

Minutes - Meeting of Tweed Shire Council

IN ATTENDANCE

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

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

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

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

*The LORD is my rock, my fortress and my deliverer;
My God is my rock in whom I take refuge.*

(Psalm 18:2)

Almighty God, Lord of creation, we seek Your guidance as we meet today. Give us wisdom as we consider the matters before us and enable us to make the right decisions. Help us to balance the development needs of our communities with the responsibility for environmental protection. As we hear the many voices which would demand our attention, guide us and give us insight to choose what is right. Grant us a clear mind and an honest heart in all that we do.

Father in heaven, as we look at the drought management plan, we thank You for the rain which is falling and for the relief which this brings to a dry and thirsty land. Hear us as we pray for continued rain to break the drought which is upon us. In the weeks and months ahead, give us follow-up rains which will supplement what has already fallen.

We pray for each other, bless us and our families in our lives day by day. We pray especially for our Mayor, Warren. Give him wisdom and grace as he gives leadership within our Shire. Let Your peace be upon us; for we ask these things in the Name of Jesus, our Lord. ...Amen.

CONFIRMATION OF MINUTES

174

Cr Boyd

Cr Davidson

RESOLVED that the Minutes of the Ordinary Meeting held 7 August 2002 be confirmed as an accurate record of the proceedings of that Meeting.

Voting - Unanimous

ABSENT

Nil.

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DISCLOSURE OF INTEREST

Nil

Expression of Condolence - Late Mr Stan Sercombe

Condolences

The Mayor, on behalf of Council, expressed condolences on the death of the late Mr Stan Sercombe.

The Council observed a minute's silence in respect for the late Mr Stan Sercombe.

ITEMS TO BE MOVED TO OR FROM CONFIDENTIAL

Nil

ATTENDANCE AT MEETING

Cr Brinsmead attended the meeting at 3.05pm.

SCHEDULE OF OUTSTANDING RESOLUTIONS

175

Cr Boyd

Cr Davidson

RESOLVED that this report be received and noted.

Voting - Unanimous

MAYORAL MINUTE

1. Marine Environmental Field Study & Resource Centre

Councillors' Invitations

This item was received and noted.

2. Seagulls

Councillors' Invitations

This item was received and noted.

3. Council's Rates Incentive Promotion

Councillors' Invitations; Rates – Incentive Scheme

This item was received and noted.

4. Citizenship Ceremony

Citizenship

This item was received and noted.

5. Latitude 28 and iPlan Release

DA4040/100 Pt7; 4040.100

This item was received and noted. Cr Marshall only attended the iPlan Release function.

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6. Red Cross Zone 1 Annual Conference

Councillors' Invitations

This item was received and noted.

7. 29 Australian Infantry Brigade Association

Ceremonies

This item was received and noted.

8. Twin Towns Friends Association Inc

Councillors' Invitations

This item was received and noted.

Adoption of Mayoral Minute

176

Cr Polglase

RESOLVED that the Mayoral Minute as presented be adopted.

Voting - Unanimous

ITEMS DEFERRED

6. Draft Open Space Infrastructure Policy, Amendment of Section 94 Contribution Plan No 5 - Local Open Space and Draft Section 94 Plan No 26 - Shire Wide/Regional Open Space

GT1/S94/5 Pt1; GT1/S94/26 Pt1; GT1/S94/5-A Pt1; S94

177

Cr Boyd

Cr Marshall

RESOLVED that this item be dealt with in conjunction with Item 6. (Refer Item 6 at Minute No 186)

Voting - Unanimous

1. Development Application K99/1682

Notice of Motion, DA5937/740 Pt3; DW687700

178

Cr Boyd

Cr James

RESOLVED that this item be dealt with in conjunction with Item 9 of the Agenda. (Refer Minute No 188)

Voting - Unanimous

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REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

1. Draft Kingscliff District Strategy

GT1/29/3 Pt2; Vegetation Management Plan

Cr Boyd

Cr James

PROPOSED that Council notes the draft Kingscliff District Strategy enclosed with the business papers to this meeting and that it will be: -

1. Placed on public exhibition for 28 days to enable comments from major stakeholders such as representative organisations in the district and landowners.
2. Will be referenced in Development Assessment reports to Council and to the Development Assessment Panel in terms of acknowledging that the Strategy has no actual legal or policy status by Council at this stage.

AMENDMENT

179

Cr Brinsmead

Cr Beck

RESOLVED that this matter be deferred to the next meeting of Council having considered matters at the workshop to be held Thursday 22 August 2002.

The Amendment was **Carried**

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr Davidson
Cr James

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

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr James

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DECLARATION OF INTEREST

Cr Brinsmead

Declared an interest in Item No 2 & 3, left the Chamber and took no part in the discussion and voting.

