

Minutes - Meeting of Tweed Shire Council

IN ATTENDANCE

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

Also present were 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).

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

*The desert and the parched land will be glad;
the wilderness will rejoice and blossom.
Like the crocus, it will burst into bloom;
it will rejoice greatly and shout for joy.
The glory of Lebanon will be given to it,
the splendour of Carmel and Sharon;
they will see the glory of the LORD,
The splendour of our God.* (Isiah 35:1-2)

Almighty God, the Lord of Creation, the Giver and Sustainer of Life, all the earth shall see Your glory.

Lord, You have given us the responsibility to manage the affairs of our Shire; You have called us, even as we have been elected to this task. Father, lead and guide us and give us wisdom, humility and grace as we consider the matters before us. Strengthen and renew us that we may make our decisions with a clear mind and an open heart. Help us to be men and women of integrity. Save us from tainted motives and vested self-interests.

Eternal God, may our decisions bring a new prosperity to our Shire. May our lives be enriched by the unity, security and peace that we bring by our words, our lives and our example.

To this end, O God, grant us Your Holy Spirit and let Your peace fill this chamber; for we ask it in the Name of Jesus our Lord. ...Amen.

PROCEDURAL MATTER

Cr Lawrie

Referred to Minute No C225 of the Confidential Meeting held 16 May 2001 where Cr Luff was requested to withdraw her statements that "the Mayor is a disgrace" or be removed from the Chamber.

Cr Luff was requested to withdraw such statements.

Cr Luff subsequently withdrew such statements.

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CONFIRMATION OF MINUTES

1074

Cr Marshall

Cr Lawrie

RESOLVED that the Minutes of the Ordinary Meeting held 16 May 2001 and Extraordinary Meeting of 25 May 2001 be confirmed as an accurate record of the proceedings of those Meetings.

Voting - Unanimous

ABSENT

Nil.

DISCLOSURE OF INTEREST

Cr Youngblutt

Declared an interest in Item No 13. The nature of the interest is that Cr Youngblutt is the applicant.

ITEMS TO BE MOVED TO OR FROM CONFIDENTIAL

1075

Cr Beck

Cr Luff

RESOLVED that Item 39 of the ordinary agenda be moved into Confidential.

Voting – Unanimous

Cr James

Cr Boyd

PROPOSED that Item Deferred of Confidential be brought into open Council.

1076

Cr Boyd

Cr Luff

RESOLVED that an extension of 1 minute be granted to Cr James.

Voting - Unanimous

The Motion was **Lost**

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Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

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

SCHEDULE OF OUTSTANDING RESOLUTIONS

1077

Cr Marshall

Cr Boyd

RESOLVED that this report be received and noted.

Voting - Unanimous

MAYORAL MINUTE

1. Julio Muino 30/10/1954 to 23/5/2001

Condolences

This item was received and noted.

Adoption of Mayoral Minute

1078

Cr Beck

RESOLVED that the Mayoral Minute as presented be adopted.

Voting – Unanimous

SUSPENSION OF STANDING ORDERS

Cr Luff

Cr James

PROPOSED that standing orders be suspended to deal with Item 2 & 3 Orders of the Day of the Agenda.

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

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

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REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

1. **Development Application K99/49 – Proposed Bridge and Approaches Over Mooball Creek at Black Rocks Estate**

GB3/23 Pt3

1079

Cr Polglase

Cr Luff

RESOLVED that:-

- A. The State Environmental Planning Policy No. 1 objection to the development standard contained in Clause 24 of Tweed Local Environmental Plan 2000 be upheld and the concurrence of the Director-General of Department of Urban Affairs and Planning be assumed.
- B. Development Application K99/49 for the construction of a bridge and approaches over Mooball Creek and within Crown land, and within Lot 1 DP 824499 and Lot 65 DP 855462 Coast Road, Pottsville be approved subject to the following conditions:-

GENERAL

1. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, and submitted for approval by Council, prior to issue of the Construction Certificate. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.
2. **Prior** to the commencement of work the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-
 - a. Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
 - b. AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
3. The development shall be completed in general accordance with the Statement of Environmental Effects prepared by Woodward Clyde and Plan Nos A1-116b/01 to 16 (Issue A) prepared by Tweed Shire Council and submitted on 7 August 2000, except where varied by these conditions.
4. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
5. No soil, sand, gravel, clay or other material shall be disposed of off the site.

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6. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (Manual for Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

ENVIRONMENT PROTECTION

7. 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.
8. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
9. 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.
10. 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.
11. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.
12. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays.
13. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
 - A. Short Term Period - 4 weeks.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
 - B. Long term period - the duration.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.
14. Compliance with the requirements of the Department of Land and Water Conservation contained in the Department's letter dated 12 January, 1999.

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15. Compliance with the "Permit to Cut, Remove, Damage or Destroy Marine Vegetation" issued by NSW Fisheries on 18 December 2000 (Note: The Permit expires on 18 October 2001).
16. Compliance with the "Authority Under Sections 198 to 203 of the Fisheries Management Act to Dredge or Reclaim" issued on the 18th December 2000 (Note: the Authority expires on 18 December 2001).
17. Compliance with the Mangrove and Seagrass Management Plan (Peter Parker, June 2000) to the satisfaction of the Director of Development Services.
18. The development shall be carried out in general accordance with the Black Rocks Bridge Erosion and Sedimentation Control Plan (TSC) and the Environmental Management Plan prepared by Tweed Shire Council and dated May 2001 Version 2.
19. Compensatory plantings of Salt Marsh shall be carried out to the satisfaction of the Director of Development Services.
20. Appropriate signage shall be erected and maintained on the bridge approaches prohibiting the dumping of rubbish and requiring dogs to be restrained.
21. Scour protection shall be provided around the piers and on the creek banks to minimise erosion risks.
22. If any archaeological sites or relics or potential archaeological sites are identified during construction. All work shall cease and the National Parks and Wildlife Service shall be notified.
23. The mid high closed forest (banksia integrifolia) community is to remain undisturbed where possible. Any species removed shall be replaced within the community.

Voting - Unanimous

2. **Development Application 0257/2001DA for the Erection of an Attached Dual Occupancy at Lot 165 DP 1011335 Botanical Circuit, Banora Point (Flame Tree Park Estate)**

DA0659/235 Pt1

Cr Polglase

Cr Davidson

PROPOSED that Council supports the application in principle and requests the Director Development Services to bring back conditions of approval for Council's consideration.

