

Minutes - Meeting of Tweed Shire Council

IN ATTENDANCE

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

Also present were Dr John Griffin (General Manager), Mr Mike Rayner (Director Engineering Services), Mr Garry Smith (Acting Director Development Services), Mr Geoff Edwards (Acting Director Environment & Community Services), Mr Ian Carpenter (Director Corporate Services), Mr Brian Donaghy (Manager Administration Services/Public Officer) and Ms Janine Boyd (Minutes Secretary).

Cr Lawrie, Cr Luff were not present at the commencement of the meeting.

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

*"The steadfast love of the Lord never ceases,
His mercies never come to an end;
They are new every morning.
Great is Thy faithfulness!"* (Lamentations 3:22-23)

Almighty God, Your love for us is never ending and out of the abundance of Your grace, You meet us every day. We pause at the beginning of this meeting to acknowledge our need of You. We seek Your presence with us and ask for Your leading and guiding in what we do. We ask for wisdom in our decision-making and for grace as we consider the matters before us.

Father, by Your Spirit, brood over this chamber and let Your peace be upon us in full measure. We pray Your blessing upon each other; and especially for our Mayor, Lynne, as she chairs our meeting. We ask for wisdom and guidance for our General Manager, our Directors and their staff. We each recognise our responsibilities; enable us to fulfil them with competence, dignity, grace and integrity. All this we ask in the Name of Jesus Christ our Lord. ...Amen.

CONFIRMATION OF MINUTES

1213

Cr Marshall

Cr Polglase

RESOLVED that the Minutes of the Ordinary Meeting held 20 June 2001 be confirmed as an accurate record of the proceedings of that Meeting.

Voting - Unanimous

1214

Cr Marshall

Cr Polglase

RESOLVED that the Minutes of the Extraordinary Meeting held 27 June 2001 be confirmed as an accurate record of the proceedings of that Meeting.

Voting - Unanimous

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ABSENT

Councillor M R Boyd.

Councillor Cr Boyd has informed the General Manager that his/her absence is caused by attending a Conference out of the area.

1215

Cr Marshall

Cr Davidson

RESOLVED that the apology of Cr Boyd be accepted.

Voting - Unanimous

DISCLOSURE OF INTEREST

Cr Brinsmead

Declared an interest in Item No 3a, his interest being that Cr Brinsmead's son is the legal adviser to the applicant.

ITEMS TO BE MOVED TO OR FROM CONFIDENTIAL

Nil

SCHEDULE OF OUTSTANDING RESOLUTIONS

1216

Cr Polglase

Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

- 1. The Expansion of the Sand Quarry and Establishment of a Tourist Facility (Recreational Fishing Park) at Lot 2 DP 777905 Cudgen Road, Cudgen**

DA1460/325 Pt2

1217

Cr Youngblutt

Cr Marshall

RESOLVED that Development Application 0041/2001DA for the expansion of the sand quarry and establishment of a tourist facility (recreational fishing park) at Lot 2 DP 777905 Cudgen Road, Cudgen be approved subject to the following conditions:-

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

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

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

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

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

- a. Tweed Road Contribution Plan: \$4569.30
S94 Plan No. 4 (Version 4.0)
Kingscliff - Commercial

GENERAL

2. The development shall be completed in general accordance with Figure 3, Figure 4, D1, D2 and D3 prepared by Jim Glazebrook and Associates and Pat Twohill Designs Pty Ltd and dated October 2000, December 2000 and January 2001, except where varied by these conditions.
3. 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.
4. 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.
5. The door to a fully enclosed sanitary compartment must:-
 - i. open outwards; or
 - ii. slide; or
 - iii. be readily removable from the outside of the sanitary compartment;

unless there is a clear space of at least 1.2m between the closet pan within the sanitary compartment and the nearest part of the doorway.

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6. 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
7. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
 - (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
 - (ii) Certification of the works performed by the person carrying out the works is to be submitted to 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.
8. 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.
9. 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.
 10. In accordance with Section 109F(i) of the Environmental Planning & Assessment Act, 1979 (as amended), a construction certificate for **CIVIL ENGINEERING 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. (payment for toilet block only)
 11. Advertising structures/signs to be the subject of a separate development application, where statutorily required.
 12. All loading/unloading to take place within the boundary of the subject property.
 13. Prior to commencement of work pursuant to this consent a **Construction Certificate** shall be obtained for the works proposed and required by this consent, including civil engineering works.

The following information must accompany applications for a construction certificate for building & civil works.

- 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.

- 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.

PRESCRIBED (BUILDING)

14. 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).
15. 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:

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- (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.
16. 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)
17. 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.

ROADS/STREETS

18. The junction of the quarry access road and Crescent Street should be upgraded to provide an Austroads Type A right turn and an Austroads Figure 5.16 – Desirable Treatment for Left Turns (refer to Austroads Guide to Traffic Engineering Practice Part 5, 1988).
19. Parking on site and pedestrian facilities should be adequately signed and located so as to limit conflict between quarry operators and tourist parking.
20. No quarry trucks to enter or leave the site via Crescent Street through Cudgen Village. All quarry truck or trucks utilising the quarry are to gain access/egress via the Chinderah Road intersection.
21. The intersection of Chinderah Road and Crescent Street needs to be upgraded to an Austroads Guide to Traffic Generating Developments Type C right turn treatment and a left turn acceleration lane. This work will be required when Chinderah Road is upgraded to 4 traffic lanes. A cash bond or bank guarantee for the sum of \$70,500 is required to be paid to cover the costs of the above works.

DRAINAGE/FLOODING

22. (a) The entire site containing excavations; dredge or any other ponds; earthworks; processing; associated machinery, workshops and materials storage areas; is to be contained within a bund and the contained area graded back to the dredge ponds to ensure that no stormwater runoff (up to Q5) can escape from the contained area. The bund is to include both existing and proposed sandpit areas and associated work sites. The bund is to be sized and constructed to a level that ensures that Q5 runoff can be fully contained within the bund area.
- (b) The bund shall be fenced and vehicular access to the bund area shall only be permitted at controlled access locations. Controlled access locations shall be no wider than 6m and shall be bitumen sealed (and the sealed surface fully maintained for the life of the extractive industry operations) for a distance of not

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less than 30m inside the bunded area and from the bunded area to the existing property access road on the eastern boundary of the site.

- (c) The existing property access shall be bitumen sealed 6m wide (and the sealed surface fully maintained for the life of the extractive industry operations) from the controlled access locations in (b) above to the road at the north east of the site (lot 2 DP 777905). A shakedown device shall be provided in the access road, at least 50 m from the north east entry to the site and in a location that ensures all vehicles from the bunded area must cross it prior to leaving the site. The shakedown device shall consist of a shaker grid (metal bar cattle grid minimum length 7m), placed to ensure vehicles crossing have sufficient speed to shake off contaminants from vehicles.

The shakedown device is to be regularly maintained and cleaned out to ensure no material is deposited on public roads. If material is deposited (from trucks leaving the site) on a public street, it shall be swept up and removed before the end of that working day. If it is found that after using the shakedown device, material is still adhering to truck wheels and being deposited on public roads, then Council shall direct the proponent to install an appropriate wheel washing device at the site exit.

- (d) The bund is to be established and fenced, the area between the bund and the property boundary re-vegetated, controlled accesses to the bunded area constructed, the property access sealed and shakedown device installed prior to any commencement of dredging in the proposed extension sandpit. Prior to commencing the above works, detailed engineering plans with levels and cross sections shall be submitted to and approved by the Director Development Services.

23. Earthworks, excavation and drainage are to be carried out in a manner that ensures:

- Ground surface levels are not altered at property boundaries
- Drainage of adjacent land or roads is not interfered with or adversely affected by the proposed works or operations

24. Prior to commencement of the use of the site as a Tourist facility, a water quality management plan shall be submitted to and approved by Council for that phase of development. The plan shall include water quality objectives, management procedures to maintain water quality objectives, monitoring programme, remedial actions if monitoring reveals non compliance with water quality objectives.

25. Erosion and Sediment Control During the Operational Phase of Development

- (a) 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

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the extractive industry and any associated processing on site has permanently ceased operation and the surface of site has been fully restored and revegetated

- (b) A detailed erosion and sediment control plan (ESCP) for the operational phase of this extractive industry development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality* is to be submitted to and approved by the Director of Development Services, prior to commencement of operations or works approved by this consent.

PLUMBING & DRAINAGE

- 26. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a internal drainage, prior to slab preparation;
 - b water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - c external drainage prior to backfilling.
 - d. completion of work.
- 27. 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.
- 28. It is a condition of this consent to operate a system of sewage management that this clause is complied with.
 - (i) The sewage management facilities used in the operation of the system must be maintained in a sanitary condition and must be operated in accordance with the relevant requirements of this Regulation.
 - (ii) A sewage management facility used in the operation of the system must not discharge into any watercourse or onto any land other than its related effluent application area.
 - (iii) The conditions (if any) of any certificate of accreditation issued by the Director-General of the Department of Health under this Division in respect of the plans or designs for any components of the sewage management facilities must be complied with.
 - (iv) The person operating the system of sewage management must provide details of the way in which it is operated, and evidence of compliance with the relevant requirements of this Regulation and of the conditions of the approval, whenever the Council reasonably requires the person to do so.
- 29. It is a condition of an approval to install, construct or alter a sewage management facility that the facility is not used (or used as altered) until the Council has given the

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applicant for approval notice in writing that it is satisfied that the facility has been installed, constructed or altered in substantial accordance with the approval.

30. The licensed Plumber/Drainer is to liaise with Council's Health and Building Surveyor to determine the location and design of the septic tank installation.
31. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
 - * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.

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

32. An application to install a waste treatment device pursuant to Section 68 of the Local Government Act, 1993, is to be submitted and approved by Council.

ENVIRONMENT PROTECTION

33. 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.
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.
35. 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.
36. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17⁰ or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to be submitted to Council for approval as part of the Rehabilitation Plan.

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.
37. 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.
38. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.
39. 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.
40. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
41. 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.
42. Except as expressly permitted in a Pollution Control Approval, waste must not be:
- (a) received at the premises for storage, treatment, processing, reprocessing or disposal; or
- (b) disposed of at the premises.
43. 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.
44. The wall and roof cladding is to be of a non reflective nature to the satisfaction of the Principal Certifying Authority.

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45. Prior to the commencement of construction of the proposed extraction dam all sediment and erosion control measures shall be installed and operational to the satisfaction of the Director of Environment and Community Services.
46. Prior to the connection of new amenities to the existing on site sewage management facility, or the installation of a new OSSMF a report shall be provided to Council from a suitably qualified person which demonstrates to the satisfaction of the Director of Environment and Community Services that the existing or proposed OSSMF is satisfactory.
47. Prior to the commencement of recreational fishing activities the amenities building and effluent disposal system shall be upgraded to the satisfaction of the Director of Environment and Community Services.
48. Sand extraction activities including the entering and leaving of vehicles shall be restricted to 7.00 am to 5.00 pm Monday to Friday, 7.00 am to 12 noon Saturdays and no work on Sundays.
49. Suitable controls shall be provided to stockpiled materials, any exposed materials and when removing topsoils for the proposed extraction dam such that dust does not cause a nuisance to neighbouring properties.
50. Where it is proposed to hold at the premises an amount in excess of the licensable quantities of dangerous goods (class 1 – 8) as defined in the Dangerous Goods Act, 1975 and Regulations, compliance is required with the relevant Australian Standard called up in the Act. Should such compliance be required documentary evidence (certifying compliance of construction and bunding) from a suitably qualified engineer shall be provided to Council prior to commencement of construction of the quarry dam extension. Appropriate WorkCover Authority License and Agsafe Accreditations (if applicable) shall also be obtained prior to commencement of construction of the quarry dam extension.
51. The existing large dredge, small dredge and washplant shall be fitted with higher performance exhaust mufflers prior to commencement of sand extraction from the new dam. Certification shall be provided to Council by an acoustic engineer prior to commencement of sand extraction from the new dam indicating whether noise levels after muffler upgrading satisfy recommended NSW EPA noise criteria.
52. The number of truck movements per hour shall not exceed twenty (ten loads per hour).
53. All activities shall comply with license conditions or approvals of NSW Fisheries.
54. The sand extraction dam shall be constructed and maintained as a self-contained independent waterbody.
55. Waters within the sand extraction dam shall not be discharged outside that dam or to any drain or watercourse without the prior written consent of the NSW EPA.
56. The sand extraction dam shall not be dewatered without the prior written consent of the NSW EPA.

