2001DA have been complied with.
11. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:
  1. Easements for sewer, water supply and drainage over **ALL** services on private property.
  2. A 3m wide drainage easement, benefiting Council, is to be created over the drain from Acacia Street, through the subject land to its north west corner where it discharges to Public Reserve DP 28390. A Q5 underground drain and Q100 overland flow path, sized to accommodate flows from all the upstream catchment, shall be provided for the full length of the drain within the development site. The invert levels of the overland flow path shall be such that Q100 flood immunity from this source is provided for allotments fronting Acacia Street. These works shall be constructed in accordance with design calculations, plans and specifications to be submitted with the construction certificate application and approved by the Director of Engineering Services.
  3. A 3m wide interallotment drainage easement benefiting adjoining lots shall be created on the northern, eastern and southern boundaries of the development site. A Q100 surface flow path is to be constructed along this easement with invert levels suitable to provide drainage from all benefited lots to the lawful points of discharge at the north west and south west corners of the development site.

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.

# Minutes - Meeting of Tweed Shire Council

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12. 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.
13. 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.
14. The provision of off street car parking spaces for each stage as follows:  
Stage 1 = 9 spaces  
Stage 2 = 20 spaces  
Stage 3 = 37 spaces  
Stage 4 = 45 spaces  
Stage 5 = 64 spaces  
  
The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.
15. All service deliveries to and from the site shall be outside of the peak student arrival and student departure periods of the day.
16. 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.
17. 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.
18. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
  - a. footings, prior to pouring of concrete
  - b. slab, prior to pouring of concrete
  - c. frame prior to the erection of brick work or any wall sheeting
  - d. final inspection prior to occupation of the building
  - e. steel reinforcing prior to pouring of concrete
19. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:

# Minutes - Meeting of Tweed Shire Council

- (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
- (ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA prior to occupation of the building; and
- (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
  - (A) the method of protection; and
  - (B) the date of installation of the system; and
  - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
  - (D) the need to maintain and inspect the system on a regular basis.

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

20. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
  - i. All required erosion and sedimentation control devices have been installed and are operational.
  - ii. Required toilet facilities have been provided on the site.
  - iii. A sign has been erected on the site identifying:
    - Lot number
    - Builder
    - Phone number of builder or person responsible for site.
  - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
21. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.

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## PRESCRIBED BUILDING

22. 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.
23. A sign must be erected on the site in a prominent, visible position stating:
  - a. that unauthorised entry to the work site is prohibited; and
  - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
24. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
25. The erection of a building in accordance with a development consent must not be commenced until:
  - a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
    - (i) the consent authority; or
    - (ii) an accredited certifier; and
  - b. the person having the benefit of the development consent:
    - (i) has appointed a Principal Certifying Authority; and
    - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
  - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.
26. A person must not commence occupation or use of the whole or any part of a new building (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units)

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27. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing.
28. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.
29. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

## **DISABLED BUILDING**

30. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore required that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.
31. Access to the building for disabled persons shall be provided and constructed in accordance with the requirements of Part D3 of the Building Code of Australia and Australian Standard AS 1428.1.
32. Prominently displayed signs and symbols must be provided to identify for disabled persons all routes and areas where architectural barriers do not exist. Such access must comply with the requirements of Australian Standard AS 1428 Parts 1 and 2.

## **FOOD PREMISES**

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

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used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices.

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

## ROADS/STREETS

39. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the Director, Engineering Services. Twenty four (24) hours notice is to be given to Council's Engineering Services Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction. Paving bricks are not acceptable unless laid on a 100mm thick concrete base.
40. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road. If the proposed development requires driveway access (or modification of access) onto a public road, prior to the issue of a construction certificate and prior to any works taking place on the public road, a detailed application for access/driveway under Section 138 of the Road Act must be submitted to and consent granted by Council. Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.
41. Pram ramps are to be constructed at road intersections in accordance with Council's Plan No. A4-96 to the satisfaction of the Director of Engineering Services and in accordance with Council's Standard Plan No. A4-96. Mountable or roll top kerb does not meet pram ramp requirements, and therefore requires a pram ramp to be constructed as above.
42. A concrete ribbon cycleway 2.2 metres wide and 75 millimetres thick is to be constructed on a compacted base along the entire frontage of the site. The compacted base is to achieve 95% of maximum dry density determined in accordance with AS1289 5.4.1 for a minimum 100mm depth. A full depth construction joint is to be provided at 6.0 metre intervals and 20 millimetre deep groove joints provided every 1.5 metres, the balance area to be graded to the kerb and turfed. The footpath is to have a 3% crossfall which must be attained at each side boundary. This may result in work to be undertaken on the footpath at adjoining properties which must not exceed 1:14 and must be reinstated with turf. The footpaving is to be located 800 millimetres from the property boundary. The concrete footpath gradient shall be parallel to the top of kerb for the full frontage of the site and maintained unvaried across the (any) driveway cross-section. An inspection of the formwork is to be arranged with Council's Engineering Services Division prior to concrete being placed.



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43. A bank guarantee for \$300,000 lodged with Council prior to release of Construction Certificate for the proposed development of Stage 1.
44. Detailed design drawings for signals consistent with the direction from the Regional Traffic Committee in accordance with Austroads Manual Part 5 RTA Standards for signals and AUSPEC construction specifications submitted to and approved by the Director Engineering Services prior to issue of the Construction Certificate. The application shall be accompanied by a Work Safety Plan and Traffic Safety Plan.

## SEWER

45. Water supply and sewer connections as proposed are acceptable subject to final design. All existing sewer lines within the subject property should be contained in 3 metre wide easements created as part of the proposed development. Fill over existing sewers shall be minimal.

## DRAINAGE FLOODING

46. Any filling of the subject site is not to affect or impede drainage of adjoining sites.
47. 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.

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. 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.

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The haul route for the transportation of filling to the site is shall be advised.

50. 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.

51. 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*.

52. The development application sought approval for stormwater drainage works under s68 of the Local Government Act 1993. The s68 application appended to the development application did not contain sufficient detailed information for Council to fully assess the proposal.

The s68 application for stormwater drainage works is approved in general only.

# Minutes - Meeting of Tweed Shire Council

Prior to approval being given to a construction certificate application that includes any of the following specific stormwater drainage works

- connection of a private drain to a public drain
- installation of stormwater quality control devices
- erosion and sediment control works

Further approval is required from Council under s68 of the Local Government Act 1993 for these specific works.

Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

53. The lawful points of stormwater discharge for this development shall be
- a) the drain at the north west corner of the site discharging into the adjacent public reserve.
  - b) Surface overland flow at the south west corner of the site discharging onto the adjacent public reserve.

54. Section 68 Local Government Act 1993 approval for stormwater drainage works.

A construction certificate application for works that involve any of the following:-

- connection of a private stormwater drain to a public stormwater drain
- installation of stormwater quality control devices
- erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under section 68 of the Local Government Act 1993.

Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

## ENVIRONMENT PROTECTION

55. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.
56. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
57. 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.
58. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.

# Minutes - Meeting of Tweed Shire Council

59. 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.
60. 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.
61. 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.
62. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
63. 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.
64. The burning of builders waste on site by open fire is prohibited.
65. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.
- Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "*Tweed Shire Council Aus-Spec D7 - Stormwater Quality*" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond has been released.
66. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

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67. Hazardous or industrial waste must be stored and disposed of in a manner to minimise its impact on the environment including appropriate segregation for storage and separate disposal a waste transporter licensed by the EPA.

## **ACID SULFATE SOILS**

68. Compliance with the Acid Sulfate Soils Management Plan prepared by Cozens Regan Williams Prove Pty Ltd dated August 2001.
69. A copy of the Acid Sulfate Soils Management Plan shall be kept on site.
70. If de-watering for service installations is to be carried out, then such work is not to proceed until consideration is given to any special dewatering requirements as may be considered necessary by an appropriately qualified consultant experienced in Acid Sulfate Soils assessment and management have been implemented.

## **ARCHAEOLOGICAL**

71. Should any materials believed to be Aboriginal cultural materials be exposed, or discovered during any site works, then all works at or near the material are to stop and the Regional Archaeologist of the NSW National Parks and Wildlife Service is to be contacted for advice.

## **EROSION AND SEDIMENTATION CONTROL**

72. A copy of the Erosion and Sediment Control Plan prepared by Cozen Regan Williams Prove Pty Ltd is to be maintained on site.
73. Compliance with the provisions of the Erosion and Sediment Control Plan prepared by Cozen Regan Williams Prove Pty Ltd dated August 2001.

## **ENTOMOLOGICAL**

74. Cattle should be removed from the wetland, this will reduce nutrient input, allow natural restoration of degraded areas and allow natural infill of hoof prints which presently provide isolated breeding pools.
75. An open buffer shall be maintained between the buildings and the timbered public reserve on the western boundary of the school site.

## **LIGHTING**

76. No lighting of the playing fields is to be provided or installed unless such lighting is approved as part of a separate Development Application to Council.
77. All external artificial lighting is to be shielded where required to the satisfaction of Council's Director Environment and Community Services so as to prevent the spill of light onto adjoining residential areas causing a nuisance.

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## GARBAGE WASTE STORAGE

78. All garbage storage areas are to be located away from adjacent residential areas and are to be maintained in a condition that will not create odour or vermin nuisance for adjacent residential areas.

## AIR QUALITY

79. All buses engaged in picking up and letting down of students or other persons anywhere within the school premises are to switch off their engines if standing for a period of more than 5 minutes at any time.

## NOISE

80. Compliance with all noise mitigation measures as recommended in the Acoustic Impact Report dated 19<sup>th</sup> November 2001 Report No.S281.1-1 by Savery and Associates.
81. Following their installation, the Acoustic Engineer is to provide a report to Council advising that the construction of all timber acoustic fences erected are in compliance with the requirements to the Acoustic Impact Report dated 19<sup>th</sup> November 2001 Report No. S281.1-1 by Savery and Associates.
82. Council is to be provided with a report by the Acoustic Engineer following the assessment of the sound level emitted by the class bells in terms of the requirements of the Acoustic Impact Report dated 19<sup>th</sup> November 2001 Report No. S281.1-1 by Savery and Associates.
83. Council is to be provided with a report by the Acoustic Engineer following the assessment of all mechanical plant to be installed on the site in terms of the requirements of the Acoustic Impact report dated 19<sup>th</sup> November 2001 Report No S281.1-1 by Savery and Associates.
84. Acoustic fencing shall be provided for the full length of the northern boundary in Stage 1. This fence shall extend for 10 metres beyond any buildings erected to the eastern boundary. All other fencing shall be provided as required by each stage of building activity.
85. All delivery and waste vehicles accessing the site are to be restricted to between the hours of 9.00am and 4.30pm weekdays with no deliveries or waste services to be carried out on week ends or Public Holidays without the consent of Council's Director Environment and Community Services.

## PLUMBING AND DRAINAGE

86. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- a. internal drainage, prior to slab preparation;
  - b. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;

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- c. external drainage prior to backfilling.
  - d. completion of work.
87. A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.
88. Back flow prevention devices shall be installed where ever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.
89. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.
90. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
  - \* 50<sup>0</sup>C in all other classes of buildings.
- A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.
91. A backflow containment device will be installed adjacent to Councils water meter installation at the property boundary in accordance with AS3500. The device is to be maintained in accordance with the provisions of AS3500 by the owner of the property at the owners expense.