The nature of the interest is that Cr Brinsmead has a family member on staff with Hickey Lawyers who are involved in these items.

2. The Establishment of a Residential Subdivision Comprising Nineteen (19) Lots & Remediation Works at Lot 70 DP 1031933, Tweed Coast Road Kingscliff

DA1180/385 Pt11

180

Cr James

Cr Marshall

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

Voting For

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

Voting Against

Cr Beck

3. Amendment of Section 94 Contribution Plan No 10 - Cobaki Lakes

GT1/S94/10; S94

181

Cr James

Cr Davidson

RESOLVED that Council:-

1. Approves the amended Section 94 Plan No 10 as advertised; and
2. Gives public notice of its decision in accordance with the Environmental Planning and Assessment Regulations 2000, in the Tweed Link, specifying that the amended Contribution Plan comes into effect on the date of the notice.

Voting – Unanimous

RETURN TO MEETING

Cr Brinsmead returned to the meeting.

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4. **Development Application 0936/2001DA for the Erection of an Art Gallery and Associated Amenities at Lot 15 in DP 1037891 and the Deposition of Fill at Lot 13 DP 872773, Mistral Road, Murwillumbah**
DA3488/12 Pt2; New Art Gallery; 3488.12

Cr Youngblutt

Cr Beck

PROPOSED that this matter be deferred until the Business and Management Plan for the new Art Gallery has been received and dealt with by Council.

AMENDMENT

182

Cr Boyd

Cr Davidson

RESOLVED that Development Application 0936/2001DA for the establishment of an Art Gallery at Lot 15 in DP 1037891 and deposition of fill on Lot 13 DP 872773, Mistral Road, Murwillumbah, be approved subject to the following conditions:

GENERAL

1. The development shall be completed in general accordance with the Statement of Environmental Effects and Plan Nos C01 to C05 Issue B dated February 2002, Plan No. H01 Issue A dated June 2002 by Mark Travnicks Consulting Engineers and Drawing No. DA-99 by Bud Brannigan Architect dated 14 June 2002, Plan Nos. DA01-05 and A1 dated January 2002 and June 2002 (Rev 14/6/2002) and prepared by Bud Brannigan Architect and design plans, except where varied by these conditions.
2. The development shall be completed in general accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by these conditions of consent.
3. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
4. 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 the relevant provisions of AS1428- Design for Access and Mobility.
5. Advertising structures/signs to be the subject of a separate development application, where statutorily required. Such signs shall not be located in any position that may distract drivers on the adjacent Tweed Valley Way.
6. No retaining walls or similar structures are to be constructed over Council's sewer main.
7. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
8. Prior to commencement of work pursuant to this consent a Construction Certificate shall be obtained for the works proposed and required by this consent.

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

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.

9. 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.

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10. The proposed future addition (shown on approved plans) must be the subject of a separate approval.
11. Council's Environment and Community Services Division must negotiate with Council's Engineering Services Division in relation to the provision of adequate pedestrian/cycle access facilities to the site.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

12. The proposed earthworks are not permitted to extend into adjoining properties without the prior permission of the relevant landholder. Should that consent be not forthcoming, all earthworks should be retained and limited to the subject site. Full details are to be provided prior to the release of the construction certificate.
13. Where earthworks extend into neighbouring properties owners consent for the encroaching work must be submitted with the construction certificate application.
14. The engineering plans and specifications to accompany the construction certificate application shall provide for: -
 - i. Construction of a stormwater drainage system that will convey all waters through the site to a legal point of discharge. The subsurface and overland flow systems shall convey the respective flows from the minor (Q5) and major (Q100) storm events. Clearly defined upstream catchment areas and supporting stormwater calculations shall accompany the engineering design plans. If it is proposed to discharge stormwater from the site to the current Pacific Highway, full details of the proposal including details of how water flows from the site drainage to the existing culverts under the highway and the calculated capacity of the existing culverts, must be submitted to and approved by the Director of Engineering Services prior to a construction certificate being issued.

If it is proposed to discharge stormwater onto neighbouring properties, the consent of the neighbours and/or provision for easements must be attained prior to a construction certificate being issued.

- ii. The access road intersection at Mistral Road is to be designed to an Austroad Type B standard that complies with Austroad sight distance requirements for the average traffic speed in the vicinity. Detailed engineering plans to be submitted and approved by the Director of Engineering Services prior to construction.
- iii. All vegetation clearing as noted in the Traffic Assessment by MFA Section 4.2.2 Safe Intersection Distance dated July 2002.
- iv. All retaining walls and/or reinforced batters.
- v. Where batters extend onto current RTA land detailed bulk earthworks drawings are to be submitted to and approved by the Director Engineering Services prior to a construction certificate being issued. The extent of encroachment must also be pegged on site to allow visual examination and approval of the extent of

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earthworks by the Director of Engineering Services prior to the issue of a construction certificate.