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57. The recreational fishing dam shall not be dewatered without the prior written consent of Council.
58. The applicant shall comply with the recommendations of the Archaeological Assessment (Adrian Piper Heritage Surveys, November 2000) prior to any disturbance of the proposed extraction dam.
59. The current method of extraction as at 6 February 2001 including dredging is to be maintained whilst ever extraction activities continue. Amendments or improvements to these methods defined in the approved EMP shall be permissible.
60. An operations safety plan shall be developed and placed on permanent prominent display for employees and visitors prior to the commencement of recreational fishing activities or tours of the premise. This plan shall specifically address safety of visitors relevant to quarry activities.
61. A rehabilitation plan for the proposed recreational fishing dam shall be submitted for the approval of the Director of Environment and Community Services prior to the commencement of any recreational fishing activities. The plan shall be amended in accordance with the requirements of the Director of Environment and Community Services. Recreational fishing shall not commence prior to the plan being approved by Council. All rehabilitation works shall comply with the approved plan. The plan shall include rehabilitation measures and implementation timeframes.
62. Within three months of closure of the proposed sand extraction dam a site rehabilitation plan shall be submitted for the approval of the Director of Environment and Community Services. The plan shall be amended in accordance with the requirements of the Director of Environment and Community Services. All rehabilitation works shall comply with the approved plan and be completed within 12 months of cessation of sand extraction. The plan is to include the recommendations of NSW National Parks and Wildlife Service as detailed in the letter of 19 February, 2001.
63. Potential and actual acid sulfate soil materials separated during sand extraction processes shall be collected and reinterred within the extraction dam within 48 hours of extraction of these materials.
64. Waste materials shall be disposed of at an approved and licensed waste disposal facility. Waste materials, including fuel spill clean up materials, shall not be disposed on the subject site.
65. All unsealed internal roads and Crescent Street and soil loading points shall be watered at a rate of 2.5 litres/m²/hour at all times that quarry activities are conducted.
66. An Environmental Management Plan shall be submitted for the approval of the Director of Environment and Community Services prior to the commencement of any works related to the proposed quarry expansion. The EMP shall be amended in accordance with the requirements of the Director of Environment and Community Services. All works and activities on the site shall comply with the approved EMP. The EMP shall address as a minimum the following matters:

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- Soil and water management
- Sediment and erosion control
- Surface and groundwater monitoring
- Acid sulfate soil management (including defining specific method of returning pyrite materials and fines below water level)
- Fuel storage and management
- Noise control
- Air quality control
- Waste management
- Define the extraction methods and operational activities (extraction sequence, stockpiling, loading etc)
- Recreational fishing – operation, stocking and feeding

ENVIRONMENT PROTECTION AUTHORITY GENERAL TERMS OF APPROVAL

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- The development application 0041/2001DA submitted to Council on 18 January 2001;
- Any environmental impact statement Expansion of Sand Quarry and Tourist Facility January 2001 relating to the development; and
- All additional documents supplied to the EPA in relation to the development, including submissions received by Council in relation to the development.

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

Limit Conditions

L1. Pollution of waters

Note: Mandatory condition

L.1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation to the development, section 120 of the

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Protection of the Environment Operations Act 1997 must be complied with and in connection with the carrying out of the development.

L5. Waste

L5.1 The licensee must not cause, permit or allow any waste generated outside these to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

L5.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

L6. Noise limits

L6.1 Noise from the premises must not exceed:

an L_{A10} (15 minute) noise emission criterion of 40 dB(A) (7am to 6pm) Monday to Friday and 7am to 1pm Saturday

L6.2 Noise from the premises is to be measured at any effected residence to determine compliance with this condition.

Definition

L_{A10} (15 minute) is the sound pressure level that is exceeded for 10% of the time when measured over a 15 minute period.

Note: Noise measurement

For the purpose of noise measures required for this condition, the L_{A10} noise level must be measured or computed at any point any affected residence over a period of 15 minutes using "FAST" response on the sound level meter.

For the purpose of the noise criteria for this condition, 5dBA must be added to the measured level if the noise is substantially tonal or impulsive in character. The location or point of impact can be different for each development, for example, at the closest residential receiver or at the closest boundary of the development. Measurement locations can be:

1 metre from the façade of the residence for night time assessment;

at the residential boundary;

30 metres from the residence (rural situations) where boundary is more than 30 metres from residence.

L6.3 The noise emission limits identified in **L6.1** apply for prevailing meteorological conditions (winds up to 3m/s), except under conditions of temperature inversions. Noise impacts that may be enhanced by temperature inversions must be addressed by:

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documenting noise complaints received to identify any higher level of impacts or patterns of temperature inversions;

where levels of noise complaints indicate a higher level of impact then actions to quantify and ameliorate any enhanced impacts under temperature inversions conditions should be developed and implemented.

L6.4 Unless otherwise agreed to in writing by the EPA, works covered by this Licence must only be carried out between the hours of 0700 and 1800 Monday to Friday and 0700 and 1300 Saturday, and at no time on Sunday and Public Holidays. For the purpose of this Licence, the terms "works" refers to all dredging operations, maintenance, deliveries, barge movements, fuelling and associated heavy transport.

01. Dust

O1.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O1.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

Reporting conditions

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets within the return.

OPERATING CONDITIONS

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

- This includes:
 - a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
 - b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

- All plant and equipment installed at the premises or used in connection with the licensed activity:

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- a) must be maintained in a proper and efficient condition; and
- b) must be operated in a proper and efficient manner.

MONITORING AND RECORDING CONDITIONS

Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollutant from any activity to which this licence applies.

- The record must include details of the following:
 - a) the date and time of the complaint;
 - b) the method by which the complaint was made;
 - c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
 - d) the nature of the complaint
 - e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
 - f) if no action was taken by the licensee, the reasons why no action was taken.

The record of complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the license.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition take effect.

REPORTING CONDITIONS

Annual return documents

What documents must an Annual Return contain?

- The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
 - a) a Statement of Compliance; and

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- b) a Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below.

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

- Where this licence is transferred from the licensee to a new licensee,
 - a) the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
 - b) the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

- Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on:
 - a) in relation to the surrender of a licence – the date when notice in writing of approval of the surrender is given, or
 - b) in relation to the revocation of the licence – the date from which notice revoking the licence operates.

Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

Notification where actual load cannot be calculated

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

- The notification must specify:

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- a) the assessable pollutants for which the actual load could not be calculated; and
- b) the relevant circumstances that were beyond the control of the licensee.

Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- (a) the licence holder; or
- (b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Written report

Where an authorised officer of the EPA suspects on reasonable ground that:

- (a) where this licence applies to premises, an event has occurred at the premises; or
- (b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report on the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

- The request may require a report which includes any or all of the following information:
 - a) the cause, time and duration of the event;

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- b) the type, volume and concentration of every pollutant discharged as a result of the event;
- c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event, and
- d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g) any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

GENERAL CONDITIONS

Copy of licence kept at the premises or on the vehicle or mobile plant

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer to the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

DEPARTMENT OF LAND & WATER CONSERVATION GENERAL TERMS OF APPROVAL

General Conditions

The purposes of these conditions are to:-

- Define certain terms used in other conditions
- Specify the need to obtain a license, permit or authority before commencing any works
- Specify that, in most cases an approval will only be issued to the occupier of the lands where the works are to be located (as required by the Water Act)
- Require existing approvals to be cancelled or let lapse when a license is issued (if applicable)
- Require the safe construction and operation of all works

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- Require the use of appropriate soil conservation measures
- Limit vegetation destruction or removal to the minimum necessary
- Require the separate authorisation of clearing under the NVC Act
- Allow conditions to be imposed for management of fuel (petroleum)
- Require the payment of fees on the issuing of an approval
- No extraction of sand adjacent to any Crown Road, which would destabilise the Crown Public Road. An appropriate buffer strip must be left between the edge of the excavation and the unformed Crown Public Road.

In the following conditions relating to an approval under the Water Act 1912:

“the Department” means the Department administering the Water Act 1912;

“approval” means a license, permit, authority or approval under that Act;

“river” has the same meaning as in Section 5 of the Water Act 1912;

“work” means any structure, earthwork, plant or equipment authorised under the approval to be granted, as defined in Section 5 and 105 of the Water Act 1912;

“controlled work” means any earthwork, embankment or levee as defined in Section 165 of the Water Act 1912.

- Before commencing any works or using any existing works for the purpose of Industrial (**Sand & Gravel**) Purposes, an approval under **Part 5** of the Water Act 1912 must be obtained from the Department. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.
- An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the Water Act 1912.
- When the Department grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or to let lapse.
- All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.
- All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.
- The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.

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- All vegetation clearing must be authorised under the Native Vegetation Conservation Act 1997, if applicable.

Conditions for Excavations, Bores and Wells

See also “general conditions” and “conditions for water use”

The purpose of these conditions are to:-

- Set a limited time for bore construction
- Require the bore to be properly completed and sealed
- Require certain information to be provided on completion of the work, including a location plan
- Allow DLWC access for inspection and testing
- Restrict the bore diameter
- Specify procedure if saline or polluted water found
- Specify procedures if the bore is abandoned
- Require advice if water found
- Define domestic use
- Specify the volumetric allocation for each purpose of the entitlement
- Identify lands that may be irrigated
- Specify the volumetric allocation for the works purpose
- Allow DLWC to alter the volumetric allocation at any time
- Provide for a review of allocation if any subdivision occurs
- Require regular measuring of water levels to provide information needed to manage aquifers
- Works for construction of bores must be completed within such period as specified by the Department.
- The Department must be notified if a supply of useable water is obtained and the bores shall be suitably lined and capped to the standard required by the Department.
- Within 2 months after the works are completed the Department must be provided with an accurate plan of the location of the works and notified of the results of any pumping test, water analysis and other details as are notified in the approval.

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- Officers of the Department or other authorised persons must be allowed full and free access to the works for the purpose of inspection and testing.
- All works must be constructed and maintained to properly control the water extracted to prevent wastage or any reduction in quality of the sub-surface water. The Department may direct that any necessary repairs or alterations be undertaken to maintain the works in good working order.

The use of water shall be conditional on no tailwater discharge being discharged without EPA authorisation informing the department of their consent.

- Any water extracted by the works for domestic purposes may be used to irrigate gardens for private use and pasture for private domestic animals, neither exceeding 2 hectares.
- The volume of groundwater extracted as authorised must not exceed 50 megalitres in any 12 month period commencing 1 July. The allocation will be reviewed if there is any change in the ownership of the land.
- The Department has the right to vary the volumetric allocation or the rate at which the allocation is taken in order to prevent the overuse of an aquifer.
- The Department may specify rules from time to time for the accrual of unused water allocations for use in future seasons.
- No mining of the clay unit which underlies the coastal sand material is to be permitted.
- The approval to be granted any specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.
- A license fee calculated in accordance with the Water Act 1912 must be paid before a license can be granted.
- Any license so issued, from the date of issue, will be subject to Annual Cost Recovery Water Management Charges as set by the Independent Pricing and Regulatory Tribunal.

Conditions for water use

The purposes of these conditions are to:-

- Allow the department obtain an accurate measure of water use where necessary
- Specify the purpose(s) for which the water may be used
- Specify conditions to protect water quality and the environment
- Specify the maximum rate that water may be taken from the water source
- Specify the limitations of when water may be taken from the water source
- Ensure proper management of tailwater drainage

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- Ensure accessions to groundwater systems are restricted
- If and when required by the Department, suitable devices must be installed to accurately measure the quantity of water extracted or diverted by the works.
- All water measuring equipment must be adequately maintained. It must be tested as and when required by the Department to ensure its accuracy.
- If required by the Department the extraction and use of water must be recorded and reported as specified by the Department. For instance, the Department may require that annual return of information on hours pumped, monthly extraction rate, are of each crop irrigated and irrigation method.
- The water extracted under the approval to be granted shall be used for the purpose of Industrial (Sand & Gravel) purposes and for no other purpose. A proposed change in purpose will require a replacement license to be issued.
- In order to protect the environment and the interests of other water users the approval may further specify how the water may be used and the land on which it may be used.
- The conditions of the approval may specify how water is to be distributed (for instance by the use of pipes) in order to prevent wastage or accessions to groundwater. The Department may alter the conditions of the approval at any time for these reasons.
- The use of water shall be conditioned on no tailwater drainage being discharge into or onto –
 - Any adjoining public or crown road
 - Any other person's land
 - Any crown land
 - Any river, creek or watercourse
 - Any groundwater aquifer
 - Any area of native vegetation
 - Any wetlands
- The dimensions of the final excavation dimensions must be recorded on the Water License.
- The water table is to be managed to ensure that the natural water levels are maintained within the acid sulfate soils.
- Final placement of fines to a depth of not less than 15m from the groundwater surface.
- No disposal of materials (soiled or liquid) will be permitted into the excavation other than natural soil materials removed from the same excavation.

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- The site should be recorded in the appropriate planning instruments and on the land title with a covenant indicating future site development is controlled.
- Monitoring of pH within the excavation shall be carried out at a maximum of weekly intervals and preferably daily. Should the pH fall below 5.0 then lime should be immediately added to the water in the excavation until the pH is restored to approximately pH 7.0.
- Within the excavation quarterly groundwater quality monitoring profiling, will be required. Details of water quality parameters at a number of profiled intervals (minimum 1m intervals) from within the excavation to a depth of 20m for:- pH, Electrical Conductivity (EC), Dissolved Oxygen (DO), EH Redox Potential.
- Installation of a monitoring bores located at sites to the satisfaction of DLWC.
- Apply for a monitoring bore license from DLWC prior to bore installation.
- The groundwater levels in the sand excavation and the monitoring bores must be recorded at monthly intervals and groundwater flow contours (relative to AHD) determined to show the groundwater flow directions on the site.
- A groundwater monitoring plan is to be prepared by the proponent and agreed upon by to the Department. A groundwater management report should be produced on a yearly basis and both a hard copy and digital copy be forwarded to the DLWC Hydrogeology section in Grafton for review.
- Once excavation of material ceases the groundwater monitoring should be continued for a period of time to be agreed on with the department.
- \$250,000 Bond to be placed with the Water License to ensure that if corrective action was required to rehabilitate the site, funds would be available. The value of the bond required will be reassessed b the Department every 5 years.