## TRADE WASTE

92. Prior to the commencement of any works on the site all required plumbing and drainage inspection fees are to submitted to Council.
93. Any premises proposing to discharge into Councils sewerage system a waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by Councils Manager Water and concurrence received from the Department of Land and Water Conservation, if required, PRIOR to the issuing of a Construction Certificate to discharge to Councils sewerage system.

## Voting - Unanimous

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## 10. Proposed Residential Subdivision (11 Lots) Comprising Stage 4 The Outlook Koala Beach at Lot 903 DP1017348 Bottlebrush Drive, Pottsville

DA4917/235 Pt4

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Cr Boyd

Cr Luff

**RESOLVED** that Council approves Development Application 0655/2001DA for a residential subdivision comprising 11 lots at Lot 903 DP1017348 Bottlebrush Drive, Pottsville (Stage 4 - Koala Beach) subject to the following conditions:

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

#### **GENERAL**

1. A detailed plan of landscaping for the proposed Public Reserve is to be submitted and approved by Council's Director, Development Services prior to the issue of a Construction Certificate. All landscaping work is to be completed in accordance with the approved plans prior to the issue of a Subdivision Certificate. The plan shall ensure access for bush fire fighting and maintenance vehicles is available.
2. 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.
3. **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, 3<sup>rd</sup> Edition, NSW Government, or
  - b. AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.

#### **CONTRIBUTIONS**

4. (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 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 1

- a. Tweed Road Contribution Plan: \$3,950.00  
S94 Plan No. 4 (Version 4.0) 1 lot @ \$3,950.00  
(Koala Beach - Residential)
- b. Street Trees: 1 lot @ \$42.90 \$42.90  
S94 Plan No. 6
- c. Shirewide Library Facilities: 1 lot @ \$300.00 \$300.00  
S94 Plan No. 11
- d. Bus Shelters: 1 lot @ \$23.00 \$23.00  
S94 Plan No. 12
- e. Eviron Cemetery/Crematorium Facilities: \$126.00  
1 lot @ \$126.00  
S94 Plan No. 13
- f. Community Facilities (Tweed Coast) \$584.00  
(South Coast) 1 lot @ \$584.00  
S94 Plan No. 15
- g. Emergency Facilities (Surf Lifesaving) \$201.00  
1 lot @ \$201.00  
S94 Plan No. 16
- h. Extensions to Council Administration Offices  
& Technical Support Facilities \$344.81  
1 lot @ \$344.81  
S94 Plan No. 18
- i. Cycleways 1 lot @ \$160.00 \$160.00

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S94 Plan No. 22

## Stage 2

- a. Tweed Road Contribution Plan: \$39,500.00  
S94 Plan No. 4 (Version 4.0) 10 lots @ \$3,950.00  
(Koala Beach - Residential)
- b. Street Trees: 10 lots @ \$42.90 \$429.00  
S94 Plan No. 6
- c. Shirewide Library Facilities: 10 lots @ \$300.00 \$3,000.00  
S94 Plan No. 11
- d. Bus Shelters: 10 lots @ \$23.00 \$230.00  
S94 Plan No. 12
- e. Eviron Cemetery/Crematorium Facilities: \$1,260.00  
10 lots @ \$126.00  
S94 Plan No. 13
- f. Community Facilities (Tweed Coast) \$5,840.00  
(South Coast) 10 lots @ \$584.00  
S94 Plan No. 15
- g. Emergency Facilities (Surf Lifesaving) \$2,010.00  
10 lots @ \$201.00  
S94 Plan No. 16
- h. Extensions to Council Administration Offices  
& Technical Support Facilities \$3,448.10  
10 lots @ \$344.81  
S94 Plan No. 18
- i. Cycleways 10 lots @ \$160.00 \$1,600.00  
S94 Plan No. 22

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

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Pursuant to Clause 79H of the Environmental Planning and Assessment Regulations, 1994, a 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.

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 1

Water: 1 lots @ \$3,840.00 \$3,840.00

Sewer: 1 lots @ \$3,215.00 \$3,215.00

## Stage 2

Water: 10 lots @ \$3,840.00 \$38,400.00

Sewer: 10 lots @ \$3,215.00 \$32,150.00

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

6. 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:

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- 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.

7. 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.

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8. **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.

## **DRAINAGE/FLOODING**

9. All fill is to be graded at 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted with the Construction Certificate application. Drainage must be installed and operational prior to commencement of any work.

## **GENERAL**

10. The development shall be completed in general accordance with Figures 1 to 10 prepared by Cardno MBK, which are included in the Development Layout and Engineering Report and dated May 2001, except where varied by these conditions.
11. The public reserve lots identified in the application are to be dedicated to Council.
12. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
13. No soil, sand, gravel, clay or other material shall be disposed of off the site.
14. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
15. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.
16. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No 0655/2001DA have been complied with.
17. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:
  1. Easements for sewer, water supply and drainage over **ALL** services on private property.
  2. Right of Way

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3. Restriction on use preventing obstruction to any drainage depression below the 1:100 year flood level.
4. Easement for stormwater drainage and access, benefiting Council, is to be provided along the Stage 4 outfall drainage pipeline and access track and from the common stormwater drainage outfall to a lawful point of discharge, being the downstream defined natural watercourse.

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.

18. The submission of a plan for the approval of Council identifying a building envelope (with minimum dimensions of 10m by 15m) for each of the allotments, prior to the release of a Construction Certificate. The plan is to illustrate the location of the building envelopes in relation to the following constraints:
  - Restriction on use for Habitat Management (Bat Buffer Area).
  - Restriction on use for Bush Fire Management.
  - Koala food trees.
  - Six (6) metre setback from road frontage.
  - 1:100 year flood level of natural watercourses (and relocated depression).

The approved plan is to be reflected in the creation of a restriction as user under Section 88B of the Conveyancing Act. The restriction as to user shall require all dwelling houses to be constructed within the approved building envelope, unless otherwise approved by Council, and Council shall be the sole authority to vary the instrument. The wording of the restriction as to user is to be submitted to Council for approval prior to the release of the Subdivision Certificate.

19. 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.
20. Prior to the issue of a Subdivision Certificate, Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council.

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21. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of the Director, Development Services. The sign is to remain in place until the Subdivision Certificate is issued.
22. 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.
23. All retaining walls in excess of 1.0 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.
24. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the Director, Development Services **PRIOR** to the issue of a Subdivision Certificate. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.
25. 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.
26. Dogs, cats and other domestic animals are prohibited from entering this locality by a covenant applying to this land.  
  
All persons associated with the development of this site are prohibited from permitting any such domestic animals to enter this subdivision locality.  
  
Please note that this prohibition also applies to all contractors, sub-contractors and other trades persons accessing this site.
27. No retaining walls or similar structures are to be constructed over Council's sewer main.
28. In accordance with Section 109F(i) of the Environmental Planning & Assessment Act, 1979 (as amended), a construction certificate for **SUBDIVISION WORKS OR BUILDING WORKS** shall **NOT** be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment.

## FURTHER APPROVALS

29. Prior to registration of the plan of subdivision, a **Subdivision Certificate** shall be obtained.
  - (i) The following information must accompany an application:

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- 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 \$118 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.
- (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.

30. 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



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- (ii) Compliance Certificate - Water Reticulation
- (iii) Compliance Certificate - Sewerage Reticulation
- (iv) 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. Bush fire zone access tracks
- i. Final inspections - on maintenance
- j. Off Maintenance inspection

**Water Reticulation, Sewer Reticulation, Drainage**

- a. Excavation
- b. Bedding
- c. Laying/jointing
- d. Manholes/pits
- e. Backfilling

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- f. Permanent erosion and sedimentation control measures
- g. Drainage channels
- h. Final inspection - on maintenance
- i. Off maintenance

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

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

- 31. 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.**

- 32. Prior to the issue of a **Subdivision Certificate** a defect liability 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.

- 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 Q3051 (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.

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- e. That supervision of Bulk Earthworks has been to Level 1 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.

## 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 10 **AND** the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.
38. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-
- i. Construct a Koala Crossing adjacent to the proposed Koala corridor including signage and lighting.
  - ii. Construction of a stormwater drainage system that will convey all waters through the site to a legal point of discharge. The sub surface and overland 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. Where drainage from the proposed subdivision is to be connected to existing stormwater systems, calculations verifying existing system capacity are to be included.
  - iii. Construct a formed access track/s for bush fire fighting and stormwater maintenance vehicles.
  - iv. Calculations showing the extent of inundations, if any, for the 1:100 year ARI storm to lots 459, 460, 461 and 457 due to natural watercourses.
  - v. Construction of sealed driveways to the property boundaries for lots 457 and 451.
  - vi. Details of relocated depression around lot 459 including remediation measures.

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- vii. Extension of existing scour protection measures at the discharge headwall/s to take account of the extra flow rates generated from this subdivision.
39. In accordance with Development Control Plan No. 16 a footpath 1.2m wide on the eastern side and 2.5m wide on the western side constructed of concrete shall be provided for the full length of Bottlebrush Drive. The design and construction standard shall comply with AUSPEC (TSC Version).
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.
42. Pram ramps are to be constructed at road intersections in accordance with Council's Plan No. A4-96 to the satisfaction of the Director of Engineering Services and in accordance with Council's Standard Plan No. A4-96. Mountable or roll top kerb does not meet pram ramp requirements, and therefore requires a pram ramp to be constructed as above.
43. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road. If the proposed development requires driveway access (or modification of access) onto a public road, prior to the issue of a construction certificate and prior to any works taking place on the public road, a detailed application for access/driveway under Section 138 of the Road Act must be submitted to and consent granted by Council. Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

## DRAINAGE/FLOODING

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

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

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

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all Q20 24 hour runoff from impervious areas of the site can be disposed of, on site, by means of infiltration.

47. 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*.
48. 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.
49. The earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with Appendix B, 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.
50. Prior to the issue of a Subdivision Certificate and also prior to the end of defects liability period, a CCTV inspection of the stormwater pipes will be required to demonstrate that the standard of the stormwater system is acceptable to Council.

Any defects identified by the inspection are to be repaired using any one of the following repair techniques or such other technique as may be approved by the Director of Engineering Services.

- Tiger Patch patch liner;
- Econoliner;
- PL Quick Sleeve System;
- Flexi-Bond method

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

51. 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.
52. 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.
53. 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.

54. 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,

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prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.

- (d) Treatment devices to remove stormwater pollutants may be located in the underground drainage system, immediately prior to its discharge into the existing drainage system, provided suitable maintenance access is provided.

55. Section 68 Local Government Act 1993 approval for stormwater drainage works.

A construction certificate application for works that involve any of the following:-

- connection of a private stormwater drain to a public stormwater drain
- installation of stormwater quality control devices
- erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under section 68 of the Local Government Act 1993.

Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

## 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.

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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.

## Telephone

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

## Electricity

59. 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

60. 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.
61. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
62. 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.
63. 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.
64. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17<sup>o</sup> or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.