15. Retaining walls are to be designed by appropriately qualified and experienced geotechnical and structural engineers in accordance with the design criteria in AS 4678-2002. In this regard:
 - (a) Design
 - i. Site investigation is to be in accordance with section 2 of the standard.
 - ii. It is considered that the failure of any walls (or groups of walls) over 2.5m in combined height (where combined height is the sum of the heights of walls that are horizontally staggered by less than 3.0m between top of lower wall and bottom of higher wall) may result in significant damage or risk to life and must therefore be classified Type 1 as defined in Table 1.1 of the standard. In some cases walls lower than 2.5m may also warrant classification as Type 1.
 - iii. The design must consider all the applicable limit states as defined in section 3 of the standard.
 - iv. Design loads are to be in accordance with section 4 of the standard. For earthquake loads (see Appendix 1) all Type 1 walls are to be designed as earthquake design category Cer (which requires design with static loads with a dead load factor of 1.5).
 - v. Material design factors shall be in accordance with section 5 of AS4678-2002.
 - vi. A copy of the design/site investigations, material tests, design calculations and design drawings and specifications of the retaining walls is to be submitted with the construction certificate application. This is to be accompanied by a certificate from the designing geotechnical/structural engineers certifying that the retaining wall designs are compliant with AS 4678-2002 and this condition.
16. A comprehensive soil and water management plan shall be submitted and approved by Council prior to release of the construction certificate. The plan shall incorporate both constructed and operational phases of the development, including all areas of cut and fill operations.
17. A detailed plan of landscaping is to be submitted and approved by Council's Director, Development Services prior to the issue of a Construction Certificate. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.
18. Any carparking floodlighting shall not spill beyond the boundaries of the site. A plan of the lighting shall be approved by the Director of Development Services PRIOR to the issue of a Construction Certificate.

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19. 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 to 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 recording particularly in respect to works on public roads. Safe public access shall be provided at all times.

20. Section 94 Contributions

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

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, 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, Tumbulghum Road, Murwillumbah and Brett Street, Tweed Heads.

a. Tweed Road Contribution Plan: \$351 + 5% per trip \$73,710.00

S94 Plan No. 4 (Version 4.0)

(Murwillumbah)

Heavy Haulage Component

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

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

where:

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

and:

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

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| | |
|--------|--|
| 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

21. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 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: | 4 ET @ \$4000 | \$16,000.00 |
| Sewer: | 4 ET @ \$3275 | \$13,100.00 |

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 Management Act 2000 to be certified by an Accredited Certifier.

22. The footings and floor slab are to be designed by a practising Structural Engineer after consideration of a soil report from an accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.
23. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all footings, slabs, retaining work, bracing and tie down, prior to the issue of a construction certificate.
24. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking

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place on a public road including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

25. 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*.

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

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

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

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

27. Erosion and Sediment Control During the Construction Phase of Development

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- (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with the *"Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan *"Tweed Shire Council Aus-Spec D7 - Stormwater Quality"* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond (if required) has been released.
 - (b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
28. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17^o or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.
- Such plans shall generally incorporate the following and preferably be prepared by a landscape architect:
- i) Contours and terraces where the height exceeds 1m.
 - ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
 - iii) Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
 - iv) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.
 - v) The landscaping shall be completed to the satisfaction of the Director Development Services PRIOR to the issue of a Subdivision Certificate.
 - vi) A bond shall be lodged prior to the issue of the subdivision certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.
29. Detailed plans shall be submitted incorporating the extent of the proposed fill on Lot 13 DP 872773 including methods of stabilisation and landscaping.

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PRIOR TO COMMENCEMENT OF WORK

30. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore required that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.
 31. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of the Director, Development Services.
 32. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised to the satisfaction of the Principal Certifying Authority and provided with a dish drain or similar at the base or otherwise retained to the satisfaction of the Principle Certifying Authority. All retaining works shall be completed to the satisfaction of the Principal Certifying Authority prior to start of building work. Please note timber retaining walls are not permitted.
 33. 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; 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.
34. 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.
35. 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.
 - c. Lot number.
36. 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.
37. 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.
38. Sewer main within site is to be accurately located and the Principal Certifying Authority advised of its location and depth prior to start of any building works.
39. 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.
40. 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.
41. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by Council prior to any discharge to sewer being commenced.