NSW FISHERIES GENERAL TERMS OF APPROVAL

GENERAL

1. The Minister for Fisheries may, if the minister thinks fit, suspend, revoke, vary or add to any of the conditions of a permit.
2. An aquaculture permit is not transferable.
3. Except where specific exception is made, all provisions of the Fisheries Management Act, 1994, the Regulations made thereunder and Landbased Aquaculture Policy, are to be strictly complied with.
4. Where applicable, the permit-holder shall obtain and keep current the approval of and any necessary licences issued by government agencies including the authorities listed below:
 - Department of Land & Water Conservation (DLWC)

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- Environment Protection Authority (EPA)
 - Department of Urban Affairs and Planning (DUAP)
 - NSW National Parks and Wildlife Service (NPWS)
 - Waterways Authority
 - Local Shire or Municipal Council
5. The Director of Fisheries or any officer of the Department shall be allowed access to the premises covered by an aquaculture permit at all reasonable times and the permit-holder shall co-operate by facilitating inspection of the premises and fish therein. Information obtained from these inspections will be regarded as confidential and will not be divulged to other fish farmers unless necessary for the purposes of regulation of the industry or for disease control.
6. Upon request, the permit holder shall supply in writing any reasonable information relating to the fish farm sought by the Director of Fisheries or any other officer of the Department. Changes in particulars (ie. business address, trading name or change of directors) must be notified to the Department in writing within 28 days.
7. An annual production report, covering producing and sales for each financial year, is to be submitted to the Department before 30 September each year.
8. Unless otherwise specified for the purpose of a permit:

“Fish” means the eggs, milt, larvae, juveniles and adults of the species authorised by a permit.

“Waters” means all waters that are within the limits of the State and include rivers, creeks, lakes, lagoons and artificial dams, tanks, reservoirs, ponds, canals, channels, waterways, estuaries and the ocean.

“Sell” includes:-

- a) sell by wholesale, retail, auction or tender;
- b) barter or exchange;
- c) supply for profit;
- d) offer for sale, receive for sale, or expose for sale;
- e) consign or deliver for sale;
- f) have in possession for sale; or

cause, or allow any of the above to be done.

“Premises” means all or part of the lands referred to in a permit and includes all structures thereon.

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“Hatchery” means a facility for the maintenance and maturation of broodstock, spawning (natural and artificial) and larval rearing to fingerling or post-larval stage.

“Extensive” means aquaculture undertaken without providing supplementary food for fish that are being cultured.

“Intensive” means aquaculture undertaken by providing supplementary food for fish that are being cultured.

“Food” includes any form of nutrient.

PREMISES AND SPECIES

9. The permit holder shall not propagate, hatch or rear species of fish other than those specified in a permit.
10. A permit holder shall not cross breed species of fish without the written approval of the Department.
11. The permit holder shall not extend the propagation, hatching or rearing of fish beyond the facilities covered by a permit. Any extension of operations or expansion of facilities requires written approval from the Department.
12. The permit holder shall maintain during the term of the permit, the right of occupation of the land or to immediate possession of the land on which the fish farm is situated for the purpose of aquaculture.
13. The permit holder shall prevent fish escarpment into waterways from any authorised area covered by a permit.

PURCHASE AND SALES

14. The permit holder shall not obtain any live fish from any person, whether in New South Wales, interstate or overseas, unless that person is authorised as a supplier of fish under state and/or Commonwealth legislation.
15. A person must not bring into New South Wales, live fish of a species not taken into New South Wales’ waters without the authority of a permit.
16. A record of all purchases and sales of fish is to be maintained by the permit holder. The record shall include the date, names and addresses, the species name, life-cycle stage, quantity and species of fish.
17. The permit holder shall not liberate live fish into any waters by themselves or their agents, except those species authorised by the permit into the waters of the fish farm specified by the permit, or sell live fish for such purpose, without the prior approval in writing from the Director of Fisheries.
18. The permit holder shall not sell any live fish interstate without first obtaining authorisation from the fisheries authority in that State, or sell any live fish overseas

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without first obtaining relevant approvals from the Australian Quarantine Inspection Service (AQIS) and the Australian Nature Conservation Agency (ANCA).

19. The permit holder shall not liberate, sell, offer or consign for sale any species other than those propagated, hatched, reared or grown on the premises to which a permit applies.
20. Fish sold for human consumption must not be smaller than the legal minimum size for each species unless the permit holder (other than Class F permit holders) has authority under a permit to sell prohibited size fish.
21. The permit holder shall issue to each purchaser of any fish species cultured on the premises, a receipt showing the number of fish of each species purchased.

DISEASE

22. The permit holder shall notify the Department within 24 hours of the discovery of any declared disease (See Appendix), unusual disease or any significant event associated with the welfare of the fish on the premises (eg. Unexplained or significant fish mortalities, .5% of fish stock loss in a week). See appendix for list of Declared Diseases.
23. Where any Declared Disease or other disease exists, or is reasonably suspected of existing on the farm premises covered by a permit, a permit holder shall carry out any directions so ordered by the Director of Fisheries for the treatment or destruction of fish including quarantine of the premises. Any such order shall remain in effect until revoked by the Director of Fisheries in writing.
24. The permit holder must not sell, give away or release to waterways, any fish if it is known or suspected to be infected with a Declared Disease. The holder shall take precautions specified in writing by the Director of Fisheries to prevent the escape of fish or disease from the farm.
25. All outlets must be screened to prevent the escape of fish. A screen no greater than 1mm must be used for eggs and fry, a screen no greater than 5mm for fingerlings, and a screen no greater than 15mm for post-fingerling fish.
26. No effluent is permitted to reach any waterway except for farms licensed by the EPA to discharge effluent into waterways.

CONDITIONS RELATING TO THE SALE AND STOCKING OF INDIGENOUS FRESHWATER FISH OF NSW

27. Live fish may be sold to other farmers holding a current permit authorising the farming of that particular species of indigenous fish; or to a fish wholesaler, retailer or restaurant for human consumption; to a registered wholesaler or retailer of aquarium fish; or to a recognised outlet authorised under State and/or Commonwealth legislation.
28. Live fish may also be sold to farm dam owners for stocking farm dams. Of the western drainage species, only silver perch (*Bidyanus bidyanus*), golden perch (*Macquaria ambigua*) and eel-tailed catfish (*Tandanus tandanus*) may be sold for stocking farm dams on the eastern drainage. Permit holders must advise people purchasing fish for

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stocking farm dams on the eastern drainage that dams must be above the 1 in 100 year flood level and not be susceptible to overflow that would allow fish to escape.

29. Murray cod (*Maccullochella peelii peelii*) may only be cultured or stocked in farm dams on the western drainage.
30. Silver perch may not be grown for sale in farm dams (See 'Aquaculture Permits for Silver Perch' Policy).
31. No fish may be sold for the purpose of stocking natural waterways and public impoundment's without first obtaining a Fish Stocking Permit issued for those waters by the Director of Fisheries.

CONDITIONS RELATING TO THE FARMING OF INDIGENOUS FRESHWATER FISH IN NSW

32. All outlets must be screened to prevent the escape of fish. A screen no greater than 1mm must be used for eggs and fry, a screen no greater than 5mm for fingerlings, and a screen no greater than 15mm for post-fingerling fish.
33. No effluent is permitted to reach any waterway.

CONDITIONS RELATING TO THE SALE AND STOCKING OF SALMONOIDS

34. The permit-holder shall not use on their premises any eggs taken from wild trout nor shall the holder have wild trout on the premises.
35. Live fish may be sold to other fish farmers holding a current permit authorising the farming of salmonoids; to a fish wholesaler, retailer or restaurant (authorised under State and/or Commonwealth legislation) for human consumption; or to a registered wholesaler or retailer of aquarium fish.
36. Live fish may also be sold to farm dam owners for stocking farm dams. Farm dams must be located above the 1 in 100 year flood level in catchment areas where trout have been traditionally stocked and not be susceptible to overflow that would allow fish to escape.

CONDITIONS RELATING TO THE FARMING OF SALMONOIDS

37. All outlets must be screened to prevent the escape of fish. A screen no greater than 1mm must be used for eggs and fry, a screen no greater than 5mm for fingerlings, and a screen no greater than 15mm for post-fingerling fish.
38. The accumulation of effluent sludge must be removed from raceway sumps when the volume of effluent sludge reaches 10% of the total volume of the raceway sumps. It must be removed in a fashion so it is not entrained into effluent waters. All sludge and other solid matter associated with the production of fish are to be disposed of in a manner approved of by the local council.

CONDITIONS RELATING TO AQUARIUM FISH AND OTHER NON-INDIGENOUS FRESHWATER FISH

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39. For the purposes of this permit, 'aquarium fish' includes all native Australian fish species and all fish species listed in Schedule 6 of the Wildlife Protection (Regulation of Exports and Imports) Act 1982.
40. All outlets must be screened to a size no greater than 1mm to prevent the escape of fish.
41. No effluent is allowed to reach any waterway.

CONDITIONS RELATING TO THE SALE AND STOCKING OF FRESHWATER CRAYFISH

42. Live yabbies, *Cherax destructor*, may be sold to farm dam owners for stocking farm dams, or to a registered wholesaler or retailer of aquarium fish. The permit hold must advise people wishing to stock yabbies into eastern drainage dams that they cannot stock yabbies where there are known populations of other species of freshwater crayfish that could be threatened by their introduction.. This information is available from the NSW Fisheries. In addition, the dams must be above the 1 in 100 year flood level and not susceptible to overflow.
43. Live crayfish may only be sold to other fish farms holding a current permit authorising the farming of that species, to a fish wholesaler, retailer or restaurant (authorised under state and/or commonwealth legislation) for human consumption or to a registered wholesaler or retailer of aquarium fish. The permit-holder must advise the aquarium dealer that only the yabby *Cherax destructor* may be stocked into NSW waters.
44. Freshwater crayfish of a species not indigenous to NSW may not be stocked into New South Wales' waters.
45. All ponds, raceways or other tanks containing marron (*Cherax tenuimanus*) or redclaw (*Cherax quadricarinatus*), or any species of crayfish not native to the area where the fish farm is located, must be surrounded by an unbroken fence extending at least 60cm above ground and 30cm below ground, and constructed of a smooth material (eg. Plastic sheeting, galvanise iron) to prevent the escape of stock. Fences will be required where yabbies are to be grown on the eastern drainage in areas where native species of crayfish are present, as the introduction of yabbies may present a threat to native crayfish stocks.

CONDITIONS RELATING TO FARMING FRESHWATER CRAYFISH

46. All outlets must be screened to prevent the escape of crayfish. A screen no greater than 2mm must be used to prevent the escape of juveniles.
47. No effluent is allowed to reach any waterways.

CONDITIONS RELATING TO FISH-OUTS

48. All gear used in intensively run fish-outs is to be supplied by the permit holder, and is to remain on the premises.

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49. A receipt shall be issued to each customer of the fish-out, detailing the number, exact length(s), (applicable to those species with existing legal size limits) and species of fish caught and the date.

CONDITIONS RELATING TO MARINE PRAWNS

50. A hatchery permit holder is authorised to obtain, from licensed commercial fishers, adult broodstock prawns from oceanic fisheries for the purposes of obtaining eggs to be used in the hatchery covered by a permit.
51. Permit holders must comply with the Live Prawn Transfer Policy.
52. All outlets must be screened to prevent the escape of prawns. A screen no greater than 1mm must be used for eggs and post-larvae and a screen no greater than 5mm for prawns.

CONDITIONS RELATING TO MARINE FISH

53. All outlets must be screened to prevent the escape of fish. A screen no greater than 1mm must be used for eggs and fry, a screen no greater than 5mm for fingerlings, and a screen no greater than 15mm for post-fingerling fish.

CONDITIONS RELATING TO OYSTERS

54. When obtaining or supplying live oysters, the permit holder shall comply with all current restrictions on live oyster movements throughout the State or interstate.
55. The permit holder must comply with all provisions of the NSW Shellfish Quality Assurance Program prior to the sale of oysters for human consumption.

APPENDIX

Declared Diseases

The following diseases are declared to be class A diseases:

- a) in relation to finfish:
- epizootic haematopoietic necrosis
 - infectious haematopoietic necrosis
 - viral haemorrhagic septicaemia
 - bacterial kidney disease
 - epizootic ulcerative syndrome
 - infectious pancreatic necrosis
- Aeromonas salmonicida* infection:
- viral nervous necrosis

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yersiniosis

whirling disease

b) in relation to molluscs:

bonamiosis

haplosporidiosis

marteiliosis

mikrocytosis

perkiniosis

irodviroses

c) in relation to crustaceans:

baculoviral midgut gland necrosis

crayfish plague

infectious hypodermal and haematopoietic necrosis

baculovirus infection

yellowhead disease

white tail disease

d) the following diseases are declared to be class B diseases:

Northern Pacific sea-star

Toxic dinoflagellates

NATIONAL PARKS & WILDLIFE SERVICE GENERAL TERMS OF APPROVAL

1. The National Parks and Wildlife Service will process a licence in accord with Section 90 of the National Parks and Wildlife Service Act 1974 (Consent to Destroy) to enable the destruction of Aboriginal relics located within the development area which may be impacted by the proposed activity.
2. The proponent will ensure that representatives of the Tweed Byron Local Aboriginal Land Council will undertake the salvage of a representative sample of Aboriginal relics from within the subject area prior to commencement of mining operations in the vicinity of the recorded Aboriginal relics.
3. Representatives of the Tweed Byron Local Aboriginal Land Council shall be offered the opportunity to monitor initial stripping works within the development area with a view to recovering any Aboriginal relics uncovered. The Tweed Byron Local Aboriginal

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Land Council shall be advised of the proposed stripping fourteen (14) days prior to commencement to enable organisation of an appropriately experienced monitor.