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

- i) Contours and terraces where the height exceeds 1m.
- ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
- iii) Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
- iv) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.



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- 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.
65. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
66. 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.
67. 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.
68. 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.
69. 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.
70. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
71. 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.
72. The burning of builders waste on site by open fire is prohibited.

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73. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

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

74. 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.
75. Except as may be expressly provided in the approval, the approval holder must comply with section 120 of the Protection of the Environment Operations Act 1997 prohibiting the pollution of waters.
76. The LA10 noise level emitted from the premises shall not exceed the background noise level (LA90) in any Octave Band centre frequency (31.5 Hz – 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.
77. Acid sulfate soils shall not be disturbed or exposed in a manner which is likely to generate acid sulfate runoff.
78. The applicant shall comply with the recommendations related to the protection of the Queensland Blossom Bat, including the erection of fences, as specified in Part 12.4 of the Eight Part Test of Significance Stage 4 Koala Beach Estate Pottsville (Prepared by the Australian Koala Foundation, July 2001), except where varied by the Plan of Management approved by NSW NPWS).
79. A fence shall be placed prior to the commencement of works for the purposes of protecting Queensland Blossom Bat habitat as indicated on Figure 10 of the Development Layout and Engineering Report, Cardno MBK, May 2001.
80. Erosion and sediment control measures shall be placed in accordance with Figure 10 of the Development Layout and Engineering Report, Cardno MBK, May 2001 and any other directions or requirements of the Director Environment & Community Services.
81. A Stormwater Monitoring Plan, including details of monitoring locations and frequency shall be submitted for approval of the Director Environment & Community Services prior to the commencement of works. All works shall comply with that approved plan.

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82. All stormwater shall be directed to the water quality control ponds on the site, and shall not be discharged direct to any watercourse or wetland.
83. All relevant amelioration measures in the Koala Plan of Management submitted with the application to be implemented, including:-
- (a) Where possible retention of all *Banksia Integrafolia* species greater than 125mm diameter at breast height to be protected tagged and shown on Engineering Plans, and incorporated in Subdivision design.
  - (b) Retention of all Koala home range trees, primary browse tree and other trees identified in Figures 2, 2B, 6, 8 and 10 of the Development Layout and Engineering Report prepared by Cardno MBK and dated May 2001.
  - (c) All trees identified in (a) and (b) to be fenced, flagged or labelled prior to commencement of construction (evidence of such to be submitted to Council prior to any work commencing and throughout construction) and Section 88B restrictions as to user on the title of each lot created where such trees occur to prohibit disturbance, damage or removal.
  - (d) Restriction as to user under Section 88B of the Conveyancing Act to be imposed on the title of all lots, providing that domestic dogs and cats must **NOT** be permitted or kept or otherwise brought onto the Searanch site. All access roads to the site to be signposted to that effect. The restriction shall contain a provision enabling the restriction to be revoked, varied or modified only with the consent of Council.
  - (e) All earthworks or bushfire management measures involving tree removal from areas known to be utilised by koalas must not proceed until the area has been inspected by an officer of the Australian Koala Foundation, or their nominated representative. Tree clearing operations will be temporarily suspended within a range of 50m from any tree which is concurrently occupied by a koala and will not resume until the koala has moved off on its own accord out of the area.
  - (f) Road design standards, appropriate speed control devices and koala crossing area shall be incorporated into the subdivision design to the extent that they restrict motor vehicles to a maximum speed of 40kph within that area of the Searanch site proposed for development.
  - (g) Restrictions as to user under section 88B of the Conveyancing Act to ensure that all swimming pools installed by future residents of the Searanch community must possess a stout rope (minimum 50mm diameter), on end of which is secured to a stable poolside fixture, the other of which must trail in the pool at all times, and that fencing in the proposed development area should not be encouraged. However, where fencing is considered necessary for privacy or security reasons, a minimum ground clearance of 200mm must be maintained. Swimming pool fences must maintain a maximum ground clearance of 100mm to comply with the Swimming Pool Fence Regulations.

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- (h) Kerbside plantings for the purpose of landscaping the proposed urban subdivision must incorporate a minimum of 1 koala food tree for every two residential allotments.
- (i) The importance of the Searanch site for koala conservation and the potential role of the community in managing the population must be communicated to intending land purchasers and prospective residents by way of a detailed information brochure.
84. Compliance with the Koala Management Plan (as amended). A review of the approved Koala Management Plan (as amended) is to be undertaken in terms of its effectiveness in its application to Stages 1 and 2 of the development. The review is to address (but not be limited to) the following matters:
- The results of the Koala population monitoring.
  - The effectiveness of the protective measures employed, for example, has the retention of Koala feed trees been successful? Have there been any road kills? Have there been any dog kills?
  - Details of any protective measures that should be considered in addition to the Koala Management Plan for Stages 1 and 2.
  - Any site-specific measures proposed for Stage 4.
- The review is to be submitted to Council and NSW NPWS prior to release of the Subdivision Certificate. Following the review any necessary amendments to the Koala Management Plan are to be made.
85. The Subdivision is to be carried out in accordance with the recommendations contained in the Eight-Part Test of Significance prepared by the Australian Koala Foundation dated July 2001.
86. Surveys are to be undertaken of the Bush Thick-Knee and Long-nosed Potoroo as recommended in the Eight-Part Test of Significance prepared by the Australian Koala Foundation dated July 2001. The results of the surveys and proposed protective measures as appropriate are to be submitted to Council and NSW NPWS prior to release of the Subdivision Certificate.
87. An amended Plan of Management for the land zoned 7(l) Environmental Protection (Habitat) is to be submitted to the satisfaction of Council, prior to the release of the Construction Certificate. The amended plan is to be prepared by a suitably qualified person and address the following matters in detail:
- Measures to progressively remove exotic weeds.
  - Measures to ensure native vegetation is regenerated.
  - Measures to ensure threatened species habitat is conserved.

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88. The Statement of Landscape Intent prepared by EDAW dated 28 May 2001, shall be amended as follows:

- Deletion of: *Peltophorum pterocarpum*

*Dieties grandiflora*

*Gazania*

*Hymenocallis littoralis*

- Inclusion of: *Allocasuarina littoralis*

The amended plan shall be submitted to Council prior to the release of the Subdivision Certificate.

## **BUSHFIRE MANAGEMENT**

89. Unless otherwise approved by Council, a restriction as to user under Section 88B of the Conveyancing Act is to be imposed, requiring an area at the rear of all lots backing onto land zoned 7(l) for bush fire mitigation purposes, as indicated in Figure 2B, wherein:

- (i) no buildings except swimming pools are to be permitted,
- (ii) area is to be kept generally free of ground litter and fire susceptible plant species;
- (iii) and any fencing to be constructed in non-combustible material.

90. The proposed development is to be carried out in accordance with the Bush Fire Management Plan prepared by Cardno MBK and dated April 2001, except as varied by Council. The plan is to be amended to incorporate the following:

- (a) Manual (or brush cutter) fuel management of ground cover within that part of the buffer encroaching on the 7(l) Environmental Protection (Habitat) Zone.
- (b) Signs detailing the fuel management measures shall be erected, details of proposed signage to be submitted to Council for approval.
- (c) The extent of the asset protection zone located within the 7(l) Environmental Protection (Habitat) Zone is to be clearly and permanently marked to the satisfaction of Council.

Measures (b) and (c) are to be carried out prior to the release of the Subdivision Certificate (i.e. prior to the final civil works inspection). The amendments detailed above are also required to be reflected in the management plan for the 7(l) Environmental Protection (Habitat) Zoned land, the Buffer Area Management Plan and the Maintenance Plan for the Bush Fire Management Zones. The amended plans are to be submitted to Council prior to the release of the Construction Certificate.

91. Prior to the issue of a Subdivision Certificate a maintenance plan for the Bush Fire Management Zones must be submitted to and approved by the Manager Recreation Services. The plan shall include (as a minimum) the following sections:-

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- (i) Introduction – location, subdivision details
- (ii) Description – zone boundaries and locations
- (iii) Bush Fire Management – objectives, issues, options
- (iv) Recommendations
- (v) Maintenance Plan – to explain what maintenance is required, when and where it is required and how it is to be undertaken, including machinery, methods manpower and equipment. The Maintenance Plan is to incorporate the following:
  - (a) The Inner Protection Zone (or fuel free zone) is to be able to be easily maintained by a slasher. The Inner Protection Zone is to be of a manageable slope  $<25^{\circ}$  and the surface is to be free of rocks, logs, etc that may impede access, damage machinery or pose safety issues to the operator or the public.
  - (b) Maintenance measures are to achieve a maximum fuel loading of 8 tonnes per hectare within the Outer Protection Zone (or fuel reduced zone). Details of proposed manual/brush cutter clearing of fuel so as not to impact on significant trees are to be provided (as recommended by the Australian Koala Foundation).

An inspection of the above Bush Fire Management works is to be carried out by Council officers prior to release of the Subdivision Certificate (i.e. prior to the final civil works inspection).

## **DEPARTMENT OF LAND & WATER CONSERVATION – GENERAL TERMS OF APPROVAL**

- 92. The works area shall be revegetated to reduce erosion potential as soon as works are completed.
- 93. Vegetation native to the local area only are to be used in the revegetation program (except grasses for initial soil stabilisation).
- 94. If required, the site shall be fenced off to prevent stock access while the site is undergoing restoration and revegetation.
- 95. Any fill shall be protected to prevent it from being eroded.
- 96. Any structural works shall be secure to withstand flow velocities at the bankfull discharge of the stream.
- 97. No materials shall be used that may pollute the stream.
- 98. No materials may be used that may create a risk to public safety.
- 99. All scrub, undergrowth and timber removed from the area of operation shall be disposed of so that the debris cannot be swept back into the stream during a flood.

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100. If in the opinion of any reasonable officer of the Department of Land and Water Conservation any work is being carried out in such a manner as it may damage or detrimentally affect the stream or damage or interfere in any way with any work, the operation in that section of the said stream shall cease forthwith upon written or oral direction of such officer.
101. A copy of this letter of permission shall be made available to officers of the Department upon request.
102. This permit does not give you the right to occupy any land without the owners consent, nor does it relieve you of any obligation which may exist to also obtain permission from Local Government and other Authorities who may have some form of control over the site of the work and/or the activities you propose to undertake.
103. The site shall be restored and revegetated to the satisfaction of the Department of Land and Water Conservation.
104. The permit holder and the owner or occupier of the land are responsible for any excavation, removal or placement of material or construction of works undertaken by any other person or company at the site.
105. This permit is not transferable to any other person or Company and does not allow operations at any other site.
106. The permit does not allow an extractive industry at the site.
107. This permit is issued with the provision that operations shall be carried out on freehold land. Should operations be on Crown land, this permit is rendered null and void.
108. Operations shall be conducted in such a manner as not to cause damage or interfere in any way with vegetation on adjacent banks.
109. Operations shall be conducted in such a manner as not to cause damage or increase the erosion of adjacent bed and banks.
110. Sediment control measures shall be provided for the duration of works and until the site is stabilised.
111. If the permit conditions have been breached the permit holder shall restore the site to the satisfaction of the Department. If the works as directed are not completed then the permit holder shall pay a fee prescribed by the Department for the initial breach inspection and all subsequent inspections.