AMENDMENT

1080

Cr Boyd

Cr Luff

RESOLVED that this matter be deferred to allow the applicant to have discussions with Council Officers with a view to achieving a better design.

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The Amendment was **Carried**

Voting For

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

Voting Against

Cr Beck
Cr Brinsmead
Cr Davidson
Cr Polglase
Cr Youngblutt

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

Voting For

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

Voting Against

Cr Beck
Cr Brinsmead
Cr Youngblutt

3. **The Extension of the Existing Sealed Driveway which accesses the Kingscliff Library and Meals on Wheels Facility, by approximately 92m to connect to Cudgen Road at Lot 101 DP 870843 Cudgen Road, Kingscliff**

DA1460/565 Pt3 0320/2001DA

1081

Cr Polglase

Cr Luff

RESOLVED that Development Application No. 0320/2001DA for the extension of the existing sealed driveway which accesses the existing Kingscliff Library and meals on wheels facility, by approximately 92m to connect to Cudgen Road, at Lot 101 DP 870843 Cudgen Road, Kingscliff be approved subject to the following conditions:-

GENERAL

1. The development shall be completed in general accordance with Plan Nos A1-1400/01; A1-1400/02; A1-1400/03; A1-1400/04 (as amended); A1-1400/05 prepared by Tweed Shire Council Planning and Design Unit and dated 6 December 2000, except where varied by these conditions.
2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
3. No soil, sand, gravel, clay or other like material shall be disposed of off the site.

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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. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (Manual for Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
6. Other than for pedestrian and cycle access, the driveway is to be utilised by service and delivery vehicles only. Staff vehicles are not permitted to utilise this access.
7. Details of proposed management measures for the security devices (ie. chain and bollard measure) are to be submitted for the approval of the Director, Development Services prior to construction. Details are to include the control of the distribution of keys etc.
8. The proposed sign adjacent to the loading bay is to be amended to reflect access for service vehicles only, references to staff are to be deleted.
9. A give way sign is to be provided at the intersection of the access driveway and Cudgen Road to the satisfaction of Council's Director, Engineering Services.
10. A speed hump is to be provided to the satisfaction of Council's Director, Engineering Services.

ENVIRONMENT PROTECTION

11. 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.
12. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
13. 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.
14. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.
15. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays.
16. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section

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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.

Voting For

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

Voting Against

Cr Beck

4. Section 94 Contribution Plans – State Environmental Planning Policy (SEPP) No 5 Developments

GT1/S94/MC Pt4

1082

Cr Luff

Cr Boyd

RESOLVED that Council:

1. Notes the repeal of the Section 94A Direction in relation to levying for State Environmental Planning Policy No. 5 developments; and
2. Notes that Council’s Contribution Plans will be reviewed and any exemptions that may apply to State Environmental Planning Policy No. 5 developments included in the plans.

Voting - Unanimous

5. Proposed Community Health Building at Lot 101 DP 870843 Cudgen Road, Kingscliff

DA1460/565 Pt3

1083

Cr Boyd

Cr Marshall

RESOLVED that Development Application 0774/2000DA for the establishment of a community health building at Lot 101 DP 870843 Cudgen Road, Kingscliff be approved subject to the following conditions:-

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PREREQUISITES

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

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. West Kingscliff - Drainage: \$1216.17

DCP No. 9 S94 Plan No. 7

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

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

Water: \$7180.00

Sewer: \$5940.00

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

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

GENERAL

3. The development shall be completed in general accordance with Drawing No 6056 A01, A02, A2, A4, A12 prepared by Thomson Adsett Architects and dated 22/6/2000 and 23/6/2000, except where varied by these conditions.
4. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
5. No soil, sand, gravel, clay or other material shall be disposed of off the site, other than to an approved waste disposal facility in consultation with the Director Development Services.

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6. 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 in consultation with the Director of Engineering Services.
7. The provision of 20 off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls and the geotechnical report prepared by Soil Surveys Engineering Pty Ltd dated July 2000.
8. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (Manual for Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
9. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.
10. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".
11. Certified engineering designs are to be submitted for the retaining walls associated with the car park construction prior to commence of works. The design is to have regard to the geotechnical report prepared by Soil Surveys Engineering PTY Limited.
12. The 20 new car parking spaces are to be constructed prior to commencement of works on the building.
13. No needle vending facilities are to be installed within the premises or on the site.
14. The retaining walls required to be constructed as part of the new car parking area are to be densely landscaped to minimise the visual impact of these structures. Details are to be submitted to Council for approval prior to commencement of works.

PRESCRIBED (BUILDING)

15. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
 - (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council, or
 - (c) if that is not practicable, any other sewage management facility approved by the council.
16. A sign must be erected on the site in a prominent, visible position stating:
 - a. that unauthorised entry to the work site is prohibited; and

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- b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
17. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
18. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia.

ENGINEERING (BUILDING)

19. The footings are to be designed by a practising Structural Engineer after consideration of a soil report from an accredited soil testing laboratory.
20. 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.

ENVIRONMENT PROTECTION

21. Where works extend beyond 1 metre below the natural ground or the works are likely to cause the watertable to be lowered beyond 1 metre below the natural ground surface a preliminary soil assessment shall be conducted in accordance with the ASSMAC Manual 1998 and the details submitted to Council for consideration prior to the commencement of works.
22. If the preliminary soil assessment indicates the presence of acid sulphate soils an acid sulphate soils management plan shall be prepared and submitted to Council for approval prior to the commencement of works. All subsequent works shall comply with the approved management plan.
23. Fill materials which are imported to the site shall come from a source that has been tested to indicate that it is free from acid sulphate soil or other contaminants.
24. The recommendations made in Section 5 of the Flora, Fauna and Fire Hazard Assessment Report (28 May 1999) prepared for the library development by Woodward-Clyde Pty Ltd shall be implemented as part of the development.
25. Stormwater disposal and sedimentation and erosion control details shall be provided to Council prior to the commencement of works and shall specifically demonstrate and address measures required to mitigate adverse impacts to the habitat of the wollum froglet during construction, and are to be to the satisfaction of the Director Engineering Services.
26. A plan of bushfire control and landscaping/replanting utilising species endemic to the site (Flora, Fauna and Fire Hazard Assessment Report (28 May 1999)) shall be submitted for the approval of the Director Environment and Community Services prior to the commencement of works.