4. The National Parks and Wildlife Service will process a license in accord with section 87 of the National Parks and Wildlife Service Act 1974 to enable curation of the Aboriginal relics collected from the development site by the Tweed Byron Local Aboriginal Land Council.

Voting For

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

Voting Against

Cr James

2. Dual Occupancy Controls - Tweed Shire

GT1/DCP/44 Pt 1

1218

Cr James

Cr Marshall

RESOLVED that Council:-

1. Adopts Development Control Plan 44 Dual Occupancy Controls - Tweed Shire pursuant to Section 21 of the Environmental Planning and Assessment Regulation 2000, subject to the following amendments:
 - (a) Inclusion of:

“2.3 Transitional Arrangements

 - (a) *Allotments already nominated in an approved Council subdivision will be considered to meet Clause 2.2(a) notwithstanding they may not meet the requirements of Clause 2.1(iii).*
 - (b) *For the purposes of Clause 2.1(i) and 2.1(ii) any subdivision which was granted development approval prior to the date of this DCP coming into effect, and which does not nominate those lots upon which dual occupancy development may be carried out with Council approval, those lots may be nominated at the Subdivision Certificate stage. In assessing the appropriateness of lots nominated, Council shall have regard to the intentions of Clause 2.1(iii)”.*
 - (b) Replacement of Clause 2.1(i) with:

“(i) Any development application for the subdivision of the land to which this plan applies for greater than 10 lots, shall include a plan for approval by

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Council which nominates those lots upon which dual occupancy development may be subsequently carried out with Council approval”.

- 2. Forwards a certified copy of the approved Development Control Plan to the Director General of the Department of Urban Affairs and Planning, and
- 3. Provides public notice of its decision.

AMENDMENT

Cr Beck

Cr Brinsmead

PROPOSED that this matter be referred back to Council officers to review the lot sizes.

The Amendment was **Lost**

Voting For

Cr Beck
Cr Brinsmead

Voting Against

Cr Carroll
Cr Davidson
Cr James
Cr Marshall
Cr Polglase
Cr Youngblutt

The Motion was **Carried**

Voting - Unanimous

3. Kings Heath Resort Development

DA1180/10 Pt5

1219

Cr Marshall

Cr James

RESOLVED that this report be received and noted.

Voting - Unanimous

ATTENDANCE AT MEETING

Cr Lawrie attended the meeting at 3.18pm.

3a. Proposed Mixed Use Development at Lot B DP 102496, Lot B DP 372324, Lot 3 DP 825580 & Lots 4 & 5 DP 24376 No. 78-80 Marine Parade, Kingscliff

DA3340/325 Pt2

DECLARATION OF INTEREST

Cr Brinsmead

Declared an interest in Item No 3a, left the Chamber and took no part in the discussion and voting.

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The nature of the interest is that Cr Brinsmead's son is the legal adviser to the applicant.

1220

Cr Marshall

Cr Davidson

RESOLVED that this matter be deferred to later in the meeting.

Voting – Unanimous

RETURN TO MEETING

Cr Brinsmead returned to the meeting.

REPORTS FROM DIRECTOR CORPORATE SERVICES

4. Establishment of Formal Working Relationships with Gold Coast City Council Council Management

Cr Carroll

Cr Marshall

PROPOSED that Council:-

1. Endorses the concept of establishing a formal working relationships with Gold Coast City Council to enhance co-operation on issues relating to local government in the region and authorises the General Manager to work with the Chief Executive Office of Gold Coast City Council to formalise working arrangements.
2. Nominates the Mayor and Councillor James to represent Tweed Shire Council

AMENDMENT

1221

Cr Beck

Cr Lawrie

RESOLVED that Council:-

1. Endorses the concept of establishing a formal working relationships with Gold Coast City Council to enhance co-operation on issues relating to local government in the region and authorises the General Manager to work with the Chief Executive Office of Gold Coast City Council to formalise working arrangements.
2. Nominates the Mayor and Councillor Brinsmead to represent Tweed Shire Council

The Amendment was **Carried**

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Voting For

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

Voting Against

Cr Carroll
Cr Davidson
Cr James

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

Voting - Unanimous

5. Australian Sister Cities Association 2001 National Conference

Sister Cities

1222

Cr James

Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

6. 2001/2002 Fees and Charges - Amendment

Fees and Charges

1223

Cr Marshall

Cr Davidson

RESOLVED that Council adopts the amended fees in the 2001/2002 Fees and Charges as follows:-

1. Item 91 Septic Tank fees require amendment from \$148.00 to \$147.00
2. Item 115 Inspection Fees (garages and sheds not exceeding \$5,000, swimming pools) require amendment from \$267.00 to \$260.00

Voting - Unanimous

7. Making the Rate - 2001/2002

Budget; Rates - Levying

1224

Cr Youngblutt

Cr Davidson

RESOLVED that :-

1. Council makes the 2001/2002 rates in accordance with the provisions of sections 405, 406, 493, 494, 495, 496, 501, 553 and 508 of the Local Government Act 1993:-

(a) Ordinary Rates (section 494)

- (i) Residential Rate

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A Residential Rate of .7653 cents in the dollar on the rateable land value of all applicable rateable land in the Tweed Shire Council area classified Residential with a minimum rate of four hundred and fifty dollars and fifty cents (\$450.50) in respect of any separate parcel of rateable land.

(ii) **Farmland Rate**

A Farmland Rate of .4055 cents in the dollar on the rateable land value in the Tweed Shire Council area classified Farmland with a minimum rate of four hundred and fifty dollars and fifty cents (\$450.50) in respect of any separate parcel of rateable land.

(iii) **Business Rate**

A Business Rate of .7653 cents in the dollar on the rateable land value of all applicable rateable land in the Tweed Shire Council area classified Business with a minimum rate of four hundred and fifty dollars and fifty cents (\$450.50) in respect of any separate parcel of rateable land.

(b) Special Rates/Annual Charges (Section 495, 553, 501)

(i) Sewerage Rate/Annual Charge

A special sewerage rate/annual charge on the rateable land value of all applicable rateable land in the Tweed Shire Council area with a minimum rate/annual charge of four hundred and nineteen dollars (\$419.00) in respect of any separate parcel of rateable land.

(ii) Water Rate/Annual Charge

A Water Special Rate/Annual Charge for all rateable land serviced by water scheme of the Tweed. A special water rate/annual charge on the rateable land value of all applicable rateable land in the Tweed Shire Council area with a minimum rate/annual charge of two hundred and twenty-six dollars (\$226.00) in respect of any separate parcel of rateable land. Rural land serviced and connected to the water supply to be a minimum of two hundred and fifteen dollars (\$226.00).

(iii) Tumbulgum Sewerage Special Rate/Annual Charge

A Tumbulgum Sewerage Special Rate/Annual Charge for all rateable land which will be serviced by the Tumbulgum Sewerage Scheme of the Tweed. A special sewerage minimum rate/annual charge of two hundred and fifty dollars (\$250.00) in respect of any separate parcel of rateable land within the Tumbulgum area. The following is a description applicable land:-

LOT 47 SEC 3 DP 1223

LOT 46 SEC 3 DP 1223

LOTS 44/45 SEC 3 DP 1223

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LOT 52 SEC 3 DP 1911
LOT 53 SEC 3 DP 1911
LOT 37 SEC 3 DP 1223
LOT 36 SEC 3 DP 1223
LOTS 34/35 SEC 3 DP 1223
LOT 31 SEC 3 DP 1223
LOT 30 SEC 3 DP 1223
LOT 29 SEC 3 DP 1223
LOT 35 SEC 2 DP 1223
LOT 34 SEC 2 DP 1223
LOTS 32/33 SEC 2 DP 1223
LOTS 29/30 SEC 2 DP 1223 20.12 X 50.29
LOT 28 SEC 2 DP 1223 10.06X50.29
LOTS 26/27 SEC 2 DP 1223 20.12X50.29
LOT 25 SEC 2 DP 1223
LOT 24 SEC 2 DP 1223
LOT 37 SEC 1 DP 1223 17.68X57.73/61.75
LOT 1 DP 357241 16.08/16.33 X 75/63.7ABT
LOT 2 DP 357241 16.08/16.33 X 63.7/65.56
LOT 41 SEC 1 DP 1223
LOT 42 SEC 1 DP 1223
LOTS 43/44 SEC 1 DP 1223
LOT 45 SEC 1 DP 1223
LOT 46 SEC 1 DP 1223
LOT 47 SEC 1 DP 1223
LOT 48 SEC 1 DP 1223
LOT 49 SEC 1 DP 1223
LOT 50 SEC 1 DP 1223

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LOT 51 SEC 1 DP 1223
LOT 52 SEC 1 DP 1223
LOT 53 SEC 1 DP 1223
LOT 54 SEC 1 DP 1223
LOT 55 SEC 1 DP 1223
LOTS 56/57 SEC 1 DP 1223
LOTS 58/59 SEC 1 DP 1223
LOT 60 SEC 1 DP 1223 16.48X44.86/43.23
LOT 2 DP 626425
LOTS 29 & 30 SEC 6 DP 1223
LOT 1 DP 626425
LOT 10 SEC 6 DP 1223
LOT 9 SEC 6 DP 1223
LOT 7/8 SEC 6 DP 1223
LOTS 5/6 SEC 6 DP 1223 20.12X65.38
LOTS 11/12 SEC 5 DP 1223 20.12X42.9/39.01
LOT 2 DP 739552 13.775/21.635 X 39.31/32.805
LOT 1 DP 739552 16/20.045 X 26.355/32.805(IRR)
LOT 5 SEC 4 DP 1223
LOT 6 SEC 4 DP 1223
LOT 7 SEC 4 DP 1223
LOT 50 DP 1911 23.93 X 25.15
LOT 49 DP 1911 23.93 X 25.15
LOT 21 SEC 2 DP 1223
LOT 22 SEC 2 DP 1223
LOT 23 SEC 2 DP 1223
LOT 67 SEC 6 DP 1223
LOT 68 SEC 6 DP 1223

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LOT 4 SEC 6 DP 1223
LOT 3 SEC 6 DP 1223 16.08 X 32.18
LOT 2 SEC 6 DP 1223 16.08 X 32.18
COR LOT 1 SEC 6 DP 1223 17.09 X 32.18
COR LOT 36 SEC 1 DP 1223 22.35 X 32.18
LOT 35 SEC 1 DP 1223 14.07 X 31.27
LOT 34 SEC 1 DP 1223 14.07/21.11X32.97/32.18
LOT 33 SEC 1 DP 1223 10.0L X 40.84/39.42
LOT 61 SEC 1 DP 1223
LOT 31 SEC 6 DP 1223
LOT 28 SEC 3 DP 1223
COR LOT 1 SEC 4 DP 1223
LOT 2 SEC 4 DP 1223
LOT 4 SEC 4 DP 1223
LOT 8 SEC 4 DP 1223
LOT 9 SEC 4 DP 1223 18.49 X 35.38
LOT 5 SEC 7 DP 1223
LOTS 3/4 SEC 7 DP 1223
COR LOTS 15/18 SEC 5 DP 1223 40.23 X 40.23
LOT 2 DP 839857
LOT 1 DP 839857
LOT 105, 107 DP 1011315
COR LOT 1 SEC 7 DP 1223 20.12 X 30.18
LOTS 6/7 SEC 7 DP 1223
LOT 30 DP 240589
LOTS 55/56 SEC 6 DP 1223
LOT 57 SEC 6 DP 1223
LOT 58 SEC 6 DP 1223

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LOT 59 SEC 6 DP 1223
LOT 62 SEC 6 DP 1223
LOTS 60 & 61 SEC 6 DP 1223
LOT 63 SEC 6 DP 12233
LOTS 64/66 SEC 6 DP 1223
LOT 1 DP 574621
LOT 63 & 30/31 SEC 1 DP 1223 TUMBULGUM HALL
LOTS 28/29 SEC 1 DP 1223 20.12X52.7/54.1
LOT 27 SEC 1 DP 1223 10.06X54.1/54.71
LOT 26 SEC 1 DP 1223 10.06X55.32/54.71
LOTS 24/25 SEC 1 DP122320.12X55.32/56.72
LOTS 22/23 SEC 1 DP 1223 20.12X56.72/58.12
LOTS 20/21 SEC 1 DP 1223 20.12X58.04/58.72
LOT 15 SEC 1 DP 1223
LOT 19 SEC 1 DP 1223
LOTS 17 & 18 SEC 1 DP 1223
LOT 16 SEC 1 DP 1223
LOT 14 SEC 1 DP 1223 10.06X59.94/49.07
LOTS 4/6 SEC 1 DP 1223 40.23/32.74X50.88/51.69
LOT 17 SEC 2 DP 1223
LOT 16 SEC 2 DP 1223
LOT 15 SEC 2 DP 1223 10.06X52.1/52.5
LOT 41 DP 812273
LOT 40 DP 812273
LOTS 9/10 SEC 2 DP 1223 20.12X54.31/55.32
LOT 8 SEC 2 DP 1223
LOTS 6 & 7 DP 1223 SEC 2
LOT 2 DP 563652