## RETURN TO MEETING

Cr Marshall returned to the meeting.

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## Voting For

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

## Voting Against

Cr James

### 11. Kings Forest Local Environmental Study, Development Application and Review of the Boundaries of SEPP 14 Wetlands

GT1/LEP/2000/20 Pt3

547

Cr Boyd

Cr Davidson

**RESOLVED** that Council requests the Director General of planningNSW to expedite the decision making on the boundaries of the SEPP 14 Wetlands within Kings Forest.

**Voting - Unanimous**

### 12. The Erection of a Multi-Dwelling Housing Development Comprising 30 x 1 Bedroom Units at Lot 432, DP 1029368 Botanical Circuit, Banora Point

DA0659/350 Pt2

548

Cr Luff

Cr Boyd

**RESOLVED** that Development Application 0969/2001DA for the erection of a multi-dwelling housing development comprising 33 x 1 bedroom units at Lot 432, DP 1029368 Botanical Circuit, Banora Point be approved subject to the following conditions:-

#### PRE-REQUISITES

#### CONTRIBUTIONS

- (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.



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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 1

- a. Banora Point West/Tweed Heads South (DCP3)  
Open Space Passive (Casual): \$10183.00  
S94 Plan No. 1
- b. Banora Point West/Tweed Heads South (DCP3)  
Open Space Active (Structured): \$23157.00  
S94 Plan No. 1
- c. Community Facilities (DCP3 area): \$4930.60  
S94 Plan No. 3
- d. Tweed Road Contribution Plan: \$12476.51  
S94 Plan No. 4 (Version 4.0)  
(Insert locality, ie. Murwillumbah etc) and whether it is residential or commercial)
- e. Shirewide Library Facilities: \$2850.00  
S94 Plan No. 11
- f. Bus Shelters: \$229.00  
S94 Plan No. 12
- g. Eviron Cemetery/Crematorium Facilities: \$1092.00  
S94 Plan No. 13
- h. Emergency Facilities (Surf Lifesaving) \$1773.00  
S94 Plan No. 16
- i. Extensions to Council Administration Offices  
& Technical Support Facilities \$3317.31  
S94 Plan No. 18

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- j. Cycleways \$1310.00  
S94 Plan No. 22

## Stage 2

- a. Banora Point West/Tweed Heads South (DCP3)  
Open Space Passive (Casual): \$12848.00  
S94 Plan No. 1
- b. Banora Point West/Tweed Heads South (DCP3)  
Open Space Active (Structured): \$29216.00  
S94 Plan No. 1
- c. Community Facilities (DCP3 area): \$6220.80  
S94 Plan No. 3
- d. Tweed Road Contribution Plan: \$16183.44  
S94 Plan No. 4 (Version 4.0)  
  
(Insert locality, ie. Murwillumbah etc) and whether it is residential or commercial)
- e. Shirewide Library Facilities: \$3600.00  
S94 Plan No. 11
- f. Bus Shelters: \$288.00  
S94 Plan No. 12
- g. Eviron Cemetery/Crematorium Facilities: \$1392.00  
S94 Plan No. 13
- h. Emergency Facilities (Surf Lifesaving) \$2256.00  
S94 Plan No. 16
- i. Extensions to Council Administration Offices  
& Technical Support Facilities \$4185.28  
S94 Plan No. 18
- j. Cycleways \$1680.00  
S94 Plan No. 22

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

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

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

## Stage 1

Water: \$36480.00

Sewer: \$30542.50

## Stage 2

Water: 46080.00

Sewer: \$38580.00

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:

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

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

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

The specification is:

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

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

## GENERAL

4. The development shall be completed in general accordance with Plans Ref G1923 prepared by Gavin Duffie REV B being sheets 1-7 and staging plan, except where varied by these conditions.
5. All bins are to be kept at each unit and provided to the road frontage for collection purposes. The bin areas identified on the plans are to form part of the landscaped area.
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.
7. No soil, sand, gravel, clay or other material shall be disposed of off the site.
8. 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.
9. The provision of off street car parking spaces is required. Stage 1 is to provide 4 spaces and Stage 2 is to provide 5 spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.
10. 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.
11. A garbage storage area shall be provided in accordance with Council's **"Code for Storage and Disposal of Garbage and Other Solid Waste"**.
12. 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.
13. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
  - a. footings, prior to pouring of concrete
  - b. slab, prior to pouring of concrete
  - c. frame prior to the erection of brick work or any wall sheeting
  - d. final inspection prior to occupation of the building
14. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:

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- i. All required erosion and sedimentation control devices have been installed and are operational.
  - ii. Required toilet facilities have been provided on the site.
  - iii. A sign has been erected on the site identifying:
    - Lot number
    - Builder
    - Phone number of builder or person responsible for site.
  - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
  - v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.
15. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.

## **PRESCRIBED BUILDING**

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
  - 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.
18. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.

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19. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
20. A. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
- i. in the case of work to be done by a licensee under that Act:
    - (i) has been informed in writing of the licensee's name and contractor licence number; and
    - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
  - ii. in the case of work to be done by any other person:
    - (i) has been informed in writing of the person's name and owner-builder permit number, or
    - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner-builder work* in Section 29 of that Act,
- and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
- B. A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
21. The erection of a building in accordance with a development consent must not be commenced until:
- a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
    - (i) the consent authority; or
    - (ii) an accredited certifier; and
  - b. the person having the benefit of the development consent:
    - (i) has appointed a Principal Certifying Authority; and

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- (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
  - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.
- 22. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing.

## CAR WASH DOWN AREAS

- 23. Ensure adequate turfed area, or other suitable media, is incorporated and maintained into the proposed landscape of the property for use as a car wash-down area. Stage 1 shall provide 1 wash down area and stage 2 shall provide 2, being a total of three car wash down areas on the site.

## ROADS/STREETS

- 24. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the Director, Engineering Services. Twenty four (24) hours notice is to be given to Council's Engineering Services Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction. Paving bricks are not acceptable unless laid on a 100mm thick concrete base.
- 25. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road. If the proposed development requires driveway access (or modification of access) onto a public road, prior to the issue of a construction certificate and prior to any works taking place on the public road, a detailed application for access/driveway under Section 138 of the Road Act must be submitted to and consent granted by Council. Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

## DRAINAGE/FLOODING

- 26. 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



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“*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*.

- 27. Internal stormwater lines are to be connected directly into road drainage pits if available along the frontage of the site.
- 28. 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.

- 29. 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.

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- (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*.
30. The development application sought approval for stormwater drainage works under s68 of the Local Government Act 1993. The s68 application appended to the development application did not contain sufficient detailed information for Council to fully assess the proposal.

The s68 application for stormwater drainage works is approved in general only.

Prior to approval being given to a construction certificate application that includes any of the following specific stormwater drainage works

- connection of a private drain to a public drain
- installation of stormwater quality control devices
- erosion and sediment control works

Further approval is required from Council under s68 of the Local Government Act 1993 for these specific works.

Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

## SERVICES

31. **Note:** Sewer manhole is present on this site. This manhole is not to be covered with soil or other material or concealed below ground level.

Should additional fill be proposed in the area of the sewer manhole Council's Engineering Services Division must be consulted and suitable arrangements made for the raising of the manhole to the satisfaction of Council's Manager Public Utilities.

## ENVIRONMENT PROTECTION

32. 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.
33. External artificial lighting is to be shielded where required to the satisfaction of Council's Director Environment and Community Services to prevent the spill of light onto adjacent residential areas causing a nuisance.
34. 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. # 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.

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35. 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.
36. 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.
37. The burning of builders waste on site by open fire is prohibited.
38. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

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

## PLUMBING AND DRAINAGE

39. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
  - a. internal drainage, prior to slab preparation;
  - b. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
  - c. external drainage prior to backfilling.
  - d. completion of work.
40. A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.  
B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.
41. An application to connect to Council’s sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.
42. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
43. Back flow prevention devices shall be installed where ever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1

# Minutes - Meeting of Tweed Shire Council

and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.

44. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
  - \* 50<sup>0</sup>C in all other classes of buildings.

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

**Cr Boyd**  
**Cr James**

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

**Voting For**

Cr Boyd  
Cr Carroll  
Cr James  
Cr Luff

**Voting Against**

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

The Motion was **Carried**

**Voting For**

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

**Voting Against**

Cr Lawrie

# Minutes - Meeting of Tweed Shire Council

- 13. The Erection of a Six (6) Storey Multi-Dwelling Housing Development Comprising 17 Units at Lot 109 & 110, DP 237806 1-3 Ivory Place, Tweed Heads**

**DA2650/20 Pt2**

**549**

**Cr Luff**

**Cr James**

**RESOLVED** that this item be deferred to later in the meeting, so the issue of overshadowing can be clarified.

**Voting - Unanimous**

## LATE ITEMS

**550**

**Cr Davidson**

**Cr Youngblutt**

**RESOLVED** that Items 13a, 13b and 13c being Addendum items be dealt with and they be ruled by the Chairman to be of great urgency.

**Voting - Unanimous**

- 13a. Draft Local Environmental Plan 2000 – 1533 Kyogle Road, Uki**

**DA2970/1390 Pt1**

**551**

**Cr Beck**

**Cr Lawrie**

**RESOLVED** that Council:

1. Pursuant to Section 54 of the Environmental Planning and Assessment Act 1979 (as amended), prepares a draft Local Environmental Plan to rezone Lot 1 DP 611481, Lot 1 DP574910 and Lot 3 DP 708144 Kyogle Road, Uki from Rural 1(a) to Rural 1(c);
2. Advises the Director-General of planningNSW that in this case it does not consider that a Local Environmental Study is warranted;
3. Makes a submission to the Director-General of planningNSW that completion of Council's review of Rural Planning Provisions in the Tweed Shire 2000+ Strategic Plan and Tweed LEP 2000 is not warranted as a pre-requisite to preparation of this particular draft Local Environmental Plan, given:
  - a. the location of the subject land between the existing village of Uki and the Uki Sportsground;
  - b. the public benefits that will result from the proposal in terms of upgrading the Uki Sportsground;
  - c. it is very unlikely that there will be a precedent set in view of the location of the land, the community benefits, and the proposed development of only three net additional lots.

# Minutes - Meeting of Tweed Shire Council

## Voting - Unanimous

### 13b. Redevelopment of an Existing Hotel/Motel at Lot 1 DP 247808 Pandanus Parade, Cabarita Beach

DA4100/10 Pt1

552

Cr Davidson

Cr Marshall

**RESOLVED** that Council requests the Director Development Services to further negotiate with the applicant to improve the design of the proposed development and resolve car parking – potentially as part of planning for future car parking in the local area.

## Voting - Unanimous

### 13c. Negotiations for Public Open Space around Lake Kimberley and Related Development Control Plan Amendment and Development Application

GT1/DCP/3 Pt8, DA5937/740 Pt2 & K99/1682

553

Cr Marshall

Cr Beck

## **RESOLVED:**

1. That Council endorses the proposal to Bradshaw Developments in terms of \$551,085 to acquire parcels 1, 2 and 5 in option 2, plus 1566m<sup>2</sup> adjacent to Winders Place (annexure 5) as public open space with a consequent draft amendment to DCP No 3 – Banora Point/South Tweed, amendment as sought to LEP of amendment no. DA K99/1682.
2. Compensates Bradshaw Developments \$22,500, being half the cost of the bridge.
3. Acknowledges Bradshaw Developments forthcoming application and intent to construct a sewerage pump station and/or stormwater.