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27. Car park lighting shall not be permitted to spill onto any adjoining residential property or adversely impact the amenity of any adjoining premises.
28. A plan detailing site safety and pedestrian/traffic controls during the construction phase shall be submitted to Council for approval prior to the commencement of works. This plan shall specifically address control of building activities to facilitate safe access and usage of the existing facilities of the site.
29. 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.
30. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
31. 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.
32. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
33. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.
34. 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.
35. 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.
36. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
37. The burning of builders waste on site by open fire is prohibited.
38. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

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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”.

39. 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.
40. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.

PLUMBING AND DRAINAGE

41. 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.
42. 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.
43. 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.

Voting For

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

Voting Against

Cr Beck
Cr James

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6. Draft Development Control Plan No 18 - Tweed Heads

GT1/DCP/18 Pt6

1084

Cr Brinsmead

Cr Youngblutt

RESOLVED that:

1. Council delays finalising the DCP until:
 - a) The Queensland University of Technology/TEDCO make their submissions
 - b) There is a further review of the plan relative to lot sizes for buildings above 3 storeys.
2. This matter be brought back to Council for finalisation within 6 weeks.

AMENDMENT

Cr Boyd

Cr Luff

PROPOSED that Council:

1. Pursuant to Section 21 of the Environmental Planning and Assessment Regulation 2000, approves the amended version of Draft Development Control Plan No 18 – Tweed Heads with the exclusion of the lot bounded by Bay Street, Wharf Street and Stuart Street.
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. Gives public notice of its decision.

The Amendment was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Luff

Voting Against

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

The Motion was **Carried**

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Voting For

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

Voting Against

Cr Boyd
Cr James
Cr Luff

SUSPENSION OF STANDING ORDERS

1085

Cr Lawrie

Cr Polglase

RESOLVED that standing orders be suspended to deal with Item 12 of the Agenda.

Voting For

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

Voting Against

Cr Boyd
Cr Luff

12. The Erection of a Multi-Dwelling Housing Development Comprising 46 Dwellings (Precinct 7) at Lot 3, DP 883645, Kirkwood Road, Tweed Heads South

DA1993/10 Pt5

1086

Cr James

Cr Luff

RESOLVED that Development Consent 0005/2001DA for the erection of a multi-dwelling housing development comprising 46 dwellings (within Precinct 7) at Lot 3, DP 883645, Kirkwood Road, Tweed Heads South, be amended in the following manner:

1. Amend Condition No. 4 so that it reads:

4. Prior to the issue of the Construction Certificate for the erection of any buildings, Stage 3B of the Subdivision Consent S98/31 (as amended on 9/4/2001) be completed, and the Subdivision Certificate for this Stage be released by Council.

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2. Add the following two Conditions as Prerequisites

- # A certificate to be submitted to Council by a Registered Surveyor certifying that Precinct 7 has been filled to a minimum of 2.65 metres AHD prior to the issue of the Construction Certificate for any building.
 - # A Geotechnical Report to be submitted to Council from a Registered Geotechnical Engineer certifying that the filling operations comply with Australian Standard AS3798-1996.
3. It is further recommended that the Section 96 Application Fee of \$350.00 not be refunded.

AMENDMENT

Cr Lawrie

Cr Youngblutt

PROPOSED that

1. Condition 48(a) & (b) of Development Consent 5/2001 is to be complied with and construction of the erosion and sediment controls during construction phase are to be completed prior to the release of the construction certificate for the erection of any buildings.
2. Pursuant to clause 15(2)(b) of LEP 2000, Council not releases the Linen Plan of Subdivision until:-
 - (i) compliance with clause 15(2)(a) thereof;
 - (ii) the subject land has been:-
 - (a) filled to a height of 2.65m AHD certified by a registered surveyor;
 - (b) compacted in accordance with a certified geotech report AS3798-1996.
3. The applicant gives a written undertaking as to the non-occupation of any dwelling prior to the release of the Linen Plan.
4. The applicant lodges a performance bond by way of Bank Guarantee in the sum of \$500,000.00 for the supply of services to Precinct 7.

1087

Cr Marshall

Cr Polglase

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

Voting – Unanimous

The Amendment was **Lost**

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Voting For

Cr Beck
Cr Brinsmead
Cr Lawrie
Cr Polglase
Cr Youngblutt

Voting Against

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

The Motion was **Carried**

Voting For

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

Voting Against

Cr Beck
Cr Brinsmead
Cr Youngblutt

RESUMPTION OF STANDING ORDERS

1088

Cr Marshall

Cr Davidson

RESOLVED that Standing Orders be resumed.

Voting - Unanimous

7. **Proposed Highway Service Centre at Lot 2 DP 1010771, Pacific Highway, Chinderah**

DA4260/310 Pt2

1089

Cr Marshall

Cr Boyd

RESOLVED that Development Application 1375/2000DA submitted by BP Australia Pty Ltd for a Highway Service Centre at Lot 1 DP 1010771, Pacific Highway & Philip Street, Chinderah be approved subject to the following conditions:-

PRE-REQUISITES – CONDITIONS THAT MUST BE COMPLIED WITH 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. The Plan is to incorporate appropriate planting and fencing adjacent to the eastern boundary with the objective of minimising noise impacts. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.

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

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: \$23,465.30

S94 Plan No. 4 (Version 4.0)

(Kingscliff – commercial)

Heavy Haulage Component

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

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

where:

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

and:

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Prod.	projected demand for extractive material to be hauled to the site over life of project in tonnes
Dist.	average haulage distance of product on Shire roads (trip one way)
\$Unit	the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)
Admin.	Administration component - 5% - see Section 6.5

b. Extensions to Council Administration Offices

& Technical Support Facilities \$69.00

S94 Plan No. 18

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:

Water:	11 ET @ \$3590	\$39,490.00
Sewer:	11 ET @ \$2970	\$32,670.00

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

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

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

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

(i) **Building Work**

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

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

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

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

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

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

The specification is:

- to describe the construction and materials of which the building is to be built and the method of drainage, sewerage and water supply
 - state whether the materials proposed to be used are new or second hand and give particulars of any second hand materials used
- c) where the application involves an alternative solution to meet the performance requirements of the BCA, the application must also be accompanied by:
 - details of the performance requirements that the alternative solution is intended to meet, and
 - details of the assessment methods used to establish compliance with those performance requirements
 - d) evidence of any accredited component, process or design sought to be relied upon
 - e) except in the case of an application for, or in respect of, a class 1a or class 10 building:

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

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

7. All stormwater from upstream catchments shall be conveyed through the site by an approved drainage system to a legal point of discharge. A detailed design plan of conveyance of Q100 flow from upstream catchments through the site (and necessary easements to convey the Plan) shall be submitted to and approved by the Director of Engineering Services prior to submission of the construction certificate application. The construction certificate application shall incorporate the approved Q100 drainage system.
8. A detailed plan of parking shall be submitted prior to the release of the construction certificate. Such plan shall incorporate the following:-
 - a. car spaces 14 to 28 and 78 to 74 are to have raised wheel stops in each space to prevent vehicles overhanging pedestrian pathways.
 - b. Car spaces 50 to 61 need wheel stops or moving the island kerb back 600mm to control vehicle overhang.
9. Submission of plans in triplicate, showing the proposed internal floor plans for the proposed kitchen and food preparation areas. Such plans shall accompany the construction certificate application.
10. The applicant shall demonstrate provision of 'playground' and 'limited emergency repair' facilities via the submission of satisfactory evidence for the approval of the Director of Development Services. Such evidence shall accompany the construction certificate application.

GENERAL

11. The development shall be completed in general accordance with Plan Nos R73572 AN002, R73572 AP002, R73572 AP003, R73572 AP004 & R73572 AP005 prepared by BPOIL and dated 5/4/01, 23/2/01, 19/2/01 & 19/12/00, except where varied by these conditions.
12. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.

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13. All material to be removed off the site to be deposited in a location approved by Council. The Acid Sulphate Soil Management Plan shall be revised to include contingencies for the treatment of any potential or actual acid sulphate soil prior to the material being removed from the site. Prior to and during the removal of material from the site a 10m long "shake down" area is to be provided immediately before the public road and constructed of 50mm diameter crushed rock. Regular maintenance of the "shake down" area is required to ensure no material is deposited on the public roadway.
14. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
15. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:
 1. Easements for sewer, water supply and drainage over **ALL** services on private property.
 2. Stormwater drainage easements sufficient to convey passage of runoff from upstream catchments through the site.

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

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

16. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (Manual for Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
17. 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.
18. The provision of 74 off street car parking spaces, 12 truck spaces, 4 caravan spaces, 2 coach spaces and 1 service dock. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.

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19. Advertising structures/signs to be the subject of a separate development application, where statutorily required.
20. All traffic control devices, where proposed, shall be accurately notated on a plan, which shall be lodged with the Roads and Traffic Authority for official approval and recording.
21. 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.
22. Garbage storage areas shall be provided in accordance with Council's "**Code for Storage and Disposal of Garbage and Other Solid Waste**".
23. 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.
24. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. footings, prior to pouring of concrete
 - b. slab, prior to pouring of concrete
 - c. frame prior to the erection of brick work or any wall sheeting
 - d. final inspection prior to occupation of the building
 - e. completion of work
25. 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.

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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.

26. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
- i. All required erosion and sedimentation control devices have been installed and are operational.
 - ii. Required toilet facilities have been provided on the site.
 - iii. A sign has been erected on the site identifying:
 - Lot number
 - Builder
 - Phone number of builder or person responsible for site.
 - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
 - v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.
27. 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.
28. All loading/unloading to take place within the boundary of the subject property.
29. 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.
30. Pursuant to Section 80(1)(b) of the Environmental Planning and Assessment Act, 1979 (As amended) and Clause 68 of the Environmental Planning and Assessment Regulations, 1994 development consent No. 98/66 dated 22/7/1998 shall be surrendered by lodgement of the prescribed form (Form 3), suitably executed, **PRIOR** to the issue of a Construction Certificate/Subdivision Certificate.

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31. All signage, with the exception of traffic signage and signs not requiring consent, are to be subject to a future development application.
32. A physical barrier is to be provided along the Pacific Highway frontage of the rest area and along the exit road adjacent to the rest area. A barrier is also to be provided between the drive through and the terrace/play area of the food outlet. Details of the barriers are to be submitted with the Construction Certificate.
33. A representative of the Local Aboriginal Land Council shall be present at the site during initial land preparation works. If any items of cultural significance are discovered, the applicant shall immediately notify the National Parks and Wildlife Service.
34. **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.

PRESCRIBED (BUILDING)

35. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
 - (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council, or
 - (c) if that is not practicable, any other sewage management facility approved by the council.
36. 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.
37. 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.
38. 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).

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39. A person must not commence occupation or use of the whole or any part of a new building (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units)
40. Prior to occupation of the building a Occupation Certificate is to be obtained. If Council is requested to issue the Occupation Certificate, the application must be accompanied by relevant Compliance Certificates or documentary evidence of compliance.
41. 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.

ENGINEERING (BUILDING)

42. Prior to the commencement of building work, a certificate signed by a registered professional engineer is to be submitted to the Principal Certifying Authority to certify that adequate consolidation of foundation material has been achieved to support the proposed structure.

FIRE (BUILDING)

43. All fire service connections are to be compatible with those of the NSW Fire Brigade.
44. Portable fire extinguishers containing an extinguishing agent suitable for the risk being protected must be installed in accordance with Australian Standard AS 2444 "Portable Fire Extinguishers - Selection and Location" and Part E1.6 of the Building Code of Australia.

DISABLED (BUILDING)

45. 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.

FOOD PREMISES

46. 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.
47. 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.

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48. Shop fitters are to liaise with the Principal Certifying Authority prior to fitting out of shop.

ROADS/STREETS

49. Development approval only is granted for a driveway from the development to connect with the adjacent public road.

You will be advised separately of the determination of your application to Council for consent under Section 138 of the Roads Act 1993 to construct or modify a driveway on the public road adjacent to your property

You must receive this separate written consent from Council under Section 138 of the Roads Act 1993 prior to the issue of a construction certificate which includes any works on the adjacent public road and prior to any works taking place on the adjacent public road.