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LOT 1 DP 584974

LOT 2 DP 584974

LOT 5 SEC 3 DP 1223 10.06X50.29

LOT 6 SEC 3 DP 1223 18.29/8.23X50.29

LOTS 7/8 SEC 3 DP 1223

LOTS 9/10 SEC 3 DP 1223

LOT 11 SEC 3 DP 1223

LOT 12 SEC 3 DP 1223 LOT 48 DP 1911

LOT 54 DP 1911

LOT 55 DP 1911

LOTS 18/20 SEC 3 DP 1223 30.18X50.29

LOT 21 SEC 3 DP 1223 10.06X50.29

LOTS 22/23 SEC 3 DP 1223 20.12X50.29

LOT 24 SEC 3 DP 1223 10.06X50.29

LOTS 25/27 SEC 3 DP 1223 41.22/16.48X50.29/52.5

LOTS 9-13 SEC 1 DP 1223

LOT 2 DP 799347

LOT 3 DP 799347

LOT 201 DP 865762

LOT 18 SEC 2 DP 1223 & LOT 1 DP 624442

(iv) Uki Special Rate/Annual Charge

A Uki Sewerage Special Rate/Annual Charge for all rateable land which will be serviced by the Uki Sewerage Scheme of the Tweed. A special sewerage minimum rate/annual charge of three hundred dollars (\$300.00) in respect of any separate parcel of rateable land within the Uki area. The following is a description of the applicable land -

LOT 1 DP 731343

LOT 2 DP 731343

LOT 240 DP 729473

LOT 1 DP 1002893

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LOT 2 DP 1002893 - WTP UKI
LOT 2 DP 535919
LOT 1 DP 535919
LOTS 153 170 DP755730
LOT 171 DP755730
LOT 152 DP755730
LOT 173 DP755730
LOT 150 DP 719951
LOT 1 DP 774800
LOT 2 DP 973705
LOT B DP97055018.29X40.23
LOT A DP971647 18.29X40.23
LOT 12 DP 829544
PH NULLUM LOT 4 SEC 1 DP10909 MARSHALL'S ESTATE
LOT 10 D.P.618030 18.83/19.165 X 37/39.045
LOT 7 SEC 1 DP 10909 PARISH NULLUM
PSH NULLUM LOT 8 SEC 1 DP 10909 38.4 FTGE
LOT B DP 369388
LOT A DP 369388
LOT 2 DP 549954
LOTS 1-6 DP 7188 LOTS 2-3 SEC 2 DP 10909 &
LOTS 1/2 DP 8107 39.62/43.84X10.06/27.15
LOT 3 DP 8107 10.97/11.05X27.15/28.5
LOTS 4/5 DP 8107 90/27.64X28.5/31.85
LOT 232 DP 721129
LOT 233 DP 721129
LOT 1 DP400980 3.66/18.75X52.86/71.27 IRR
LOT 2 DP400980 21.62/17.86X29.79/32.99

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LOT 1 DP 661876
LOT A & PT LOT B DP385579 18.47/9.37X57.12/56.49
PT LOT 183 DP 755730
PSH NULLUM LOT 1 SEC 3 DP 11045
LOT 2/3 SEC 3 DP 11045
LOT 4 SEC 3 DP 11045
LOT 5 SEC 3 DP 11045
LOT 6 SEC 3 DP 11045
PARISH NULLUM LOT 9 DP 778348
LOT 10 DP 825218 SUBJ TO DRAINAGE E'MENT
LOT 12 DP 618030
LOT BDP 103527 & LOT 235 DP 727458
LOT A DP 103527
LOT 122 DP755730
LOT 1 DP 103459
LOT 1 DP547960
LOT 1 DP 936275 BUSHFIRE A.2015
LOT 127 DP75573033.22X60.91/58.52
LOT 128 DP755730
LOT 1 DP 571326
LOT 2 DP 571326 PH NULLUM
LOT 147 DP755730
LOT 146 DP755730
LOT 163 DP755730
LOT 148 DP755730
LOT 149 DP 755730
LOT 161 DP755730
LOT 164 DP755730

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LOT 160 DP755730

LOT 159 DP755730

LOT 2 DP 870671

LOT 1 DP 870671

LOT 2 DP 611868 36.26/27.43X22.665/28.93

LOT 1 DP 611868 36.5/17.99X22.665/35

LOT A DP 399999

LOT B DP 399999 32.92/30X30.51/28.93

LOT 1 DP 609206

LOT 3 DP 700324 25.43/42.62 X 24.11/44.875IRR

LOT 4 DP 700324

LOT 1 DP 709540 & LOT 241 DP 729473

LOT 1 DP 861822

LOT 3 DP 871831

LOT 1 DP 876643

LOT 2 DP 876643

LOT 25 DP 263408

LOT 23 DP 263408

LOT 22 DP 263408

LOT 21 1 DP 263408

LOT 20 DP 263408

LOT 1 DP 255027

LOT 1 DP 817081

LOT 2 DP 817081 SUBJECT TO R O W

LOT 3 DP 792359

LOT 2 DP 792359

LOT 1 DP 625486

LOT 4 DP 255027

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LOT 5 DP 255027

LOT 6 DP 255027

LOT 7 DP 255027

LOT 31 DP 632890

LOT 18 DP 263408

LOT 30 DP 632890

LOT 15 DP 263408

LOT 14 DP 263408

LOT 13 DP 263408

LOT 12 DP 263408

LOT 10 DP 263408 50X90

LOT 9 DP 263408

LOT 1 DP 822828 & LOT 1 DP 263408

PSH NULLUM LOT 167 DP 755730

PSH NULLUM LOT 165 DP 755730

LOT 166 DP 755730

LOT 154 DP 755730 PSH NULLUM

PSH NULLUM LOT 155 DP 755730

LOT 2 DP 263408

LOT 4 DP 263408 32.45/61.635 X 94.33/94.62

LOT 5 DP 263408

LOT 7 DP 263408 67.8/IRR 116.5 X 53.02/67.10

(v) Bilambil Road Sewerage Special Rate/Annual Charge

A Bilambil Road Sewerage Special Rate/Annual Charge for all rateable land which will be serviced by the Bilambil Road Sewerage Scheme of the Tweed. A special sewerage minimum rate/annual charge of three hundred dollars (\$300.00) in respect of any separate parcel of rateable land within the Bilambil area. The following is a description of the applicable land -

LOT 856 DP 32094 IRR16.79/16.76X36.17/36.58

LOT 857 DP 32094 16.76X36.58

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LOT 858 DP 32094

LOT 859 DP 32094 16.76X36.58

LOT 860 DP 32094

LOT 861 DP 32094

LOT 862 DP 32094 16.76X36.58

LOT 864 DP 32094 16.76/18.47X49.83/42.06

LOT 865 DP 32094 VO 9107 FO 2 & 3

LOT 866 DP 32094 20.12/22.17X34.29/24.94

COR LOT 867 DP 32094 25.91/33.45X24.94/15.27IRR

(vi) Tweed Heads Streetscaping Special Rate

A Tweed Streetscaping Special Rate of .1521 cents in the dollar on the rateable land value of applicable land in the Tweed Shire Council area. The following is a description of the applicable land –

LOT 7 DP 167898

LOT B DP 398092 SUBJ TO ROW 10.06 X 28.04

LOT A DP 398092 6.71 X 28.04 APPT TO ROW

LOT 2 DP 525905 55'/110'8X IRR 160'7/104'7

LOT 8 SEC 2 DP 759009 12.14/29.82 X 40.23/43.59

CLOSED ROAD 33.5 X 45 X 44

COR LOTS 2/6 DP 224382 35.64/43.88 X 74.525IRR/

LOT 3 DP 110355COR 9.14X 31.09

LOT 1 DP 306057 9.14 X 31.09

LOT A DP 313926 9.12 X 31.09

UNIT 1 STRATA PLAN 5287 BAY ST ARCADE

UNIT 2 STRATA PLAN 5287 BAY ST ARCADE

UNIT 3 STRATA PLAN 5287 BAY ST ARCADE

UNIT 4 STRATA PLAN 5287 BAY ST ARCADE

UNIT 5 STRATA PLAN 5287 BAY ST ARCADE

LOT 2 DP 229412 9.35X31.11

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LOT 5 DP 549037

LOT 6 DP 54903710.06X31.11

UNIT 1 STRATA PLAN 10552

UNIT 2 STRATA PLAN 10552

UNIT 3 STRATA PLAN 10552

UNIT 4 STRATA PLAN 10552

LOT 1 DP 534136

LOT 2 DP 101111 14.02 X 31.09

LOTS 3/4 DP 420750

LOTS 1/2 DP 420749

LOT 672 DP 755740 LOT 3 DP 520173 LOT 1 DP245697

COR LOTS 32/35 DP 237678 SPL COR 73.15 X 50.8

LOT 64 DP 23780616.99X29.26/36.58 SPL COR

LOT 2 DP 549328 14.5/12.14X36.58/36.65

LOT 1 DP 549328 14.33IRR/12.12IRRX36.65/36.58

LOT 61 DP 23780612.19X36.58

LOT 60 DP 23780612.19X36.58

LOTS 58/59 DP 23780624.38X36.58

LOT 57 DP 23780612.19X36.58

LOT 56 DP 23780612.19X36.58

LOT 55 DP 23780612.19X36.58

LOT 54 DP 23780612.19X36.58

LOT 53 DP 23780612.19X36.58

LOT 52 DP 23780612.19X36.58

UNIT 1 STRATA PLAN 14263

UNIT 2 STRATA PLAN 14263

UNIT 3 STRATA PLAN 14263

UNIT 4 STRATA PLAN 14263

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UNIT 5 STRATA PLAN 14263
LOT 1 DP 525413
LOT 1 DP 866236
LOT 1 DP 553728 24.38X37.80
LOT 1 DP 777183 SUBJ TO E'MENTS
LOT 1 DP 1007168 E'MENT(S)
LOT 2 DP 1007168
LOT 4 DP 1007168
LOT 9 DP 964880 LOT 1 DP 303503
LOT A DP 332137 49.911 X 50.292
LOT 2 SEC 1 DP 758279 LOT B DP 332137 LOT 1
COR LOT 100 DP 775892 20.12 X 50.29
LOT 3 DP 329933
LOT 1 DP 17554 ACCESS BY R O W TO LANE
LOT 2 DP 17554 6.81X25.15 ACCESS BY 3.05
LOT 3 DP 17554 5.64/5.72 X 25.15/25.32
LOT 4 DP 17554
LOT 5 DP 17554 4.52/4.47X26.42/26.95
LOT 6 DP 17554 4.55/4.44X26.95/27.69IRR
LOT 7 DP 17554 29'9/30'XIRR90'10/93'9
COR LOTS 2 & 3 DP 519757 30.26.92IRR X 43.41/50.
LOT 1 DP 1013806
LOT 1 DP 222704 14.99/15.09 X 42.98/43.31
LOT 1 DP 609342
UNIT 1 STRATA PLAN 32143
UNIT 2 STRATA PLAN 32143
UNIT 3 STRATA PLAN 32143
UNIT 4 STRATA PLAN 32143

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LOTS A & B DP 373378

LOTS 1 & 2 SEC 4 DP 4570 33.35/33.2 X 40.34/39

LOT 30 SEC 4 DP 4043 LOT 1 DP 329246 LOT 2

LOT 6 SEC 4 DP 4570 LOT A DP 341926 &

LOT 1 SP 57664

LOT 2 SP 57664

LOT 3 SP 57664

LOT 4 SP 57664

LOT 5 SP 57664

LOT 6 SP 57664

LOT 7 SP 57664

LOT 8 SP 57664

LOT 9 SP 57664

LOT 10 SP 57664

LOT 11 SP 57664

LOT 12 SP 57664

LOT 13 SP 57664

LOT 14 SP 57664

LOT 15 SP 57664

LOT 16 SP 57664

LOT 17 SP 57664

LOT 18 SP 57664

LOT 10 SEC 4 DP 4570 15.16/15.09 X 33.51/35.08

LOT 11 SEC 4 DP 4570 15.16/15.09 X 35.08/34.62

LOT 19 SEC 4 DP 4043 LOTS 12/14 SEC 4 DP 4043

LOTS 15 SEC 4 DP 4570 LOT 16 SEC 4 DP 4043

UNIT 1 STRATA PLAN 14262

UNIT 2 STRATA PLAN 14262

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UNIT 3 STRATA PLAN 14262

UNIT 4 STRATA PLAN 14262

UNIT 5 STRATA PLAN 14262

UNIT 6 STRATA PLAN 14262

UNIT 7 STRATA PLAN 14262

UNIT 8 STRATA PLAN 14262

UNIT 9 STRATA PLAN 14262

UNIT 10 STRATA PLAN 14262

LOT 1 SEC 5 DP 759009 & LOT 23 DP 776673

UNIT 6 STRATA PLAN 5287 BAY ST ARCADE

(vii) Murwillumbah Streetscaping Special Rate

A Murwillumbah Streetscaping Special Rate of .2533 cents in the dollar on the rateable land value of applicable land in the Tweed Shire Council area. The following is a description of the applicable land –