## AMENDMENT

Cr Luff

Cr Lawrie

**PROPOSED** that Council endorses the proposal to Bradshaw Developments in terms of \$638,975 to acquire parcels 1, 2 and 5 on Annexure 2 plus 2117sqm adjacent to Winders Place (Annexure 6) as public open space with a consequent draft amendment to Development Control Plan No. 3 – Banora Point/South Tweed and amendment to Development Application K99/1682.

The Amendment was **Lost**

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## Voting For

Cr Davidson  
Cr James  
Cr Lawrie  
Cr Luff  
Cr Youngblutt

## Voting Against

Cr Polglase  
Cr Beck  
Cr Boyd  
Cr Brinsmead  
Cr Carroll  
Cr Marshall

The Motion was **Carried**

## Voting For

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

## Voting Against

Cr James  
Cr Luff

**A RESCISSION MOTION HAS BEEN RECEIVED FROM CRS LUFF, JAMES & CARROLL FOR ITEM 13C**

## REPORTS FROM DIRECTOR CORPORATE SERVICES

### 14. Referendum Election Matters

### Election – Wards; Elections - Referendums

554

Cr Marshall

Cr Luff

**RESOLVED** that :-

1. This report be received and noted.
2. A Workshop be held early in the new year to discuss further options in relation to the Ward/Riding/Divisions and undivided systems of voting.

# Minutes - Meeting of Tweed Shire Council

## Voting For

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

## Voting Against

Cr James

### 15. 2001/02 Fees and Charges - Amendment

Fees & Charges

555

Cr Boyd  
Cr Luff

**RESOLVED** that the amended fees in this report be adopted.

**Voting - Unanimous**

### 16. Declaration of Gifts

ICAC

556

Cr Beck  
Cr Marshall

**RESOLVED** that Council defers this item to be discussed at the ICAC visit to Council in February 2002.

#### AMENDMENT 1

Cr Boyd  
Cr Luff

**PROPOSED** that Council:

1. Adopts the policy of the NSW State Government covering Ministers (and spouses) except that any gift worth over \$20.00 is recorded and becomes the property of the Council.
2. Council's policy C6.7 – Gifts Gratuities and Hospitality be amended to read:

*C6.7 Gifts, Gratuities and Hospitality – Councillors, members of staff or delegates must not by virtue of their official position, accept or acquire for a personal advantage, any gift, gratuities and hospitality other than a token kind or moderate form of hospitality other than as permitted by the Local Government Act 1993. The policy further states a Councillor should inform the Council of the receipt of any substantial gift, benefit, travel or hospitality. Similarly, a member of staff should inform the General Manager of the receipt of any substantial gift, benefit,*



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*travel or hospitality. Gifts and travel in excess of \$10.00- \$20.00 must be disclosed in the annual returns of disclosures of pecuniary interest and other matters. A register of gifts is to be maintained by the General Manager.*

3. Removes C5.4 in Council's current policy.

Amendment 1 was **Lost**

## **Voting For**

Cr Boyd  
Cr Carroll  
Cr Davidson  
Cr James  
Cr Luff

## **Voting Against**

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

## **AMENDMENT 2**

**Cr Luff**

**Cr Boyd**

**PROPOSED** that:

1. Council's policy C5.4 – Gifts to Councillors be amended to read:

***C5.4** Gifts to Councillors, Spouses and Family Members - Council adopts the policy of the NSW State Government except that any gift worth over \$10.00 is recorded and becomes the property of the Council.*

2. Council's policy C6.7 – Gifts, Gratuities and Hospitality be amended to read:

***C6.7** Gifts, Gratuities and Hospitality – Councillors, members of staff or delegates must not by virtue of their official position, accept or acquire for a personal advantage, any gift, gratuities and hospitality other than a token kind or moderate form of hospitality other than as permitted by the Local Government Act 1993. The policy further states a Councillor should inform the Council of the receipt of any substantial gift, benefit, travel or hospitality. Similarly, a member of staff should inform the General Manager of the receipt of any substantial gift, benefit, travel or hospitality. Gifts and travel in excess of \$10.00- \$20.00 must be disclosed in the annual returns of disclosures of pecuniary interest and other matters. A register of gifts is to be maintained by the General Manager.*

## **PROCEDURAL MOTION**

**557**

**Cr Davidson**

**RESOLVED** that the motion be put.

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## Voting For

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

## Voting Against

Cr Boyd  
Cr Carroll  
Cr James  
Cr Luff

Amendment 2 was **Lost**

## Voting For

Cr Boyd  
Cr Carroll  
Cr James  
Cr Luff

## Voting Against

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

The Motion was **Carried**

**Voting - Unanimous**

### 17. Tweed Shire Council Lease from St George Building Society

**PF4040/160; DW641143; Leases-Special**

558

Cr Marshall

Cr Davidson

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

**Voting - Unanimous**

### 18. Tweed and Coolangatta Tourism Inc (TACTIC) Deed of Agreement

**TACTIC**

559

Cr Marshall

Cr Luff

**RESOLVED** that the General Manager formally requests an urgent meeting between Council and Tweed Coolangatta Tourism Inc (TACTIC) early in the new year regarding the agreement.

**Voting - Unanimous**

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## 19. Northern Rivers Tourism Inc 2000/2001 Annual Report

Tourism - General

560

Cr Luff

Cr Davidson

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

**Voting - Unanimous**

## 20. Monthly Investment Report for Period Ending 30 November 2001

Monthly Investment Report

561

Cr Boyd

Cr Lawrie

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

**Voting - Unanimous**

## 21. Bulford Report - Injunction

LEP - Kings Forest; GT1/LEP/2000/20 Pt3; GT1/LEP/2000/3 Pt5

562

Cr Boyd

Cr Marshall

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

**Voting - Unanimous**

## REPORTS FROM DIRECTOR ENGINEERING SERVICES

### 22. Vehicular Access to Property Policy

Access to Property - Driveways

563

Cr Boyd

Cr Carroll

**RESOLVED** that the attached "Driveway Access to Property" Policy dated December 2001 be advertised for twenty-eight days for public comment.

**Voting - Unanimous**

### 23. Stoddarts Road - Application for Public Gate

R5250

564

Cr Beck

Cr Marshall

**RESOLVED** that Council refuses the request to erect a gate across Stoddarts Road, Tyalgum.

# Minutes - Meeting of Tweed Shire Council

## Voting For

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

## Voting Against

Cr Polglase  
Cr Boyd  
Cr Carroll  
Cr James  
Cr Luff

### 24. Tweed Shire Road Network - Kirkwood Road

**R2920 Pt3; Bridges - Lakes Dr**

565

Cr Luff

Cr Marshall

**RESOLVED** that:-

1. The Roads and Traffic Authority be:-
  - a) Forwarded a copy of this report.
  - b) Requested to confirm that sufficient space for a 2 lane bridge over Terranora Inlet be formally nominated and protected within the RTA Highway reserve to enable Option 1 below.
  - c) Advised that a single lane on-ramp to the Highway from Darlington Drive is adequate to operate at Level of Service C for the current and future volumes of traffic at the intersection.
  - d) Advised that concept design for the Highway upgrade to 6 or 8 lanes at the Darlington Drive on-ramp is the responsibility of the Roads and Traffic Authority and is outside Council's planning jurisdiction and specialist knowledge.
2. Subject to recommendation 1 being satisfactorily achieved:-
  - a) Option 1 in this report (being the construction of a new link road between Kirkwood Road and Kennedy Drive including a new local traffic bridge over Terranora Inlet within the Roads and Traffic Authority highway corridor) be pursued.
  - b) Detailed design work be commenced for Option 2, (being the upgrade of Leisure Drive and Darlington Drive from Leisure Drive to the Pacific Highway to four lane standard to be commenced as a three year program from 2002 to 2004.)
  - c) The Lakes Drive Bridge development application be withdrawn and the project removed from the Tweed Road Development Strategy and Tweed Road Contribution Plan No. 4.
  - d) The process of amending the Tweed Road Development Strategy and Tweed Road Contribution Plan to accommodate parts 1, 2 and 3 above be commenced immediately.

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- e) The Planning & Design Unit recommence design investigation and environmental assessment of the Naponyah Road connection from Mahers Lane to Fraser Drive including inviting discussions with affected landowners over likely and necessary acquisitions.
3. Council approves the allocation of funds from the Section 94 Plan as shown in the Schedule of Works for the detailed design and construction of the Leisure Drive / Fraser Drive intersection to be constructed this financial year.

**Voting - Unanimous**

## 25. Flood Awareness Program

**SES; Floods**

**566**

**Cr Boyd**

**Cr Carroll**

**RESOLVED** that Council participates in the Flood Awareness Program planned by the State Emergency Services and mounts a static display during this period in Sunnyside Shopping Centre and Tweed City Shopping Centre.

**Voting - Unanimous**

## 26. Biosolids - Banora Point Sewage Treatment Plant

**Sewerage - Banora Point; Sewerage - Treated Effluent - Reuse**

**567**

**Cr Boyd**

**Cr Youngblutt**

**RESOLVED** that:-

1. Council extends the trial with Arkwood Organic Recycling for the removal of biosolids from Council's Banora Point Sewerage Treatment Plant for a further 9 weeks at the rate of \$43.78 per tonne (\$39.80 + \$3.98 GST).
2. Tenders be invited for a 12 month contract.

**Voting - Unanimous**

## 27. Pottsville Boat Ramp

**R3975; Boat Ramps**

**568**

**Cr Boyd**

**Cr Marshall**

**RESOLVED** that the Pottsville Boat Ramp be funded from the existing Boat Ramp Program within the current budget and priorities be adjusted accordingly.

**Voting - Unanimous**

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## 28. Naming of Old Pacific Highway

**R5495 Pt6; Street - Naming; Pacific Motorway**

569

**Cr Boyd**

**Cr Youngblutt**

**RESOLVED** that Council supports the inclusion of the name 'Rainforest Way' for the Old Pacific Highway between Chinderah and Yelgun to be shown on the 'Signposting Scheme' to be advertised for public comment by the Roads and Traffic Authority.

### AMENDMENT

**Cr Beck**

**Cr Marshall**

**PROPOSED** that Council calls for public comment in the Tweed Link for suggested names for the Old Pacific Highway between Chinderah and Yelgun.

The Amendment was **Lost**

#### **Voting For**

Cr Beck  
Cr Lawrie  
Cr Marshall

#### **Voting Against**

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

The Motion was **Carried**

**Voting - Unanimous**

## 29. Terranora Road Maintenance

**PF5430/1443 Pt3; Quarries - CSR**

570

**Cr Luff**

**Cr Marshall**

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

**Voting - Unanimous**

## 30. State Highway Handover - Status Report

**R4031 Pt14**

571

**Cr Davidson**

**Cr Marshall**

**RESOLVED** that:

1. This report be received and noted.

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2. A workshop be held in the new year to discuss the handover.