50. The driveway in Ozone Street is to be constructed 6 metres wide at the property boundary and 9 metres wide at the kerb line with a uniform taper if a splay is specified.
51. The following roadworks, drainage and associated works shall be carried out to the satisfaction of the Director Development Services in accordance with engineering plans to be submitted to and approved by the Director Development Services prior to work commencing.
- i. Construct along the full length of Ozone Street frontage, barrier type kerb and gutter on an approved alignment and pavement to the edge of the existing bitumen pavement.
 - ii. Ozone Street shall be designed and constructed in accordance with Development Control Plan No 16 - Subdivisions Manual and to the satisfaction of the Director, Development Services.
52. In accordance with Clause 10.2 of Development Control Plan No 16 a 1.2m wide footpath constructed of concrete shall be provided for the full length of Ozone Street frontage in accordance with details to be included on the engineering plans.
53. Detailed design plans for the exit directed to Chinderah Road are to be submitted and approved by Council's Engineering Services Division and where required by the Roads and Traffic Authority prior to work commencing.
54. The owner is to erect "No Stopping" signs adjacent to the Chinderah Road off ramp shoulder for the full frontage of the site to the satisfaction of the Roads and Traffic Authority.
55. The development is not to be signposted in any form directing northbound Highway traffic to the site via Moreton and Ozone Street.
56. All disused invert crossings are to be removed and replaced with kerb and gutter and all disused driveway across the footpath are to be removed and replaced with topsoil and turf to the satisfaction of the Director, Engineering Services.

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57. Certification by a qualified Engineer that the works have been performed under his/her supervision in accordance with the approved engineering plans and specifications.
58. (a) A no left turn sign is to be provide at the truck aisle at the Ozone Street Access/Egress to prevent heavy vehicles entering Ozone Street.
- (b) Painted Giveaway lines and Giveaway signs are to be provided at all car park exits, the drive thru exit and the intersection of the traffic isles.
- (c) An edge line/delineation line is to be provided across the entry to the truck parking area. A centre line is also required on the traffic isle from Ozone Street to the intersection with the main isle. All linemarking to be provided in accordance with RTA NSW specifications. Replace the giveaway ahead sign on the truck isle with 'pedestrians ahead' W5-1B and W6-22B.
59. A detailed plan is to be submitted for approval of the Director of Engineering Services showing all traffic control devices and signposting prior to work commencing. This plan shall be consistent with signposting and control devices identified in the development application documentation.

DRAINAGE/FLOODING

60. 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.
61. 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*.
62. Building materials used below Council's minimum floor level of RL 3.6M AHD must not be susceptible to water damage.

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63. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2-1998. **Note** All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the PCA prior to commencement of building works.
64. Permanent Stormwater Quality Treatment
- (a) Permanent stormwater quality treatment shall comply with “*Tweed Urban Stormwater Quality Management Plan*” (adopted by Council 19 April 2000) section 5.5.3 “Stormwater Objectives During the Post Construction or Occupational Phase of Development” . New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the “deemed to comply” provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.
- (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.
- (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
65. 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.

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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.

TRADEWASTE

66. 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.
67. 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.
68. 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.
69. 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.
70. Three copies of detailed hydraulic plans shall be submitted with all trade waste applications showing size, type and location of pre-treatment devices. Including all plumbing and drainage installations to these devices which shall comply with AS3500.
71. A trade waste agreement will be issued and a permit number allocated once the device has been installed, inspected and Council has received a copy of the Waste Contractor's Service Agreement
72. Trade Waste application fee will be applicable as per Councils Fees and Charges.

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.
75. 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.
76. The burning of builders waste on site by open fire is prohibited.
77. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.

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78. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.
79. 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.
80. 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.
81. All works, installations and operations at the site shall comply with the Preliminary Hazard Analysis (KFM Consultants Pty Ltd, March 2001).
82. Should operation of the service station cause odour nuisances for adjacent properties then the operator of the service station shall erect a vapour barrier to the satisfaction of the Director of Environment and Community Services. Prior to the erection of such a barrier a report shall be provided to Council detailing the suitability of the proposed vapour barrier.
83. All works and storage activities shall comply with AS 1940-1993 and AS 1596 – 1997.
84. Required fire hose reels and fire extinguishers shall be provided and maintained in accordance with the relevant Australian Standards.
85. Activities shall not cause or permit pollution of waters.
86. All installation and operation of fuel storage tanks shall comply with the requirements of the WorkCover Authority of NSW.
87. The Acid Sulphate Soils Management Plan is to be amended to include the following requirements. The amended plan is then to be resubmitted to Council prior to work commencing.

Runoff

Water from the following areas:

- *ponding within bunded areas and within the four designated silt traps, and*

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- *flowing through the site stormwater drainage system shall be tested for pH every second day during the 'critical disturbance periods' (as defined in Part 3 of the Acid Sulphate Soils Management Plan), and daily during all rainfall events. After the 'critical disturbance periods' are completed pH testing of water is to be performed once per week. Where any pH testing result falls below 5.5 "then work should stop immediately" and Council contacted in accordance with Part 6 of the Management Plan. Work should not be recommenced without Council approval.*

All water and soil pH testing results shall recorded in writing on-site and be available to Council upon request.

The integrity of site bunding shall be maintained to an effective height of 300mm at all times during construction.

A copy of the Acid Sulphate Soils Management Plan shall be maintained and available on-site at all times.

Imported Fill

Imported fill material shall be tested for potential as acid sulphate soil utilising the 'hydrogen peroxide' method (or any equally effective method) as defined under Part 2 of the NSW EPA Environmental Guidelines - Assessing and Managing Acid Sulphate Soils. Where any pH testing result falls below 3 "then work should stop immediately" and Council contacted in accordance with Part 6 of the Management Plan. Work should not be recommenced without Council approval.

Excavated Soils

All disturbed or excavated soil material from the site shall be retained within the bunded areas and shall be spread and dosed with lime at a rate of 3.5kg/m³ as required by the Management Plan. Following this dosing the soil material shall be pH tested and where pH testing result falls below 4 "then work should stop immediately" and Council contacted in accordance with Part 6 of the Management Plan. A minimum of 5 pH measurements shall be taken following each application of lime to an 'area' in accordance with Part 2 of the NSW EPA Environmental Guidelines - Assessing and Managing Acid Sulphate Soils. Work should not be recommenced without Council approval."

88. The applicant shall submit an assessment under Part V of the Environmental Planning and Assessment Act, 1979 in relation to all works external to the site which are required by conditions of this consent.
89. In the event that development on adjoining parcels necessitates the erection of a vapour wall, such shall be erected at the expense of the applicant.

PLUMBING & DRAINAGE

90. 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;

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- 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.
91. 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.
92. 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.
93. Temperature and pressure relief lines from hot water systems shall discharge in the open as prescribed in Australian Standard AS 3500.4.1990 Section 4.12.3.
94. Impervious floors, properly graded and drained are to be provided to toilets and amenity rooms.
95. 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.
96. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.
97. 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.
98. Yard gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
99. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.
100. 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.