LOT 1 DP 780240

LOT 1 DP 780238 13.18/RIVER X 38.48/35.98 SUBJ

LOT 1 DP 518429

LOT 2 SEC 10 DP 2087 SUBJ TO EASEMENT FOR

LOT 15 758739 & LOT A DP 320549

UNIT 1 STRATA PLAN NO. 19758

UNIT 2 STRATA PLAN NO. 19758

LOT 2 DP 596914 44.775/66.61 X 30.66/IRR 62.28

LOT 1 DP 436448 40.71 TFGE SUBJ TO ROW

LOT 1 DP 772895

LOT 2 DP 772895

LOT 3 DP 772895

LOT 4 DP 772895

LOT 5 DP 772895 VO 4541 FO 161

LOT 6 DP 772895 5.31/5.32 X 41.82/4.83

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LOT 7 DP 772895
LOT 8 DP 772895 VO 7487 FO 9&10
LOT 9 DP 772895
LOT 1 DP 772899
LOT B DP 902559 VO 3226 FO 145
LOT 1 DP 772892 VO 2012 FO 82
PT LOT 1 DP 394862
PT LOT 1 DP 394862
LOTS 1 & 2 DP 726591
LOT 1 DP 77260031.55/33.93IRR X 56.31/66.73
UNIT 1 STRATA PLAN 31445
UNIT 2 STRATA PLAN 31445
LOTS 1 & 2 DP 772753
LOT B DP 409152 15.21/16.38 X 62.15/56.11
LOT A DP 4091529.14/9.80 X 56.11/52.50
LOT 1 DP 772755 9.17/9.58 X 52.5/41.73
LOT B DP 3832976.71 X 50.29
LOT A DP 383297 6.71/6.3 X 50.29
LOT 2 DP 4121964.11 X 43.02
LOT 1 DP 412196 5.95 X 50.31
LOT 2 DP 419205 4.8 X 50.29
LOT 1 DP 4192054.7 X 50.29
LOT 1 DP 419204
LOT 1 DP 772800 8.38 X 50.29
LOT 1 DP 111656 8.38 X 50.29
LOT 1 DP 7728617.62 X 50.29
LOT 1 DP 9578646.1 X 50.29
LOT 1 DP 772881

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LOT 1 DP 167095& LOT A DP 301008

LOT 2 DP 335913 6.1 X 50.29

LOT 1 DP 3359135.87/5.97 X 50.29

LOT 2 DP 705548 8.15/8.33 X 50.31IRR/50.3

LOT 1 DP 705548

LOT 1A DP 404253

LOT 1 DP 109673 & LOT 1 DP 726864 SPLAY CORNER

LOT 4 DP 726862

LOT 3 DP 726862 VO 4374 FO 179

PT LOT 10 SEC 4 DP 2087 FO 4868 FO 56

LOT 1 DP 726862

LOTS 2 & 9 SEC 16 DP 758739 LOT 1 DP 779873 LOTS

LOT 2 DP 521302 36.37/18.06X58.24/53.26

LOTS 1 & 2 DP 780227 18.29 X 53.28

LOT 1 DP 780226 9.145 X 53.28

LOT 2 DP 780226 9.145 X 53.28

LOTS 1 & 2 DP 780225 18.29 X 53.28

LOT 1 SP 62510

LOT 2 SP 62510

LOT 3 SP 62510

LOT 4 SP 62510

LOT 5 SP 62510

LOT 1 DP 104284 SUBJ TO EASEMENT FOR OVERHANG

LOT 1 DP 166495

LOT 1 DP 772598 VO 7964 FO 67

LOT 1 DP 499529 LOT 1 DP 525697

LOT 1 DP 328121 8.74/2.0X45.47/48.29IRR

LOTS 1 & 2 DP 772596 VO 1185 FO 88

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(viii) Kingscliff Streetscaping Special Rate

A Kingscliff Streetscaping Special Rate of .0811 cents in the dollar on the rateable land value of applicable land in the Tweed Shire Council area. The following is a description of the applicable land -

LOT 1 DP 810063

LOT 2 DP 317984

LOT 468 DP755701 SPL 69/20

LOT 7028 DP 755701 RES 1001014

LOT 2 DP 520276 13.39/40.18X53.621/53.62IRR

LOT 1 DP 520276 13.39X26.21

LOT 1 DP 169524

LOT 5 DP 169525

LOT 3 SEC 4 DP 9453 VO 2993FO 238

LOT 2 SEC 4 DP 9453 13.855/13.4 X 50.29/48.905

LOT 1 DP964905

LOT 2 DP 567591

LOT 1 DP 567591

LOT 31 DP 947732 VO 2524 FO 221

LOT 29 DP 979920 VO 5920 FO 7/8 12.19 X 40.23

LOT 2 DP 549719 VO 6442 FO 80

LOT 1 DP 1005806

LOT A DP 374174 14.33/36.88 X 41.78/33.6

LOT B DP 372324 LOT 5 DP 24376

LOT B DP 10249621.13/21.03X63.75/61.62 SUBJ

LOT 1 DP 573057

LOT B DP 402092 VO 7411 FO 147

LOT C DP 446443

LOT 3 DP 418672

LOT 2 DP 400977

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LOT 1 DP 403158

LOT 3 DP 584765 40.36/37.19XIRR/51.77

LOT 2 DP 584765

LOT 1 DP 584765 10.07/10.06 X 51.76/51.00

LOT 5 SP 53596

LOT 1 DP 356102

LOT 17 DP 5879

LOT 2 DP 740505

LOT 1 DP 740505

LOT 2 SEC 3 DP 11315

LOT 1 SP 32450

LOT 2 SP 32450

LOT 3 SP 32450

LOT 4 SP 32450

(ix) Koala Beach Special Rate

A Koala Beach Special Rate of \$100.00 in respect of any separate parcel of rateable land in Koala Beach Estate. The following is a description of the applicable land -

LOT 83 DP 864094

LOT 84 DP 864094

LOT 85 DP 864094

LOT 86 DP 864094

LOT 87 DP 864094

LOT 88 DP 864094

LOT 89 DP 864094

LOT 90 DP 864094

LOT 91 DP 864094

LOT 101 DP 864095

LOT 100 DP 864095

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LOT 99 DP 864095 SUBJ TO DE
LOT 98 DP 864095 SUBJ TO DE
LOT 97 DP 864095 SUBJ TO SEWER E'MENT
LOT 96 DP 864095
LOT 95 DP 864095 SUBJ TO DE
LOT 94 DP 864095 SUBJ TO DE
LOT 93 DP 864095 SUBJ TO DE
LOT 92 DP 864095 SUBJ TO SEWER E'MENT
LOT 66 DP 864094
LOT 67 DP 864094
LOT 68 DP 864094
LOT 69 DP 864094
LOT 54 DP 864094
LOT 55 DP 864094
LOT 56 DP 864094
LOT 57 DP 864094
LOT 58 DP 864094
LOT 59 DP 864094
LOT 60 DP 864094
LOTS 902 & 903 DP 1017348 SUBJ TO PIPELINE E'MT
LOT 953 DP 864092
LOT 1 DP 864093 SUBJ TO SEWER E'MENT & SUBJ TO
LOT 2 DP 864093 SUBJ TO DE
LOT 3 DP 864093
LOT 4 DP 864093
LOT 5 DP 864093
LOT 45 DP 864094 SUBJ TO SEWER E'MENT
LOT 44 DP 864094

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LOT 6 DP 864093

LOT 7 DP 864093 EASEMENT(S) SUBJ TO ROC

LOT 8 DP 864093 SUBJ TO DE & SUBJ TO ROC

LOT 9 DP 864093

LOT 10 DP 864093

LOT 11 DP 864093 SUBJ TO SEWER E'MENT

LOT 12 DP 864093 SUBJ TO SEWER E'MENT

LOT 13 DP 864093 SUBJ TO DE

LOT 14 DP 870694 SUBJ TO DRAINAGE E'MENT &

LOT 15 DP 870694 SUBJ TO DRAINAGE E'MENT &

LOT 16 DP 864093

LOT 17 DP 864093

LOT 18 DP 864093

LOT 19 DP 864093

LOT 50 DP 864094 SUBJ TO DE

LOT 49 DP 864094 SUBJ TO DE

LOT 48 DP 864094

LOT 47 DP 864094 SUBJ TO DE

LOT 46 DP 864094 SUBJ TO SEWER E'MENT

LOT 73 DP 864094

LOT 72 DP 864094

LOT 71 DP 864094

LOT 70 DP 864094

LOT 65 DP 864094

LOT 53 DP 864094

LOT 64 DP 864094

LOT 63 DP 864094

LOT 62 DP 864094

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LOT 61 DP 864094 SUBJ TO DE

LOT 82 DP 864094

LOT 81 DP 864094

LOT 80 DP 864094 SUBJ TO DE

LOT 79 DP 864094

LOT 78 DP 864094

LOT 77 DP 864094

LOT 76 DP 864094

LOT 75 DP 864094

LOT 74 DP 864094

LOT 43 DP 864094

LOT 52 DP 864094

LOT 51 DP 864094

LOT 20 DP 864093 SUBJ TO DE

LOT 21 DP 864093 SUBJ TO SEWER E'MENT

LOT 22 DP 870695 SUBJ TO DRAINAGE E'MENT

LOT 23 DP 870695 SUBJ TO SEWER E'MENT &

LOT 24 DP 870695

LOT 25 DP 870695

LOT 26 DP 870695

LOT 27 DP 870695

LOT 28 DP 870695

LOT 29 DP 870695

LOT 30 DP 864094

LOT 31 DP 864094

LOT 32 DP 864094

LOT 33 DP 864094

LOT 34 DP 864094

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LOT 35 DP 864094

LOT 36 DP 864094

LOT 37 DP 864094

LOT 38 DP 864094

LOT 39 DP 864094

LOT 40 DP 864094

LOT 41 DP 864094

LOT 42 DP 864094

2. In accordance with section 566(3) of the Local Government Act 1993 that the maximum rate of interest payable on overdue rates and charges be 11%.

Voting - Unanimous

8. Casuarina Beach Rating Structure

GS4/96/135 Pt18; Rates – Levying; Casuarina Beach

1225

Cr James

Cr Lawrie

RESOLVED that Council delays the imposition and application of a special rate or the introduction of a sub-category until the 2002/2003 rating year.

Voting - Unanimous

9. Tweed and Coolangatta Tourism Inc. (TACTIC) Monthly Performance Report - April 2001

TACTIC

1226

Cr James

Cr Carroll

RESOLVED that this report be received and noted.

Voting - Unanimous

10. Tweed and Coolangatta Tourism Inc. (TACTIC) Monthly Performance Report - May 2001

TACTIC

1227

Cr James

Cr Carroll

RESOLVED that this report be received and noted.

Voting - Unanimous

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REPORTS FROM DIRECTOR ENGINEERING SERVICES

11. Proposal for Public Access to the Sand Pumping Jetty on Letitia Spit - Survey Results

Sand Bypass; Fingal Peninsula

1228

Cr Lawrie

Cr Polglase

RESOLVED that:-

1. Council submits the results of the survey on the proposal to allow public access to the sand pumping jetty on Letitia Spit to the Minister for Land and Water Conservation.
2. Controlled public access to the sand pumping jetty proceeds.

Voting For

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

Voting Against

Cr Carroll
Cr James

12. Kingscliff Waste Water Treatment Plant - Interim Upgrade Sewerage – Treatment – Kcliff: - Aug – Stg 3; Sewerage Treatment - Kcliff

1229

Cr Marshall

Cr Youngblutt

RESOLVED that:-

1. Council adopts the strategy as outlined for the interim augmentation of the Kingscliff Plant.
2. Engages Egis Consulting to undertake the necessary detailed design and documentation of the works required in an amount of \$47,500.
3. Upon satisfactory commissioning of the augmented Plant, Council reviews the size of the current buffer zone in DCP9.

Voting - Unanimous

13. LGSA Water Supply and Resources Conference 2001

Water Supply & Resources Committee

1230

Cr Marshall

Cr Davidson

RESOLVED that Council authorises one Councillor to attend.

Voting - Unanimous

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14. Water Week 2001 - Proposed Activities

Water Week; Education Matters

1231

Cr Marshall

Cr Davidson

RESOLVED that Council endorses the proposed Waterwise School Challenge and notes the proposals for Water Week.

Voting - Unanimous

15. River Symposium, Brisbane, 29 - 31 August 2001

Estuary Management, Conferences

1232

Cr Marshall

Cr Beck

RESOLVED that Councillors Beck and Marshall be authorised to attend.

Voting - Unanimous

16. Offer of a Licence Over Crown Land - Southern Boatharbour

Wharf - River Terrace: Southern Boatharbour; 4030.3875; Licence – Crown Lands Act

1233

Cr Youngblutt

Cr Marshall

RESOLVED that Council:-

1. Accepts the offer of a Crown Land Licence over the area (within Southern Boatharbour) 45 metres by 70 metres fronting Reserve 89339 and
2. Executes the documentation under the Common Seal of Council.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

17. Request for Discount of Application Fees by Murwillumbah Rugby League Football Club

DA2350/640 Pt1; Stan Sercombe Oval

1234

Cr Polglase

Cr Youngblutt

RESOLVED that Council donates \$777 from the Donations budget to the Murwillumbah Rugby League Football Club.

Voting - Unanimous

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18. Representation on Coolangatta Airport Noise Abatement Consultative Committee Airport - Noise Issues

Cr Lawrie

Cr Youngblutt

PROPOSED that Council supports the appointment of Cr Lawrie as a member of the Airport Noise Abatement Consultative Committee until 30 June 2002.

AMENDMENT

1235

Cr Marshall

Cr Carroll

RESOLVED that Council supports the reappointment of the Director Environment & Community Services as a member of the Airport Noise Abatement Consultative Committee until 30 June 2002.

The Amendment was **Carried**

Voting For

Cr Beck
Cr Carroll
Cr Davidson
Cr James
Cr Marshall

Voting Against

Cr Brinsmead
Cr Lawrie
Cr Polglase
Cr Youngblutt

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

Voting For

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

Voting Against

Cr Lawrie

19. Proposed Northern Rivers Regional Crime Prevention Network

Crime Prevention

1236

Cr Marshall

Cr Carroll

RESOLVED that Council:-

1. Participates in the Northern Rivers Regional Crime Prevention Network.
2. Nominates any Councillor who is interested in attending with one relevant staff member.