**Voting - Unanimous**

31. **Tweed River Entrance Sand Bypassing Project - Duranbah Beach**  
**Duranbah Beach; Sand By-Pass; GR1/6 Pt10**

**572**

**Cr Marshall**

**Cr Luff**

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

**Voting - Unanimous**

## ADJOURNMENT OF MEETING

Adjournment for dinner at 6.30pm.

## RESUMPTION OF MEETING

The Meeting resumed at 7.30pm.

Cr Polglase was not present at the re-commencement of the meeting and Cr Davidson took the Chair.

## SUSPENSION OF STANDING ORDERS

**573**

**Cr Marshall**

**Cr Youngblutt**

**RESOLVED** that standing orders be suspended to deal with the late addendum Item 13d and Item 13 deferred earlier in the Agenda.

**Voting - Unanimous**

## REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

- 13d. **Two (2) Lot Subdivision and Erection of an Aged Care Facility at Lot 2 DP 537490**  
**Walmsleys Road, Bilambil Heights**

**DA5765/20 Pt1**

**574**

**Cr Brinsmead**

**Cr Youngblutt**

**RESOLVED** that Council:

1. Expresses its intent to approve Development Application 0780/2001DA for a two (2) lot subdivision and erection of an aged care facility at Lot 2 DP 537490 Walmsleys Road, Bilambil Heights.
2. Delegates to the Director Development Services to prepare appropriate conditions in consultation with the Mayor and issue determination subject to concurrence by planningNSW to the variation sought under SEPP1.

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3. Expresses its support to planningNSW for the application to vary minimum lot size under SEPP1 to enable this development to proceed.

575

Cr James

Cr Carroll

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

**Voting – Unanimous**

## AMENDMENT

Cr Luff

Cr Boyd

**PROPOSED** that Council:

1. Defers the determination of the application.
2. Invites the applicant to further negotiate with the Director Development Services in regard to:
  - a. providing more open space that is suitable for residents and visitors to walk;
  - b. providing greater buffers between adjoining property owners to lessen adverse impacts due to noise, smell, privacy and overshadowing.
  - c. proposing a less intense development which at least meets the standard of SEPP5 in relation to floor space ratio.

The Amendment was **Lost**

### Voting For

Cr Boyd  
Cr Carroll  
Cr James  
Cr Luff

### Voting Against

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

The Motion was **Carried**

### Voting For

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

### Voting Against

Cr Boyd  
Cr Carroll  
Cr James  
Cr Luff



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## ATTENDANCE AT MEETING

Cr Polglase attended the meeting at 8.30pm and took the Chair.

### 13. The Erection of a Six (6) Storey Multi-Dwelling Housing Development Comprising 17 Units at Lot 109 & 110, DP 237806 1-3 Ivory Place, Tweed Heads

DA2650/20 Pt2

576

Cr Luff

Cr Boyd

**RESOLVED** that Development Application 0935/2001DA for the erection of a 6 storey multi-dwelling housing development comprising 17 units at Lot 109 & 110, DP 237806 1-3 Ivory Place, Tweed Heads be approved subject to the following conditions for the following reasons:-

#### PRE-REQUISITES

#### 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, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

- a. Tweed Road Contribution Plan: \$10581.24

S94 Plan No. 4 (Version 4.0)

(Insert locality, ie. Murwillumbah etc) and whether it is residential or commercial)

#### 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:-

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

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. Open Space (Structured): \$4639.00  
S94 Plan No. 5
- c. Open Space (Casual): \$1767.00  
S94 Plan No. 5
- d. Shirewide Library Facilities: \$3225.00  
S94 Plan No. 11
- e. Bus Shelters: \$260.00  
S94 Plan No. 12
- f. Eviron Cemetery/Crematorium Facilities: \$1227.00  
S94 Plan No. 13
- g. Emergency Facilities (Surf Lifesaving) \$1995.00  
S94 Plan No. 16
- h. Extensions to Council Administration Offices  
& Technical Support Facilities \$3757.24  
S94 Plan No. 18
- i. Cycleways \$1465.00  
S94 Plan No. 22

2. A **certificate of compliance** (CC) under Part 3 Division 2 of the Water Supply Authorities Act 1987 is to be obtained from Council to verify that the necessary

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

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

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

Water: \$41280.00

Sewer: \$34561.25

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)

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

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

The specification is:

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

## GENERAL

4. The development shall be completed in general accordance with Plans No TP02A, TP03A and TP01C prepared by R H Frankland and Associates Pty Ltd, except where varied by these conditions.

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5. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
6. The provision of 26 off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.
7. The lots are to be consolidated into one (1) lot under one (1) title. The plan of consolidation shall be registered with the Lands Titles Office prior to any use or occupation of the development pursuant to this approval.
8. 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.
9. Landscaping of the site shall be carried out in accordance with the submitted landscaping plans. The landscaping to be completed prior to occupation of the building, to the satisfaction of the Director, Development Services.
10. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.
11. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
  - a. footings, prior to pouring of concrete
  - b. slab, prior to pouring of concrete
  - c. frame prior to the erection of brick work or any wall sheeting
  - d. final inspection prior to occupation of the building
12. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
  - i. All required erosion and sedimentation control devices have been installed and are operational.
  - ii. Required toilet facilities have been provided on the site.
  - iii. A sign has been erected on the site identifying:
    - Lot number
    - Builder
    - Phone number of builder or person responsible for site.

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- iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
  - v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.
13. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead" and the WorkCover guidelines on working with and handling of asbestos.

## PRESCRIBED BUILDING

14. 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.
15. A sign must be erected on the site in a prominent, visible position stating:
- a. that unauthorised entry to the work site is prohibited; and
  - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
16. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:
- i. The person must, at the person's own expense:
    - a. preserve and protect the building from damage; and
    - b. if necessary, underpin and support the building in an approved manner.
  - ii. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.
17. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.

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18. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
19. A. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
- i. in the case of work to be done by a licensee under that Act:
    - (i) has been informed in writing of the licensee's name and contractor licence number; and
    - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
  - ii. in the case of work to be done by any other person:
    - (i) has been informed in writing of the person's name and owner-builder permit number, or
    - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner-builder work* in Section 29 of that Act,
- and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
- B. A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
20. If the work involved in the erection or demolition of a building:
- a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
  - b. building involves the enclosure of a public place,
- a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

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The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

21. The erection of a building in accordance with a development consent must not be commenced until:
  - a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
    - (i) the consent authority; or
    - (ii) an accredited certifier; and
  - b. the person having the benefit of the development consent:
    - (i) has appointed a Principal Certifying Authority; and
    - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
  - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.
22. A person must not commence occupation or use of the whole or any part of a new building (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units)
23. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing.
24. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

## CAR WASH DOWN AREAS

25. Provision to be made for the designation of a durable and pervious car wash-down area. The area must be identified for that specific purpose and be supplied with an adequate water supply for use within the area. Any surface run-off from the area must not discharge directly to the stormwater system without Trade Waste approval.

## DRAINAGE/FLOODING

26. 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.



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

27. 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*.
28. 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.
29. A survey certificate signed by a registered surveyor is to be submitted to the PCA to certify that the habitable floor level of the building to be at a level of not less than RL 2.95m AHD.
30. The whole of the basement carpark is to be protected from the ingress of water to a height of 3.15 metres AHD.
31. Section 68 Local Government Act 1993 approval for stormwater drainage works.
- A construction certificate application for works that involve any of the following:-
- connection of a private stormwater drain to a public stormwater drain
  - installation of stormwater quality control devices
  - erosion and sediment control works

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will not be approved until prior separate approval to do so has been granted by Council under section 68 of the Local Government Act 1993.

Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

## 32. 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*.

33. The peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the ARI 100 year design storm, shall be 200l/s/ha. This may be achieved by on site detention (OSD), on site retention or a combination of both. Detention storage may be incorporated into surface depressions in landscaping or car parking areas. The maximum water depth under design conditions in vehicle parking areas shall be 200mm. OSD devices including discharge control pits (DCP) are to comply with standards in The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook, Second Edition 1994") except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire. Stormwater runoff from the discharge control pit is to be conveyed by underground pipe to Council's underground drainage system in Ivory Place. All these works and the connection to Council's drainage system shall be constructed in accordance with design calculations, plans and specifications to be submitted with the

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construction certificate application and approved by the Director of Engineering Services.

## SERVICES

34. **Note:** Sewer manhole is present on this site. This manhole is not to be covered with soil or other material or concealed below ground level.

Should additional fill be proposed in the area of the sewer manhole Council's Engineering Services Division must be consulted and suitable arrangements made for the raising of the manhole to the satisfaction of Council's Manager Public Utilities.

## PLUMBING AND DRAINAGE

35. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- a. internal drainage, prior to slab preparation;
  - b. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
  - c. external drainage prior to backfilling.
  - d. completion of work.
36. A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.
37. An application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.
38. Prior to commencement of any works on the site a plumbing and drainage inspection fee of \$ 536.00 is to be submitted to Council.
39. Where two (2) or more premises are connected by means of a single house service pipe, the owner of each premises must (*unless all the premises are occupied by a single household or firm as a residence or place of business*) ensure that a separate water meter, of a class and size approved by Council, is installed on each of those premises.
40. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
41. Back flow prevention devices shall be installed where ever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.

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42. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.
43. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
  - \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
  - \* 50<sup>0</sup>C in all other classes of buildings.

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

## ENVIRONMENT PROTECTION

44. 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.
45. 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.
46. 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.
47. 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.
48. All work shall be undertaken in accordance with the requirements of the Acid Sulfate Soil Assessment and Dewatering Management Plan prepared by hmc environmental services dated November 2001.
49. 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.
50. 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.
51. 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.

52. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
53. 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.
54. The burning of builders waste on site by open fire is prohibited.
55. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

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

56. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
57. The disposal and storage of waste is to comply with the requirements of Council’s Code for Storage and Disposal of Garbage and other Solid Wastes.

## TRADE WASTE

58. Any premises proposing to discharge into Councils sewerage system a waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by Councils Manager Water and concurrence received from the Department of Land and Water Conservation, if required, PRIOR to the issuing of a Construction Certificate to discharge to Councils sewerage system.

**Voting - Unanimous**

## RESUMPTION OF STANDING ORDERS

577

Cr Marshall

Cr Davidson

**RESOLVED** that Standing Orders be resumed.

# Minutes - Meeting of Tweed Shire Council

## Voting - Unanimous

### 32. Trial of Roadside Vegetation Management Process

#### Vegetation Management Plan; Roads - General

578

Cr Boyd

Cr Davidson

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

## TEMPORARY ABSENCE FROM MEETING

Cr Lawrie left the meeting.

The Motion was **Carried**

## Voting - Unanimous

## REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

### 33. Future Doon Doon Hall

#### Rural Hall - Doon Doon

Cr Marshall

Cr Beck

**PROPOSED** that Council re-directs \$60,000 of the loans funds allocated to the purchase of Bilambil Sports Fields to the relocation of the Doon Doon Hall to Crams Farm and the installation of toilets.

## RETURN TO MEETING

Cr Lawrie returned to the meeting.