101. 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

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maintained in accordance with the provisions of AS3500 by the owner of the property at the owners expense.

102. The application to connect to Council's sewer is to be accompanied by the payment of four (4) inspection fees totalling \$286.00.

Voting For

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

Voting Against

Cr Beck
Cr Brinsmead
Cr Davidson
Cr Polglase
Cr Youngblutt

- 8. Conversion of an Existing Dwelling into Two (2) Separate Dwellings at Lot 3 DP327289, No. 18 Coast Road, Hastings Point**

DA1180/920 Pt1

1090

Cr Luff

Cr Boyd

RESOLVED that Development Application 0050/2001DA for the conversion of an existing dwelling house to a multi-dwelling house at Lot 3, DP 327289, No. 18 Coast Road, Hastings Point, be refused for the following reasons.

1. The proposed development does not satisfy the objectives of the zone.
2. The proposed development does not comply with the car parking requirements of Development Control Plan No. 2 - Site Access and Parking Code.
3. The proposed development does not comply with the planning guidelines of Development Control Plan No. 6 – Multi Dwelling Housing, in particular:-
 - a. Part 3.1.3 - Site Density – Minimum Landscaped areas
 - b. Part 3.3.1 - Building Envelope and Siting – Setbacks
 - c. Part 3.3.2 – Views, Visual and Acoustic Privacy
 - d. Part 3.3.4 – Car Parking Provision and Dimensions
4. The proposal is an overdevelopment of the site.
5. The proposal is likely to create an undesirable precedent.

Voting - Unanimous

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10. The following condition be imposed to permit the issuing of separate construction certificates for bulk earthworks, such condition shall be located as the first condition in Schedule B:-

1. Notwithstanding the provision of any other condition of this consent, prior to the issue of a separate construction certificate for bulk earthworks, the following conditions are required to be complied with:-

Condition 1 of Schedule "A", 2, 3, 4, 5, 6, 7, 8, 9, 12, 17, 18, 20 (Heavy Haulage Component only), 28, 53, 54, 60, 64, 67, 77, 85, 90, 95(vii).

Voting For

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

Voting Against

Cr Beck
Cr Brinsmead
Cr Lawrie
Cr Polglase
Cr Youngblutt

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.49pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.55pm.

10. Banora Point Community Centre

DA1393/320 Pt1

1092

Cr Polglase

Cr Carroll

RESOLVED that Council:

1. Appoints the following nominees to fill the four positions available for local organisations on the Banora Point Community Centre Establishment Committee, these being:

- i) The Family Centre Community Projects Inc.
- ii) Centaur Primary School P & C Association.
- iii) Salvation Army Tweed Community Church Sports and Lifestyle Centre, and
- iv) Tweed Heads Community Preschool Inc and Greenbank Community Preschool Inc.

Voting - Unanimous

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11. Application to Modify Development Consent K99/1450 for a Tourist Resort – Carool Winery

DA0960/730 Pt3

1093

Cr Luff

Cr Beck

RESOLVED that Development Consent K99/1450 for the construction of a tourist resort comprising a winery building, 16 accommodation units, 4 bungalows and an 18 hole golf course at Lot 1 DP 121377 and Lot 250, 251, 263 and 264 DP 755685, No. 363 Carool Road, Carool be amended by the replacement of the existing Condition 2 with the following condition:-

2. Carool Road from 2.85km to 3.1km from the intersection of Carool Road and Bilambil Road is to be upgraded to provide a Type D pavement by a 1m widening on the top side bank.

Detailed engineering plans are to be submitted and approved by the Director of Engineering Services prior to commencement of works. All works are to be completed prior to the issue of a occupation certificate for Stage 1.

Voting For

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

Voting Against

Cr Brinsmead
Cr Marshall
Cr Polglase
Cr Youngblutt

12. The Erection of a Multi-Dwelling Housing Development Comprising 46 Dwellings (Precinct 7) at Lot 3, DP 883645, Kirkwood Road, Tweed Heads South

DA1993/10 Pt5

This item was dealt with at Minute No 1086.

DECLARATION OF INTEREST DA4040/5115 Pt2

Cr Youngblutt

Declared an interest in Item No 13, left the Chamber and took no part in the discussion and voting.

The nature of the interest is that Cr Youngblutt is the applicant.

13. Proposed Rural Tourist Facility at Lots 1, 2 and 3 DP 567745 Pacific Highway, Fernvale

DA4040/5115 Pt2

Cr Luff

Cr James

PROPOSED that Council refuses the application for the following reasons:

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- a. The Roads and Traffic Authority has refused to grant approval to the proposed access arrangements.
- b. The proposal is inconsistent with the provisions of Clause 75 of the North Coast Regional Environmental Plan 1988.
- c. The proposal is unsatisfactory to the Roads and Traffic Authority (RTA) traffic safety with sight distances not complying with AUSTRROADS standards.

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

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

1094

Cr Polglase

Cr Lawrie

RESOLVED that Council approves Development Application DA4040/5115 from Mr P Youngblutt for the establishment of a Rural Tourist Facility 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 two (2) years 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. That approval under Section 138 of the Roads Act be gained for all works required by this consent.
2. That the ownership and control of the Pacific Highway adjacent to the subject land has been transferred to Council.

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

2. (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: \$2,211.30

S94 Plan No. 4 (Version 4.0)

(Keilvale – Commercial)

b. Extensions to Council Administration Offices

& Technical Support Facilities \$69.00

S94 Plan No. 18

3. Access to the property is to be upgraded to an Austroads Guide to Traffic Engineering Practice Part 5 – Rural Type A Intersection including:-

- Sight distance of 170m in both directions;
- Sealed shoulders 3m wide to allow through traffic to pass turning vehicles; and

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- No stopping signs 50m each side of the access on the eastern and western sides of the road.

Detailed engineering plans incorporating the above requirements are to be submitted for the approval of Council prior to the release of the construction certificate.

4. A detailed Traffic Plan of Management for the construction phase is to be submitted and approved by Council's Director of Engineering Services prior to the release of the construction certificate.
5. Prior to commencement of work pursuant to this consent a Construction Certificate shall be obtained for the works proposed and required by this consent.