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Voting - Unanimous

20. Banora Point Community Centre

DA1393/320 Pt1; Banora Pt Comm Centre

Cr Carroll

Cr Marshall

PROPOSED that Council confirms its support for the development and construction of a community facility on land identified in Development Control Plan No 3, Banora Point West/Tweed Heads South.

AMENDMENT 1

1237

Cr Lawrie

Cr Youngblutt

RESOLVED that:-

1. All progress on the Community Centre cease until a comprehensive Banora Point survey is undertaken, and that the cost of the survey be paid from existing Section 94 funds.
2. A report be brought back to Council at the meeting of 18 July 2001 with suggestions of the format of the proposed questionnaire, and an estimated cost and that the proposed survey area be the area from which the funds were collected.

ATTENDANCE AT MEETING

Cr Luff attended the meeting at 3.58pm.

1238

Cr Youngblutt

Cr Brinsmead

RESOLVED that an extension of 5 minutes be granted to Cr Lawrie.

Voting - Unanimous

Amendment 1 was **Carried**

Voting For

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

Voting Against

Cr Carroll
Cr James
Cr Luff

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AMENDMENT 2

Cr Luff

Cr James

PROPOSED that Council officers bring forward a report indicating the rationale for Council's proposal to build a Community Centre in Banora Point and the options Council may have for otherwise using the Section 94 funds which have been collected for that purpose.

Amendment 2 was **Lost**

Voting For

Cr Carroll
Cr James
Cr Luff

Voting Against

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

Amendment 1 on becoming the Motion was **Carried**

Voting For

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

Voting Against

Cr Carroll
Cr James
Cr Luff

21. Provision of Funding - Community Options

Government Grants - Community Options

1239

Cr Polglase

Cr James

RESOLVED that all necessary documentation be affixed with the Common Seal of Council.

Voting - Unanimous

22. Third Landcare Catchment Management Forum 2001 - 31 August to 1 September 2001 in Parks

Landcare; Total Catchment Management; Conference - General

1240

Cr Marshall

Cr Youngblutt

RESOLVED that this report be received and noted.

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Voting - Unanimous

- 3a. **Proposed Mixed Use Development at Lot B DP 102496, Lot B DP 372324, Lot 3 DP 825580 & Lots 4 & 5 DP 24376 No. 78-80 Marine Parade, Kingscliff**

DA3340/325 Pt2

DECLARATION OF INTEREST

Cr Brinsmead

Declared an interest in Item No 3a, left the Chamber and took no part in the discussion and voting.

The nature of the interest is that Cr Brinsmead's son is the legal adviser to the applicant.

1241

Cr Polglase

Cr Lawrie

RESOLVED that Council approves Development Application DA3340/325 for the erection of a mixed development at Lot B DP 102496, Lot B DP 372324, Lot 3 DP 825580 & Lots 4 & 5 DP 24376 No. 78-80 Marine Parade, Kingscliff on a "deferred commencement" basis subject to the following conditions:

DEFERRED COMMENCEMENT

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "A". Such evidence is to be provided within twelve (12) months of the date of notification.

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

SCHEDULE "A"

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

1. A contaminated lands remediation plan shall be prepared, in strict accordance with the NSW EPA Contaminated Sites "Guidelines for Consultants Reporting on Contaminated Sites", and "Guidelines on Significant Risk of Harm from Contaminated Land and the Duty to Report", and submitted to Council for consideration. As a minimum the remediation plan shall incorporate and address the following issues:
 - Levels of contaminants on the site
 - Post remediation verification testing and certification
 - Proposed remediation techniques
 - Storage and containment of contaminated materials
 - Disposal methods for contaminated materials

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- Management of surface waters
- Management of odours and amenity
- OH & S to NSW WorkCover Authority requirements
- Assessment of groundwater hydrology and likely impacts of proposed remediation works and construction.
- The proposed remediation plan shall be reviewed by an NSW EPA accredited auditor (as defined under the Contaminated Lands Management Act, 1997) and certified as satisfactory.

The abovementioned information shall be submitted to Director of Environment and Community Services for approval.

SCHEDULE B

NOTE: THIS PART OF THE CONSENT WILL NOT BECOME OPERABLE UNTIL COUNCIL ADVISES THAT THE MATTERS CONTAINED IN SCHEDULE "A" ARE SATISFIED.

PRE-REQUISITES – conditions that must be satisfied prior to the issue 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.
2. Any lighting shall not spill beyond the boundaries of the site. A plan of the lighting shall be approved by the Director of Development Services PRIOR to the issue of a Construction Certificate.
3. 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.
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 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.

- a. Tweed Road Contribution Plan: \$81,739.00
S94 Plan No. 4 (Version 4.0)
(Kingscliff/Chinderah – Commercial)
 - b. Open Space (Structured): \$21,903.00
S94 Plan No. 5
 - c. Open Space (Casual): \$17,135.00
S94 Plan No. 5
 - d. West Kingscliff - Drainage: \$2,614.59
DCP No. 9 S94 Plan No. 7
 - e. Emergency Facilities (Surf Lifesaving) \$3,382.83
S94 Plan No. 16
 - f. Extensions to Council Administration Offices
& Technical Support Facilities \$12,483.00
S94 Plan No. 18
 - g. Cycleways \$9,283.00
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.

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

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

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Water: \$71,261.50

Sewer: \$58,954.50

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.

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

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

GENERAL

7. The development shall be completed in general accordance with Plan Nos AD1007 WD.02(P1), MM1007-SD-03(DA2), MM1007-SD04(DA2), MM1007-SD-05(DA2), East/West Elevations, Roof Deck Plan, MM1007-SD-14 prepared by Blue Arc Network and dated May 2001, December 2000, 19 June 2001 and January 2001, except where varied by these conditions.
8. When all works associated with the contamination remediation plan are completed such shall be verified by a NSW EPA accredited auditor as being satisfactory, prior to the commencement of any building works.
9. 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.
10. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
11. 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.
12. 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.

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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.

13. 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.
14. The provision of ninety nine (99) off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.
15. 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.
16. Advertising structures/signs to be the subject of a separate development application, where statutorily required.
17. Submission of a further Development Application(s) for the first use of the shops and professional suites, such to be approved by Council prior to their use or occupation.
18. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.
19. 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.
20. 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.
21. 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.
22. Demolition of building existing on site is to be carried out in accordance with the provisions of Australian Standard AS 2601-1991 "The Demolition of Structures" and to the relevant requirements of the WorkCover Authority.
23. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

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- 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. the fire protection of penetrations through any fire rated elements prior to covering
 - f. steel reinforcing prior to pouring of concrete
24. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
- (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
 - (ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA prior to occupation of the building; and
 - (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (A) the method of protection; and
 - (B) the date of installation of the system; and
 - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (D) the need to maintain and inspect the system on a regular basis.
- Note: Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.
25. 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.
26. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.
27. 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.
28. This consent does not authorise the use of or carrying out of works over the existing easement (in relation to Lot 1 DP 825580) with access to Seaview Street.
29. The applicant shall provide details of the proposed treatment and design of the southern and northern elevations. In this regard, a full schedule of colours and materials shall be submitted. Such details are to be submitted for the reasonable approval by the Director of Development Services with the construction certificate.
30. Tenancies C, D & E are designated for use as refreshment rooms. The first use of these and the proposed retail tenancies will require the lodgement and approval of a development application.
31. Prior to the commencement of work the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-
- a. Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
 - b. AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
32. 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:

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

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

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

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

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

The specification is:

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

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- 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.

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.

Home Building Act Requirements

In the case of an application for a construction certificate for residential building work (within the mean of the *Home Building Act 1989*) attach the following:

- (a) in the case of work by a licensee under that Act:
- (i) a statement detailing the licensee's name and contractor licence number, and
 - (ii) documentary evidence that the licensee has complied with the applicable requirements of that Act*, or
- (b) in the case of work done by any other person:
- (i) a statement detailing the person's name and owner-builder permit number, or
 - (ii) a declaration signed by the owner of the land, to the effect 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.

* A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* to the effect that a person is the holder of an insurance contract issued for the purposes of that Part, is sufficient evidence that the person has complied with the requirements of that Part.

PRESCRIBED (BUILDING)

33. 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

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- (c) if that is not practicable, any other sewage management facility approved by the council.
34. 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.
35. 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.
36. 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.
37. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
38. 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.
- 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.

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39. The erection of a building in accordance with a development consent must not be commenced until:
 - a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
 - b. the person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority; and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.
40. 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)
41. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.
42. 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.
43. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

ENGINEERING (BUILDING)

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

FIRE (BUILDING)

45. An automatic fire detection and alarm system, designed to ensure the occupants are given adequate warning so they can evacuate the building in an emergency, must be installed in Class 2 and 3 buildings and Class 4 part of a building in accordance with the provisions of Specification E2.2a of the Building Code of Australia. Smoke alarms must be installed:

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

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

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

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

DISABLED (BUILDING)

- 46. 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.
- 47. 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.
- 48. 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.

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49. If access for the disabled is required under Part D3 of the Building Code of Australia, facilities for the use of the disabled shall be provided as specified in Part F2.4 of the Building Code of Australia and shall be constructed to the requirements of Australian Standard AS1428.1.
50. Tactile ground surface indicators for orientation of people with vision impairment are to be provided in accordance with Australian Standard AS1428.4-1992.
51. Disabled car parking spaces are to be provided at the rates provided for under Part D3.5 of the Building Code of Australia and constructed in accordance with Australian Standard AS2890.1.

SWIMMING POOLS (BUILDING)

52.
 - A. The swimming pool is to be installed and access thereto restricted in accordance with Council's "Code for the Installation of New Swimming Pools" and Australian Standard AS 1926-1986 (Copy of code enclosed).
 - B. Swimming pools shall have suitable means for the drainage and disposal of overflow water.
 - C. The pool filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
 - D. It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the adjoining premises. Due regard must be given to the affect that landscaping will have on the future effectiveness of the security fencing. (Section 7 Swimming Pool Act 1992).
 - E. The resuscitation poster must be permanently displayed in close proximity to the swimming pool. (Section 17 Swimming Pool Act 1992).
53. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.

FOOD PREMISES (BUILDING)

54. 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.
55. 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.
56. 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

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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.

57. All flooring materials in the food preparation and storage areas are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation. Where tiling is to be used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices.
58. Shop fitters are to liaise with the Principal Certifying Authority prior to fitting out of shop.
59. 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

60. 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.
61. A full width reinforced concrete footpath is to be constructed along the Marine Parade frontage of the development from the property line to the back of the existing kerb. Unless otherwise indicated on the approved drawings, it shall be constructed to the following standards: The concrete slab shall be 100mm thick N25 mPa with one layer of F72 reinforcing mesh (top cover 30mm). The footpath shall be graded towards the street with a crossfall not exceeding (2.5%). The floor of the prepared construction box shall be not less than 150mm below finished surface level and the sub-base pre-compacted for a minimum depth of 75mm to achieve 95% of maximum dry density determined in accordance with AS1289 5.4.1. Not less than 50mm of moist compacted sand shall be placed between the sub-base and the concrete slab. The slab shall be formed in panels not greater than 6.1m x 4m separated by full depth construction joints, such panels to be edged on all sides with a compressive joint filler strip (Jointex, or similar). The surface shall wood float finished with the construction joint edges steel trowelled. The pathway shall be joined smoothly to abut footpaths by gradually easing levels on both sides of the join line if necessary. All existing access points to public utilities shall be adjusted so that access cover plates are flush with the finished surface, and no raised edges shall protrude more than 8mm above finished surface levels within the pedestrian trafficked areas of the path.

A Traffic Safety Plan covering all aspects of the proposed work within the public road reserve shall be submitted to and approved by the Director of Engineering Services prior to commencing work on the footpath. A minimum of twenty four hours notice of intention to place concrete is to be given to the Director of Engineering Services to allow inspection of formwork, bedding and site safety provisions.

62. 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

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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

63. 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.

64. 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*.

65. 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

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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*.

66. 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.

67. 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. All these works and the connection to Councils drainage system 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.

SERVICES

68. Sewer main within site is to be accurately located and the Principal Certifying Authority advised of its location and depth prior to start of any building works.

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69. 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.
70. A detailed engineering design plan shall be submitted for the approval of the Director of Engineering Services in relation to the relocation and siting of the existing sewer main. In this regard, a suitable easement shall be created which gives Council 24 hours unrestricted access to the main. The engineering plan shall demonstrate method of access, fixing, construction and maintenance. Furthermore, the applicant shall provide satisfactory evidence to demonstrate that suitable arrangements are in place to indemnify Council from and that adequate insurances are in place in relation to any damages or compensation arising from any failure of the pipeline within the basement for the lifetime of the pipeline. Such details shall be submitted for approval of the Director of Engineering Services prior to the release of the construction certificate.
71. The car park and access is to have signposting installed in accordance with AS2890.1 Section 4 and is to be shown on a plan submitted to Council to the satisfaction of the Director of Engineering Services prior to works commencing.
72. A speed hump is to be provided on the access driveway 0.5m behind the property boundary and is to include appropriate signage.

ENVIRONMENT PROTECTION

73. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.
74. All 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 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.
75. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
76. 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.
77. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
- A. Short Term Period - 4 weeks.
- L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

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B. Long term period - the duration.