## AMENDMENT 1

Cr James

Cr Luff

**PROPOSED** that Council invites submissions from the public on the best way possible to preserve the Doon Doon Hall and put it to good use.

Amendment 1 was **Lost**

### Voting For

Cr Boyd  
Cr Carroll  
Cr James  
Cr Luff

### Voting Against

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

## AMENDMENT 2

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579

**Cr Youngblutt**

**Cr Davidson**

**RESOLVED** that:

1. This item be deferred until the Bilambil Sports Fields purchase is finalised and Council is certain what it is going to cost to bring the whole area into good condition.
2. Council supports, in principle, the preservation of the Doon Doon Hall.

Amendment 2 was **Carried**

**Voting For**

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

**Voting Against**

Cr Carroll  
Cr James  
Cr Luff  
Cr Marshall

**AMENDMENT 3**

**Cr James**

**Cr Luff**

**PROPOSED** that:

1. This item be deferred until the Bilambil Sports Fields purchase is finalised and Council is certain what it is going to cost to bring the whole area into good condition.
2. Invites submissions from the public on the best way possible to preserve the Doon Doon Hall and put it to good use.
3. Invites the Committee to explore possibilities for restoration using the Work for the Dole program.

Amendment 3 was **Lost**

**Voting For**

Cr Boyd  
Cr Carroll  
Cr James  
Cr Luff

**Voting Against**

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

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

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## Voting For

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

## Voting Against

Cr Carroll  
Cr Luff

### 34. Murwillumbah Civic & Cultural Centre Refurbishment and Entrepreneurial Strategies for Operating the Venue

Civic Centre - M'bah

580

Cr Boyd

Cr Marshall

**RESOLVED** that Council:

1. Invites Lyndon and Liz Terrachini of NORPA to meet with Council in a workshop and detail how their achievements have been accomplished.
2. Considers an allocation for stage 2 refurbishment in the 2002/2003 budget.
3. Considers stage 3 refurbishment in the 2003/2004 budget.

### TEMPORARY ABSENCE FROM MEETING

Cr Youngblutt left the meeting.

The Motion was **Carried**

**Voting - Unanimous**

### 35. Swimming Pool Operation

Pool - K'cliff; Pool - M'bah; Pool - Tweed Heads

Cr Beck

Cr Lawrie

**PROPOSED** that to encourage families to be responsible and to watch over the safety of their children in the Tweed Shire Council swimming pools, that non-swimming minders be allowed into the pool complex free of charge.

The Motion was **Lost**



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## Voting For

Cr Beck  
Cr Brinsmead  
Cr Lawrie  
Cr Marshall

## Voting Against

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

### 36. Sustaining our Communities

#### Sustaining the Tweed; Conference - General

Cr Carroll

Cr Luff

**PROPOSED** that Council approves the attendance of any Councillors wishing to attend the Sustaining our Communities International Local Agenda 21 Conference.

The Motion was **Lost**

## Voting For

Cr Polglase  
Cr James  
Cr Luff  
Cr Marshall

## Voting Against

Cr Beck  
Cr Boyd  
Cr Brinsmead  
Cr Carroll  
Cr Davidson  
Cr Lawrie

### 37. Crime Prevention Plan

#### Crime Prevention

581

Cr Carroll

Cr Beck

**RESOLVED** that Council endorses extending the Crime Prevention Plan for the whole of the Tweed Shire.

## Voting For

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

## Voting Against

Cr James  
Cr Luff

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## 38. Regional Solutions Program Grant - Bilambil Sports Complex Regional Solutions Program; Bilambil Sports Complex

582

Cr Marshall

Cr Davidson

**RESOLVED** that Council:-

1. Accepts the offer from the Department of Transport and Regional Services for a Regional Solutions Grant of \$268,510 for the purchase of Bilambil Sports Complex and affixes the Common Seal of Council to any necessary documentation.
2. Provides the Department of Transport and Regional Services with:-
  - A written commitment to retaining the land to serve community needs utilising the existing club facilities and that this aspect be incorporated into the Business Plan as required by the Department of Transport and Regional Services
  - A business plan deemed to be satisfactorily by the Department for the operation of the complex. The plan is to include cash flow preparation to confirm sustainability/financial viability.

**Voting - Unanimous**

## 39. Cudgen Lake Acid Sulfate Soil Hotspot

**Pollution - Acid Sulfate Soils**

583

Cr Boyd

Cr Davidson

**RESOLVED** that Council:-

1. Amends the title of the Cudgen Lake Hotspot Advisory Committee and Cudgen Lake Hotspot Project Sub-Committee to the Cudgen Lake Acid Hotspot Advisory Committee and the Cudgen Lake Acid Hotspot Advisory Sub-Committee respectively.
2. Accepts the nomination of Gary Newman and Shirley Streatfield as members of the Cudgen Lake Acid Hotspot Advisory Committee.
3. Appoints Professor Ian White of the Australian National University as a member of the Cudgen Lake Acid Hotspot Advisory Sub-Committee.

**Voting - Unanimous**

## 40. Celebrating the Tweed Better - Festivals and Events Forum

**Festivals - Other**

584

Cr Marshall

Cr Brinsmead

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

**Voting - Unanimous**

# Minutes - Meeting of Tweed Shire Council

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## REPORTS FROM SUB-COMMITTEES

1. **Minutes of the Community Cultural Development Committee Meeting held Thursday 1 November 2001**

**File: Cultural Development Committee**

2. **Murwillumbah Auditorium**

**Cultural Development Committee**

**585**

**Cr Boyd**

**Cr Davidson**

**RESOLVED** that Council staff compile a report detailing options for management and operations of the venue similar to the NORPA example. The report should also include a list of what still needs to be done to finalise the refurbishment, as per INARC Design Company's conceptual designs.

**Voting - Unanimous**

3. **Draft Economic Plan - Tourism and Cultural Industries 2002 –2004**

**Cultural Development Committee**

**586**

**Cr Boyd**

**Cr Davidson**

**RESOLVED** that Council formally adopts the draft Economic Plan – Tourism and Cultural Industries 2002-2004.

**Voting - Unanimous**

4. **Cultural Summit**

**Cultural Development Committee**

**587**

**Cr Boyd**

**Cr Davidson**

**RESOLVED** that the matter of Powerhouse Exhibition be referred to the Art Gallery Director for report back to the Committee.

**Voting - Unanimous**

**588**

**Cr Boyd**

**Cr Davidson**

**RESOLVED** that the balance of the Minutes of the Community Cultural Development Committee Meeting be adopted.

**Voting - Unanimous**

# Minutes - Meeting of Tweed Shire Council

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2. **Minutes of the Public Transport Working Group Committee Meeting held Thursday 22 November 2001**

**Public Transport Committee**

2. **Major Development Review**

**Public Transport Committee**

**589**

**Cr Boyd**

**Cr Davidson**

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

**Voting - Unanimous**

**590**

**Cr Boyd**

**Cr Davidson**

**RESOLVED** that the balance of the Minutes of the Public Transport Working Group Committee Meeting be adopted.

**Voting - Unanimous**

3. **Minutes of the Tweed River Committee Meeting held Wednesday 5 December 2001**

**File Ref: Tweed River Management Plan**

2. **Program Status – Budget Review**

**Tweed River Estuary Management Plan**

**591**

**Cr James**

**Cr Marshall**

**RESOLVED** that the allocations be adopted as presented.

**Voting - Unanimous**

**592**

**Cr James**

**Cr Marshall**

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

**Voting - Unanimous**

## **OUTSTANDING INSPECTIONS**

Nil

# Minutes - Meeting of Tweed Shire Council

## DELEGATE'S REPORT

### 1. Report on ALGA National Assembly – Canberra 25-28 November 2001

ALGA

593

Cr Boyd

Cr Davidson

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

**Voting - Unanimous**

## ORDERS OF THE DAY

### 1. Tweed Heads CBD

**Notice of Motion; GT1/DCP/18 Pt6; DCP; Transport Strategy**

594

Cr Lawrie

Cr Davidson

**RESOLVED** that Council approaches State Member, Neville Newell to in turn request the NSW State Government to:-

1. Consider the establishment of a development authority to facilitate the redevelopment of the Tweed Heads CBD.
2. Assist Council to develop/establish a transport strategy for Tweed Shire with particular focus/emphasis on the Tweed Heads CBD and its connectivity with South East Queensland.

## AMENDMENT 1

Cr Luff

Cr James

**PROPOSED** that Council approaches State Member, Neville Newell to in turn request the NSW State Government to:-

1. Provide funds to allow Council to engage consultants necessary to assist Council to develop/establish a transport strategy for Tweed Shire with particular focus/emphasis on the Tweed Heads CBD and its connectivity with South East Queensland.
2. Use its best efforts to give priority to consideration of approvals that may be required in relation to redevelopment of Tweed Heads CBD.

## RETURN TO MEETING

Cr Youngblutt returned to the meeting.

Amendment 1 was **Lost**

# Minutes - Meeting of Tweed Shire Council

## Voting For

Cr Luff

## Voting Against

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

## AMENDMENT 2

Cr Marshall

Cr Luff

**PROPOSED** that Council defers this item and invites the Local Member and relevant Government agencies to discuss with Council in a workshop:

1. The powers and role of a redevelopment authority that might be established for Tweed Heads CBD.
2. A transport strategy for Tweed Shire with particular focus on the Tweed Heads CBD and its connectivity with South East Queensland and Northern New South Wales.

Amendment 2 was **Lost**

## Voting For

Cr Luff  
Cr Marshall

## Voting Against

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

The Motion was **Carried**

# Minutes - Meeting of Tweed Shire Council

## Voting For

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

## Voting Against

Cr Beck  
Cr James  
Cr Luff

## 2. Councillor Legal Costs

### Notice of Motion; Councillor - General; Legal Costs; ICAC

Cr Lawrie

Cr Youngblutt

**PROPOSED** that in the event of:-

1. Any enquiry, investigation or hearing by any of:-

the Independent Commission Against Corruption;

the office of the Ombudsman;

the Department of Local Government;

the Police;

the Director of Public Prosecutions; or

the Local Government Pecuniary Interest Tribunal,

into or involving directly or indirectly the conduct of a Councillor, or

2. Legal proceedings being taken against a Councillor, arising out of or in connection with the Councillor's performance of his or her civic duties or exercise of his or her functions as a Councillor, Council shall reimburse each Councillor, at the conclusion of such enquiry, investigation, hearing or proceeding, all legal expenses properly and reasonably incurred given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis PROVIDED THAT:-

a. the amount of such reimbursements shall be reduced by the amount of any monies that may be or are recouped by the Councillor on any basis; and

b. the enquiry, investigation, hearing or proceeding results in a finding substantially favourable to the Councillor.

## AMENDMENT

Cr Beck

Cr Luff

**PROPOSED** that this item be deferred to allow input regarding staff policy from the Department of Local Government and the Local Government & Shires Association.