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

(i) Building Work

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

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

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

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

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

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

The specification is:

- to describe the construction and materials of which the building is to be built and the method of drainage, sewerage and water supply

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

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

GENERAL

6. The development shall be completed in general accordance with Plan Nos 004505 (1 to 4) prepared by John Robinson and dated March 2000, except where varied by these conditions.
7. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
8. 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.
9. 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. Creation of a right of carriageway servicing the proposed development site.

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Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway shall make provision for maintenance of the right of carriageway 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.

10. Advertising structures/signs to be the subject of a separate development application, where statutorily required.
11. 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.

12. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
 - i. All required erosion and sedimentation control devices have been installed and are operational.
 - ii. Required toilet facilities have been provided on the site.

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- iii. A sign has been erected on the site identifying:
 - Lot number
 - Builder
 - Phone number of builder or person responsible for site.
- iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
- v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.
13. The glazier is to supply the PCA with certification that all glazing complies with AS 1288 and AS2047 of the Building Code of Australia.
14. Manufacturers certification is to be provided to the PCA from the Roof Truss manufacturer to certify the roof truss design.
15. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.
16. 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
17. All trade materials, product and plant to be kept within confines of the building at all times.
18. All loading/unloading to take place within the boundary of the subject property.
19. The proposed structures are not to be used or adapted for separate residential habitation or occupation.

PRESCRIBED (BUILDING)

20. 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

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- (b) if that is not practicable, an accredited sewage management facility approved by the council, or
 - (c) if that is not practicable, any other sewage management facility approved by the council.
21. 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.
22. 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.
23. 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).
24. 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.
25. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

DISABLED (BUILDING)

26. 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

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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.

27. 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.
28. 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.
29. 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.
30. 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.

FOOD PREMISES

31. 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.
32. All walls in the food preparation and food storage areas shall be of solid construction, easily washable, lightly coloured and tiled to a height of at least 2 metres above floor level, or where not tiled, cement rendered to provide a smooth even finish to ceiling. Note: Stud framed walls will not be acceptable. Intersections of all floors with walls shall be covered to a radius of not less than 25 millimetres.
33. 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.
34. 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.

DRAINAGE/FLOODING

35. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2-1998. Note All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the PCA prior to commencement of building works.

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36. All surface and seepage waters liable to be a nuisance are to be collected and diverted clear of the building site by an approved drainage system separate to the roof water system.

ENVIRONMENT PROTECTION

37. 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.
38. 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.
39. 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.
40. 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.
41. The burning of builders waste on site by open fire is prohibited.
42. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.
43. 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.

44. The wall and roof cladding is to be of a non reflective nature to the satisfaction of the Principal Certifying Authority.
45. All foods shall be stored in a clean and wholesome condition in accordance with the Food Act, 1989.
46. A drinking water quality management plan shall be prepared and submitted for the approval of Council prior to the commencement of operations. All operations shall be in accordance with the approved plan.
47. Council officers may inspect the premises annually with each inspection subject to the requisite fee.
48. Council approval to install and operate the on-site sewage management facility shall be obtained prior to the installation of the proposed facility.

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49. A hot water basin is to be provided for the ease and convenience of staff members within the food preparation and display area.
50. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".

PLUMBING & DRAINAGE

51. 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.
52. 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.
53. 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.
54. Water plumbing shall **not** be installed in concrete slabs or be laid under slabs on the ground.
55. Impervious floors, properly graded and drained are to be provided to wet areas.

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56. 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 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.
57. Drainage lines must not penetrate footings unless certification is first obtained from a practising Structural Engineer.
58. 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.
59. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
60. All drainage lines are to be continuously bedded in accordance with the provisions of Section 5.4 AS 3500.2 - 1990.
61. Yard gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
62. Council is to be notified, in writing, of any proposed changes to the waste treatment device.
63. The finished floor level of the building should finish not less than 225mm above finished ground level.

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

RETURN TO MEETING

Cr Youngblutt returned to the meeting.

TEMPORARY ABSENCE FROM MEETING GC6/1/2 Pt1

Cr Marshall left the meeting.

14. Development Control Plan – Socio-Economic Assessment

Development Control Plan

1095

Cr Luff

Cr Boyd

RESOLVED that Council exhibits the draft Development Control Plan - Socio-Economic Impact Assessment, Requirements for the Assessment of Socio-Economic Impacts of Developments - attached to this report in accordance with Section 72 of the Environmental Planning and Assessment Act 1979.

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Voting - Unanimous

15. **Amendment to Development Consent 0944/2000DA for the Erection of a 3 Storey Residential Flat Building Comprising 8 x 3 Bedroom Dwellings at Lot 40 DP 237678, No. 20 Frances Street, Tweed Heads**

DA2131/230 Pt3

1096

Cr Polglase

Cr Lawrie

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

RETURN TO MEETING

Cr Marshall returned to the meeting.

Voting - Unanimous

16. **Coolangatta Airport Enterprise Park Feasibility Study
Industrial Land Investigation Study, TEDC**

Cr James

Cr Luff

PROPOSED that Council progresses the findings of the "Coolangatta Airport Enterprise Park Feasibility Study" by:-

1. Informing the Department of Land & Water Conservation of Council's support for the continued use by the Pony Club of the parts of Reserve 59360 not zoned for environmental protection to the south and west of the proposed Tugun Bypass.
2. Commencing consultation with the landowners within the study area about the opportunities for improvements to road access that could be created with the use of parts of the STP allotment once the Tugun Bypass is constructed.

1097

Cr Luff

Cr Carroll

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

Voting – Unanimous

AMENDMENT 1

1098

Cr Polglase

Cr Lawrie

RESOLVED that Council progresses the findings of the "Coolangatta Airport Enterprise Park Feasibility Study" by:-

Minutes - Meeting of Tweed Shire Council

1. Contacting the Department of Land and Water Conservation to discuss their intentions for the remaining portion of Reserve 59360 from any acquisitions by the Roads and Traffic Authority for the Tugun Bypass.
2. Notifying the Reserves Trust of its intentions to consult with the Department of Land and Water Conservation regarding the future use of Reserve 59360.
3. Consulting with the landowners within the study area about Council's intentions once the extent of the potential area for consideration is determined.

Amendment 1 was **Carried** and became the Motion

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

AMENDMENT 2

Cr Carroll

Cr Luff

PROPOSED that Council defers acting upon the findings of the Coolangatta Airport Enterprise Park Feasibility Study until a workshop is conducted to explore the implications of the Study in relation to the Revised Fresh Draft master Plan for Coolangatta Airport.