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

78. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
79. The burning of builders waste on site by open fire is prohibited.
80. A sediment and erosion control plan shall be submitted for the approval of the Director of Environment and Community Services prior to the commencement of works. All works shall comply with that approved plan.
81. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.
82. 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.

83. Owners of buildings served by plant involving the operation of "cooling towers", "evaporative condensers" or "tepid water systems" must submit to Council, half yearly, a report detailing the maintenance, cleansing and chemical treatment of such plant every three (3) months in accordance with Part 6 of the NSW Public Health Act.
84. Any proposed cooling tower installation must also include details on the proposed means of back flow prevention to the water supply prior to installation.
85. 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.
86. All site works shall comply with the Council approved contaminated lands remediation plan.
87. The development site shall be certified as suitable for the proposed development by a suitably qualified person, to the satisfaction of the Director of Environment and

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Community Services, prior to the commencement of building construction works on the site.

88. The pool operation hours and usage shall not be permitted to impact the amenity of adjacent premises.
89. Lighting utilised within the development shall not be permitted to impact the amenity of adjacent premises.
90. The proposed 'water features' shall not be permitted to impact the amenity of adjacent allotments.
91. Noise levels and discharges from air conditioning units shall not be permitted to impact the amenity of adjacent allotments.
92. Footpath dining is not to be carried out outside the property boundary without a footpath dining license agreement having been formalised with Council for use of the respective area.
93. A site management and public safety plan shall be submitted for the approval of the Director of Environment and Community Services prior to the commencement of works. The plan shall include details of hoarding and measures proposed to ensure pedestrian and traffic safety. All works shall comply with the approved plan.
94. Disturbance of the site or commencement of construction shall not be undertaken until such time as a contaminated lands remediation plan has been submitted to, and approved by the Director of Environment and Community Services in writing.

PLUMBING & DRAINAGE

95. 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.
96. 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.
97. 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.
98. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.

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99. The Council approved wet area flashing installer is to supply to the Principal Certifying Authority certification that all wet area flashings have been installed in accordance with the Manufacturer's Specifications, detailing the rooms or areas involved and the date of installation. Note: Only Council approved installers may carry out this work and reference must be made to Council to confirm that such installers are Council approved.
100. 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.
101. 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.
102. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.
103. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
 - * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.

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

104. 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

105. 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.
106. Pursuant to Section 68 of the Local Government Act, 1993 to ensure there is no unacceptable discharge to Councils sewerage system an approved pre-treatment device (eg. Oil/grease traps, separators, etc) shall be installed to details approved prior to the issuing of a Construction Certificate. The development will be required to meet discharge standards in accordance with Councils Trade Waste Policy.

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107. Pre-treatment devices must be serviced by a Council approved waste contractor. The applicant will be required to enter into a service agreement with this waste contractor. Pre-treatment device service frequency will be approved by Councils Manager Water.
108. A hose tap shall be provided adjacent to a grease arrester for cleaning purposes and shall be fitted with a RPZD for the purpose of back flow prevention.
109. Trade Waste application fee will be applicable as per Councils Fees and Charges.

Voting For

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

Voting Against

Cr James
Cr Luff

RETURN TO MEETING

Cr Brinsmead returned to the meeting.

REPORTS FROM SUB-COMMITTEES

1. **Minutes of the Community Cultural Development Committee Meeting held Thursday 31 May 2001**

Cultural Development – Advisory Committee

3. **Festivals Policy**

Cultural Development – Advisory Committee

1242

Cr Polglase

Cr Marshall

RESOLVED that Council's Cultural Advisory Committee calls a meeting of all the existing shire-wide festival organisers for a round table discussion to determine current needs and ways to initiate long-term and sustainable audience development.

Voting - Unanimous

1243

Cr Marshall

Cr Carroll

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

Voting - Unanimous

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2. Minutes of the Tweed River Management Plan Advisory Committee Meeting held Wednesday 6 June 2001

File Ref: River Management

7. Recreational Waterway Use (Minutes 29 November 2000 and 7 February 2001)

Boating

1244

Cr Marshall

Cr Luff

RESOLVED that Council refers all future development applications for structures encroaching into Tweed Shire waterways (excluding canals) to TRMPAC for comment.

Voting - Unanimous

1245

Cr Marshall

Cr Luff

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

Voting - Unanimous

3. Minutes of the Local Traffic Committee Meeting held Friday 15 June 2001

Traffic Committee

3. Riverside Drive, Tumbulgum

R4740 DW600039

1246

Cr Marshall

Cr Luff

RESOLVED that:-

1. A disabled car space be provided in front of the Tumbulgum Hotel.
2. The River Management Coordinator be requested to investigate funding for upgrade of the river bank park at Tumbulgum.

Voting - Unanimous

7. Kennedy Drive, Tweed Heads (Boat Ramp Access)

Boat Ramps; R2830 Pt4

1247

Cr Lawrie

Cr Polglase

RESOLVED that:-

1. "No Parking – Vehicles with Trailers Excepted" signs be erected at the Kennedy Drive boat ramp in the parking spaces designated for cars with trailers.
2. The one hour car parking sign on Kennedy Drive be amended to a 2 hour car parking sign

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Voting For

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

Voting Against

Cr Carroll
Cr Davidson
Cr Marshall

5. Terranora Road, Terranora

R5431 Pt4; R5441 DW607927

1248

Cr Lawrie

Cr Polglase

RESOLVED that Council recommends to the RTA that the speed limit along Terranora Road between McAuleys Road and Dobby's Crescent be increased from 60kph to 70kph.

Voting For

Cr Beck
Cr Brinsmead
Cr Lawrie
Cr Polglase
Cr Youngblutt

Voting Against

Cr Carroll
Cr Davidson
Cr James
Cr Luff
Cr Marshall

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

9. Murwillumbah Street, Murwillumbah

R3640 Pt3

1249

Cr Marshall

Cr Lawrie

RESOLVED that the disabled carpark space in front of the Main Street Medical Centre be relocated to the first space outside the Queensland Medical Laboratory.

Voting - Unanimous

2. Kennedy Drive, Tweed Heads West

R2830 DW607632 Pt4

1250

Cr Marshall

Cr Luff

RESOLVED that the bus zone on Kennedy Drive, Tweed West (just west of the Caltex Service Station) be removed.

Voting - Unanimous

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6. Turnock Street, Kingscliff

R5605

1251

Cr Marshall

Cr Luff

RESOLVED that the pedestrian crossing in Turnock Street near the roundabout at the intersection of Pearl and Turnock Streets be relocated when funds become available.

Voting - Unanimous

7. Enid Street, Tweed Heads

R1910

1252

Cr Marshall

Cr Luff

RESOLVED that "Bus Prohibited Signs" be erected on Enid Street between the hours of (6pm and 6am).

Voting - Unanimous

10. Disabled Carpark - King Street, Murwillumbah

R2880

1253

Cr Marshall

Cr Luff

RESOLVED that a disabled car space be provided in King Street, Murwillumbah near the Doctor's surgery.

Voting - Unanimous

1254

Cr Marshall

Cr Luff

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

Voting - Unanimous

4. Minutes of the Sports Advisory Committee Meeting held Tuesday 19 June 2001

Sports Advisory Committee

1. North Coast Academy of Sport (NCAS)

1255

Cr Polglase

Cr Youngblutt

RESOLVED that Council considers increasing financial support to the North Coast Academy of Sport at the next quarterly budget review from \$1,500 to \$6,402 based on the formula of 10 cents per capita.

Minutes - Meeting of Tweed Shire Council

Voting - Unanimous

1256

Cr Polglase

Cr Youngblutt

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

Voting - Unanimous

ITEMS OF INFORMATION AND INTEREST

1. Highway Immunity Rule

Insurance – Public Liability; Roads - General

This item was received and noted.

ORDERS OF THE DAY

1. Wardrop Valley Land

Notice of Motion; PF5810/305

1257

Cr Beck

Cr Carroll

RESOLVED that a report be brought forward identifying all options considered to this point for the use of Wardrop Valley land.

Voting - Unanimous

2. Banora Point Community Centre

Notice of Motion; DA 1393/320 Pt1

This item was deal with at Minute No 1237.

3. Kennedy Drive - Road Capacity Policy

Notice of Motion; R2830 Pt4

1258

Cr Brinsmead

Cr Polglase

RESOLVED that:-

1. Council considers amending its policy on road capacity in respect to Kennedy Drive to increase the capacity by 10%.
2. A report be brought forward to the first meeting in August to enable Council to make a decision.

Minutes - Meeting of Tweed Shire Council

Voting For

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

Voting Against

Cr Carroll
Cr James
Cr Luff

WORKSHOPS PREVIEW

1. Major Projects Report

Workshop to be held 11 July 2001 from 7.30pm to 8.00pm.

2. Public Toilets & Facilities Within the Shire

Workshop to be held 25 July 2001 from 4.30pm to 5.30pm.

3. Agenda 21

Workshop to be held 25 July 2001 from 5.30pm to 6.30pm.

QUESTION TIME

Director Development Services - Leave

Executive Staff

Cr Marshall

Enquired if the Director Development Services had extended his Long Service Leave, if so what date is he expected to return to work.

The General Manager replied that the Director Development Services has extended his leave and will be returning to work on Monday 3 September 2001. Councillors were informed of this approximately 2-3 weeks ago.

COMMITTEE OF THE WHOLE

1259

Cr Luff

Cr Youngblutt

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:-

Minutes - Meeting of Tweed Shire Council

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES IN COMMITTEE

1. **Tweed Local Environmental Plan 2000, Amendment No 3 (Seaside City)**

GT1/LEP/2000/3 Pt4

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

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

C274

That:-

1. The request for the variation to the fee payment schedule be determined by Council.
2. Permission be given to the Consultant Team to approach Richtech Pty Ltd and Consolidated Properties to obtain material relevant to their brief on the following basis:
 - Document to Council each time they intend to approach Richtech Pty Ltd and Consolidated Properties Group; and the reasons for the approach;
 - Document to Council the outcome of the approach;
 - Appropriately reference the use of any of the material obtained from Richtech Pty Ltd or Consolidated Properties Group in the Environmental Study;
 - Ensure that Council has a copy of the referenced material.

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.33pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.30pm.

Voting For

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

Voting Against

Cr Carroll
Cr Davidson
Cr James
Cr Luff

C275

That Council informs the McInness Group it declines the request for a variation in the contract.

Voting – Unanimous

Minutes - Meeting of Tweed Shire Council

C276

That Council responds to Mr Papps in the following terms: “*Council receives and notes your letter in reference to the Seaside City LES but since Council has already entered into a binding contract with the McInness Group to do the LES, Council resolved to let the process continue. Council passed the following resolution in relation to Seaside City (Refer Minute Nos C274 and C275).*”

Voting For

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

Voting Against

Cr Carroll
Cr James
Cr Luff

2. Draft Tweed Local Environmental Plan 2000, Amendment No 2 (Cobaki Lakes) - Assessment of Tenders

GT1/LEP/2000/2 Pt1

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

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

C277

That Council engages Jim Glazebrook & Associates Pty Ltd to prepare Draft Tweed Local Environmental Plan 2000, Amendment No 2 (Cobaki Lakes) and associated Local Environmental Study, in accordance with Council’s Project Brief and their consultancy tender dated 1 June, 2001.

Voting - Unanimous

REPORTS FROM DIRECTOR CORPORATE SERVICES IN COMMITTEE

3. Tweed River Art Gallery Foundation Limited

Art Gallery-General

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

C278

That the matter be deferred to the next meeting of Council.

Minutes - Meeting of Tweed Shire Council

Voting For

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

Voting Against

Cr Luff

REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

4. EC2001-51 Supply of Ready Mixed Concrete

Contracts/Quotations – Annual Supply

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

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

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

C279

That the Contract for the Supply of Ready Mixed Concrete until the 30 June 2001 be awarded as follows:-

1. Areas 1 and 2 be awarded to Hymix Concrete.
2. Areas 3, 4 and 5 be awarded to CSR/Readymix.

Voting - Unanimous

5. Tender EC2001-44 - Sprayed Bituminous Surfacing

Contracts/Quotations – Annual Supply

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

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

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

C280

That:-

- a) Pioneer Road Services be awarded the contract for Sprayed Bituminous Surfacing (EC2001-44 - between 1 July 2001 and 30 June 2004).
- b) The alternative Rise and Fall Clause based on the General Market Price of bitumen of \$510 for items 4.1 to 4.5 only be accepted.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

6. EQ2001-46 - Supply of Selected Materials

Contracts/Quotations – Annual Supply

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

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

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

C281

That:-

1. The Wattyl Killrust paint item be withdrawn and re-tendered to enable alternate types of metal paint types to be sourced.
2. The work shirt item be withdrawn and re-tendered following clarification of employee preference for the Hi Vis UV clothing and revision of the specification of various items.
3. Rubber work boots be withdrawn and re-tendered to enable standard approved steel toe safety rubber knee boots to be sourced.
4. Work Boots Leather item be withdrawn until such time as a full assessment of the tenderers can be conducted.
5. Contractors listed in the body of the report be awarded supply contracts for the nominated items until the 30 June 2002.

Voting - Unanimous

1260

Cr Brinsmead

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 7.57pm.

☞

Minutes - Meeting of Tweed Shire Council

Minutes of Meeting Confirmed by Council

at Meeting held

**I hereby certify that I have authorised the affixing of my
electronic signature to the previous pages numbered 1 to 95 of these Minutes**

Chairman