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The Amendment was **Lost**

**Voting For**

Cr Polglase  
Cr Beck  
Cr Brinsmead  
Cr Luff  
Cr Marshall

**Voting Against**

Cr Boyd  
Cr Carroll  
Cr Davidson  
Cr James  
Cr Lawrie  
Cr Youngblutt

The Motion was **Lost**

**Voting For**

Cr Beck  
Cr Lawrie  
Cr Marshall  
Cr Youngblutt

**Voting Against**

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

### 3. Election - Referendum

#### Notice of Rescission; Elections – Wards & Ridings; Referendums

595

Cr Marshall

Cr Luff

**RESOLVED** that Council resolution at Minute No 344 in relation to Item 1 Orders of the Day of the Meeting held 17 October 2001 being:-

*".....that Council conducts a referendum on the introduction of a Ward system of voting on or about Saturday, 6 July 2002."*

be rescinded.

The Motion was **Carried**

**Voting For**

Cr Beck  
Cr Boyd  
Cr Carroll  
Cr James  
Cr Luff  
Cr Marshall

**Voting Against**

Cr Polglase  
Cr Brinsmead  
Cr Davidson  
Cr Lawrie  
Cr Youngblutt



# Minutes - Meeting of Tweed Shire Council

**Cr Marshall**

**Cr Beck**

**PROPOSED** that the Tweed Shire Council conducts a referendum at the time of the next Local Government elections in September 2003, on the introduction of a Ward system of voting for the Tweed Shire and that full education and information be made available to the community on the subject, including, differences, costs, advantages, disadvantages of wards, divisions, ridings and the undivided voting systems prior to the referendum taking place.

## **AMENDMENT**

**Cr Boyd**

**Cr Luff**

**PROPOSED** that this item be deferred to allow for a workshop in the new year.

The Amendment was **Lost**

### **Voting For**

Cr Boyd  
Cr James  
Cr Luff

### **Voting Against**

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

The Motion was **Lost**

### **Voting For**

Cr Beck  
Cr Marshall

### **Voting Against**

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

## **4. Meetings with Federal Member**

### **Notice of Motion; Communications Committee; Council Management**

This item lapsed.

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## 5. Policy – Low Light Reflective Building Materials

**Notice of Motion; Building – Code; Building - General**

596

**Cr Marshall**

**Cr Luff**

**RESOLVED** that a suitable policy be developed to give effect to the matter of external roof and wall materials to ensure low light reflectivity characteristics and be in such colours as appropriate to compliment the area and amenity of the area and not be prominent against the background of the structure.

### **Voting For**

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

### **Voting Against**

Cr Polglase  
Cr Beck  
Cr Brinsmead  
Cr Davidson  
Cr Youngblutt

## 6. Child Safety at Swimming Pools

**Notice of Motion; Pool – Tweed Heads; Pool – Kingscliff; Pool - Murwillumbah**

This item was dealt with at Item 35 of the Agenda.

## 7. Casuarina Development

**Notice of Motion; Geographical Names Board; Casuarina Development**

**Cr Beck**

**Cr Brinsmead**

**PROPOSED** that it be recommended to the Geographical Names Board that the development known as Casuarina Beach (being the area covered by the Stage 1 Development Approval formally known as Lenen South) as bounded to the south by the Cudgen Nature Reserve to the north by the Crown Road reserve (south of Seaside City) and to the west by Old Bogangar Road or dedicated Council Reserve, be called “Casuarina”.

The Motion was **Lost**

### **Voting For**

Cr Beck  
Cr Brinsmead  
Cr Lawrie  
Cr Marshall

### **Voting Against**

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

## TEMPORARY ABSENCE FROM MEETING

Cr Marshall left the meeting.

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**Cr James**

**Cr Boyd**

**PROPOSED** that the area north of Cudgera Nature Reserve bounded by Cudgen Creek be called "Casuarina".

The Motion was **Lost**

**Voting For**

Cr Boyd  
Cr Carroll  
Cr Davidson  
Cr James

**Voting Against**

Cr Polglase  
Cr Beck  
Cr Brinsmead  
Cr Lawrie  
Cr Luff  
Cr Youngblutt

**8. General Managers Review**

**Notice of Rescission; General Managers Review**

The Mayor ruled that no rescission motion can be lodged on this matter.

**RETURN TO MEETING**

Cr Marshall returned to the meeting.

**MOTION OF DISSENT**

**Cr Luff**

**PROPOSED** a motion of dissent on the ruling of the Mayor not accepting the Rescission Motion in relation to Item 8.

Procedural Motion was **Lost**

**Voting For**

Cr Beck  
Cr James  
Cr Luff

**Voting Against**

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

# Minutes - Meeting of Tweed Shire Council

## 9. Black Rocks Estate - Environment Protection

Notice of Motion; LEP - Black Rocks; GT1/LEP/2000/8 Pt1

597

Cr James

Cr Boyd

**RESOLVED** that management and tenure of all lands zoned for environmental protection on the Black Rocks property be considered as part of Amendment No 8 to Tweed LEP 2000 (Black Rocks Estate).

**Voting - Unanimous**

## 10. Tweed Shire Council Elections - 1999

Notice of Motion; GE1/1/99 Pt2

This item was withdrawn on the ruling of the Mayor.

## WORKSHOPS PREVIEW

Nil

598

Cr Brinsmead

Cr Luff

**RESOLVED** that the rescission motion in relation to Item 13c of this agenda be dealt with.

### Voting For

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

### Voting Against

Cr Beck

## 13c. Negotiations for Public Open Space around Lake Kimberley and Related Development Control Plan Amendment and Development Application

Notice of Rescission; GT1/DCP/3 Pt8, DA5937/740 Pt2 & K99/1682

Cr Luff

Cr Carroll

**PROPOSED** that resolution at Minute No. 553 in relation to Item 13c of Reports from Director Development Services being:

1. That Council endorses the proposal to Bradshaw Developments in terms of \$551,085 to acquire parcels 1, 2 and 5 in option 2, plus 1566m<sup>2</sup> adjacent to Winders Place (annexure 5) as public open space with a consequent draft amendment to DCP No 3 –

# Minutes - Meeting of Tweed Shire Council

*Banora Point/South Tweed, amendment as sought to LEP of amendment no. DA K99/1682.*

2. *Compensates Bradshaw Developments \$22,500, being half the cost of the bridge.*
3. *Acknowledges Bradshaw Developments forthcoming application and intent to construct a sewerage pump station and/or stormwater."*

**be rescinded.**

The Motion was **Lost**

## **Voting For**

Cr Carroll  
Cr James  
Cr Luff

## **Voting Against**

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

## **QUESTION TIME**

**Costs – Land & Environment Court Action – Extraction Industry, Kirkwood Road**

**DA2920/121 Pt5**

**Cr Luff**

What were the final costs to Council as a result of the successful action in the Land & Environment Court against the consent given by this Council for extractive industry at Kirkwood Road.

The Acting General Manager advised that he has taken the question on notice and will provide the information to the Mayor and Councillors in a memo.

**McAllisters Road, Bilambil Heights**

**R3130**

**Cr Luff**

What was the ultimate cost to Council on works done on the portion of McAllisters Road, Bilambil Heights that was previously unsealed, and what amount of that cost would have otherwise been borne by the benefiting landowners if Council had applied its policy and practice for the sealing of gravel roads?

The Acting General Manager advised that he has taken the question on notice and the Director Engineering Services will provide the information to the Mayor and Councillors in a memo.

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## Christmas Lights

## Street - Decorations

### Cr Beck

What will happen to a householder whose Christmas lights are still on after 11pm?

Director Environment & Community Services advised that it was a suggestion of Council not a resolution.

## COMMITTEE OF THE WHOLE

599

### Cr Luff

### Cr Davidson

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

### Voting - Unanimous

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

## REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

## REPORTS FROM DIRECTOR DEVELOPMENT SERVICES IN COMMITTEE

- 1. Review of Consultant Submissions to Prepare Draft Tweed Local Environmental Plan 2000 (Amendment No 8) and Environmental Study (Black Rocks Estate) Aboriginal Land Claims**

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

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

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

### C135

That Council approves GeoLINK to undertake preparation of the Local Environmental Study and draft Tweed LEP 2000 (Amendment No 8) and Environmental Study based on their submission and the Consultant Brief, and that GeoLINK be formally commissioned once the outstanding funding (\$36,708) has been received by Council from Pottsville Development Corporation Pty Ltd. The proponent should also be aware that additional fees may be required dependent on the outcomes of the review of the proponent's consultant reports.

### Voting - Unanimous

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## 2. Aboriginal Land Claim - Kombumerri

GA10/3/1 Pt3

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

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

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

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

C136

That this report be received and noted.

### Voting - Unanimous

## 2a. Draft Cabarita Precinct Plan and Redevelopment of Cabarita Surf Life Saving Club

Cabarita Precinct Plan

*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*

C138

That Council advises the Cabarita Surf Life Saving Club that:

1. it supports the Club's redevelopment on the land in its ownership to a two-storey height limit subject to ensuring acceptability in terms of Clause 32B of the North Coast Regional Environmental Plan;
2. the existing toilet/changing room block at the back of the Club will be demolished with incorporation of the public toilet facilities into the redeveloped Surf Club building – with an appropriate funding support by Council;
3. it requires a formal Business Plan to determine funding support levels and approaches;
4. it will provide the car parking demand generated by the Club redevelopment on its adjacent land – the monetary value of which will be negotiated after submission of the Business Plan;
5. the draft Precinct Plan will be modified to reflect parts (1) and (2) above and will be further developed to become a draft Development Control Plan;
6. it will seek to negotiate a boundary adjustment to facilitate the footpath remaining in its current position.

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Cr Marshall  
Cr Youngblutt

## Voting Against

Cr Beck

## REPORTS FROM DIRECTOR CORPORATE SERVICES IN COMMITTEE

### 3. Purchase of the Bilambil Sports Complex

#### Sports field - Bilambil Sports Complex

*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*

**C139**

That:-

1. Council proceeds with the purchase of the Bilambil Sports Complex being Lot 1 DP 772273 and Lot 4 DP 46052 for the amount mentioned in this report.
2. All necessary documentation be completed under the Common Seal of Council.
3. The land be classified as Operational land.

## Voting For

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

## Voting Against

Cr Beck  
Cr Luff

### 3a. Kingscliff Sewage Treatment Plant Relocation / Augmentation EQ2001-105

#### Contracts Quotations Consultation; Sewerage Treatment - Kingscliff - Augmentation

*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*



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

## C140

That the proposal from Egis Consulting Australia Pty Ltd for the Environmental Impact Statement for Kingscliff Sewage Treatment Plant Relocation / Augmentation be accepted at the upper fee limit of \$84,585 (excluding GST).

**Voting - Unanimous**

## REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

### 4. Industrial Land Development - Wardrop Valley

**PF5810/305; Land Development - Wardrop Valley**

*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

## C141

That:-

1. Council sells part of Lot 31 in DP133404 to Dickinsons in accordance with their offer dated 9 December 2001 as detailed in Section 18 of this report;
2. All necessary documentation be completed under the Common Seal of Council.

**Voting - Unanimous**

**600**

**Cr Boyd**

**Cr Marshall**

**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 11.55pm.



**Minutes of Meeting Confirmed by Council**

**at Meeting held**

**I hereby certify that I have authorised the affixing of my electronic signature to the previous pages numbered 1 to 113 of these Minutes**

# Minutes - Meeting of Tweed Shire Council

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**Chairman**