Amendment 2 was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

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

The Motion was **Carried**

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 Boyd
Cr Carroll
Cr James
Cr Luff

- 17. Development Application K99/957 for the Carrying Out of an Extractive Industry at Lot 9 and 10 DP 822830 and Lot 1 DP 823640 Kirkwood Road and Fraser Drive, Tweed Heads South – Response to Questions**

DA2920/121 Pt5

1099

Cr Polglase

Cr Davidson

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM DIRECTOR CORPORATE SERVICES

- 18. 2000/2001 Loan Borrowing Program**

Loans – Annual Program

1100

Cr Polglase

Cr Davidson

RESOLVED that:-

1. The General Manager be authorised to negotiate acceptance of the loan quotations; and
2. The loan applications, mortgage deeds and other documentation be completed under the Common Seal of Council.

Voting - Unanimous

- 19. Risk Management Proposal**

Insurance – Risk Management

1101

Cr Boyd

Cr James

RESOLVED that Council engages Logov Risk Management Services Pty Ltd for the upgrading of Council's Risk Management Policies and to introduce the Strategic Asset Management Program at a cost of fifty thousand dollars (\$50,000).

Minutes - Meeting of Tweed Shire Council

Voting For

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

Voting Against

Cr Lawrie

20. Local Government Financing

Rates – Levying, Conf/Seminars – General, Presentations

1102

Cr Boyd

Cr Luff

RESOLVED that Council informs the Mayor of Parkes, Cr Robert Wilson, of this Council's support for the resolution adopted at the Local Government Financial Awareness Conference, Parkes 2001.

Voting For

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

Voting Against

Cr Beck
Cr Brinsmead

21. Tourism Impacts

Tourism – General, Presentations

1103

Cr Polglase

Cr Marshall

RESOLVED that Council endorses the involvement of the General Manager in the Tourism Impacts Working Group.

Minutes - Meeting of Tweed Shire Council

Voting For

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

Voting Against

Cr Beck
Cr Brinsmead
Cr Lawrie

22. Tweed and Coolangatta Tourism Inc. (TACTIC) Monthly Performance Report - January 2001

TACTIC

1104

Cr Polglase
Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

23. Tweed and Coolangatta Tourism Inc. (TACTIC) Monthly Performance Report - February 2001

TACTIC

1105

Cr Polglase
Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

24. Tweed and Coolangatta Tourism Inc. (TACTIC) Monthly Performance Report - March 2001

TACTIC

1106

Cr Polglase
Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

25. Councillors Expenses

Councillors - Fees

1107

Cr Polglase
Cr Youngblutt

RESOLVED that this report be deferred to enable the report to be updated.

Minutes - Meeting of Tweed Shire Council

Voting For

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

Voting Against

Cr Boyd
Cr Carroll

26. Management Plan 2001/2004 and Budget 2001/2002

GA4/1/36 Pt1, Management Plans, Budget

Cr Polglase

Cr Boyd

PROPOSED that:-

1. Council's 2001/2004 Management Plan and 2001/2002 Budget be adopted; and
2. An application be made to the Minister for Local Government for a special increase of 1.25% for Special Rate in the Casuarina Beach locality above the allowable limit of 2.8%.
3. An "opinion" in accordance with Section 495(2) of the Local Government Act 1993 has been formed on the Special Rates proposed to be levied in 2001/2002.

AMENDMENT

1108

Cr Marshall

Cr Youngblutt

RESOLVED that the Management Plan 2001/2004 and Budget 2001/2002 be deferred to a special meeting of Council to be held next Wednesday 13 June 2001.

The Amendment was **Carried**

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

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

Minutes - Meeting of Tweed Shire Council

Voting For

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

Voting Against

Cr Carroll
Cr James
Cr Luff

REPORTS FROM DIRECTOR ENGINEERING SERVICES

27. Roads & Traffic Authority Grants for Cycleways/Walkways

R1181 Pt 11, Cycleways – Twd Coast

1109

Cr Marshall

Cr Luff

RESOLVED that Council:-

1. Accepts the additional funding of \$30,000 from the Roads & Traffic Authority for the extension of the cycleway/walkway at Hastings Point.
2. Authorises the expenditure of the funds in (1) above on the cycleway/walkway at Hastings Point.

Voting - Unanimous

28. 2001 AWA Regional Conference

Water Management - Conferences

1110

Cr Boyd

Cr Luff

RESOLVED that Council joins with the Gold Coast City Council in jointly sponsoring the Australian Water Association (AWA) Regional Conference for a fee of \$2,500 each.

Voting - Unanimous

PROCEDURAL MOTION

1111

Cr Youngblutt

Cr Lawrie

RESOLVED that the meeting be closed at 10.30pm and the balance of the agenda be deferred.

Minutes - Meeting of Tweed Shire Council

Voting For

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

Voting Against

Cr Boyd
Cr James
Cr Luff

29. Tweed Shire Road Network - Proposed Kirkwood Road Access to Tweed Heads Bypass

Bridges – Lakes Drive Kirkwood Road, R2920 Pt3

Cr Luff

Cr Marshall

PROPOSED that no further funds be allocated to the detailed design of Naponyah Road extension from Mahers Lane to Fraser Drive (other than to complete the environmental impact assessment) until the Kirkwood Road/Tweed Heads Bypass access issue is resolved with the Roads & Traffic Authority.

AMENDMENT

1112

Cr Polglase

Cr Youngblutt

RESOLVED that Council seeks support from the State Member and others to assist to resolve with the RTA, access ramps onto the Tweed Heads Bypass to allow Council to proceed to its rezoning of Terranora Area E.

The Amendment was **Carried**

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

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

Minutes - Meeting of Tweed Shire Council

Voting For

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

Voting Against

Cr James
Cr Luff

1113

Cr Luff

Cr Polglase

RESOLVED that no further funds be allocated to the detailed design of Naponyah Road extension from Mahers Lane to Fraser Drive (other than to complete the environmental impact assessment) until the Kirkwood Road/Tweed Heads Bypass access issue is resolved with the Roads and Traffic Authority.

Voting - Unanimous

1114

Cr Youngblutt

Cr Davidson

RESOLVED that the meeting be adjourned to Wednesday 13 June 2001 at 7.30pm.

Voting – Unanimous

The meeting closed at 10.48pm.



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 58 of these Minutes**

Chairman