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42. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.
43. Trade Waste application fee will be applicable as per Councils Fees and Charges.
44. 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. 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.
45. Where water is required to be drawn from Council's water reticulation system it shall be the applicants responsibility to notify the Engineering Services Division prior to taking water.

All drawn water shall be via a Tweed Shire Council metered standpipe. The location of the hydrant shall be nominated by Tweed Shire Council and all water shall be only used for the purposes nominated by the applicant for the duration of the construction activities.

DURING CONSTRUCTION

46. 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).
47. 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.
48. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.
49. 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.
50. 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.
51. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.

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52. 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
53. 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.
54. 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.
55. 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.
56. 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.
57. 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.
58. 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.
59. 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.
60. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the Director, Engineering Services. Twenty four (24) hours notice is to be given to Council's Engineering

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Services Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction. Paving bricks are not acceptable unless laid on a 100mm thick concrete base.

61. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.
62. No filling to is be placed hydraulically within twenty metres (20m) of any boundary that abuts private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.
63. The earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments". In general, material shall be placed in layers not exceeding 300mm in depth, watered and compacted to achieve the specified density ratio as monitored in Table 5.1 - Guidelines for Minimum Relative Compaction.
64. The earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with Appendix B, AS 3798-1996. In addition, the frequency of field density testing shall be to a Type 1 standard in accordance with Table 8.1 of AS 3798. The geotechnical report shall be accompanied by a certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798.
65. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

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

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

66. 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.
67. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
68. 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.
69. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.

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70. 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.
71. 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.
72. 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.
73. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
74. Prior to and during construction provide a "shake down" area along the haul route located immediately before the intersection with the road reserve. The "shake down" area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director of Engineering Services.
75. 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.
76. 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.
77. No portion of the structure may be erected over any existing sillage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.

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78. Back flow prevention devices shall be installed wherever 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.
79. 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.
80. 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.

81. 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.
82. 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.
83. 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.

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84. The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering Services Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.
85. On completion of the earthworks, all topsoil to be respread and the site to be grassed and landscaped.
86. No spoil shall be transported off site using public roads, except with the approval of the Director of Development Services.
87. The spoil area is to be watered frequently until there is a substantial 'strike' of the grass seed. Watering of the spoil area shall continue until an occupation certificate is issued.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

88. 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.
89. 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.
90. On completion of work a certificate signed by a practising structural engineer is to be submitted to the PCA to certify the structural adequacy of the structure.

USE

91. The use being restricted to the floor area designated on the approved plan.
92. The building is not to be used or adapted for separate residential habitation or occupation.
93. All loading/unloading to take place within the boundary of the subject property.
94. 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.
95. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.
96. Owners of buildings served by plant involving the operation of "cooling towers", "evaporative condensers" or "tepid water systems" must submit to Council, half yearly, a report detailing the maintenance, cleansing and chemical treatment of such plant every three (3) months in accordance with Part 6 of the NSW Public Health Act.

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97. 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.

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.

98. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the Director, Development Services PRIOR to occupation or use. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of an Occupation Certificate.

99. Prior to occupation or use, Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual.

The plans are to be endorsed by a Registered Surveyor AND a Consulting Engineer Certifying that:

- (i) all drainage lines, sewer lines and structures are wholly contained within the drainage easement created by the subdivision;
- (ii) the plans accurately reflect the Work as Executed.

100. All stormwater gully lintels shall have the following notice cast into the top of the lintel: 'DUMP NO RUBBISH, FLOWS INTO CREEK' or similar wording to the satisfaction of the Director of Development Services.

ATTENDANCE AT MEETING

Cr Luff attended the meeting at 3.32pm.

183

Cr Beck

Cr Brinsmead

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

Voting - Unanimous

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184

Cr Marshall
Cr Davidson

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

Voting – Unanimous

The Amendment was **Carried**

Voting For

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

Voting Against

Cr Beck
Cr Brinsmead
Cr Marshall
Cr Youngblutt

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

Voting For

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

Voting Against

Cr Beck
Cr Brinsmead
Cr Marshall
Cr Youngblutt

5. **Development Application DA02/0895 for the Carrying Out of a 39 Lot Subdivision of Lot 4 DP 787181, Hastings Road, Bogangar**

DA02/0895 Pt2; 2380.860

185

Cr Davidson
Cr Luff

RESOLVED that :-

- A. Development Application DA02/0895 for the carrying out of the 39 lot subdivision of Lot 4 in DP 787181, be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in general accordance with the Statement of Environmental Effects prepared by Darryl Anderson Consulting Pty Ltd and Plans Nos 02-1400 D1 – D6 prepared by Auspacifik Design Engineers Pty Ltd and dated May 2002, except where varied by these conditions.

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2. The development shall be completed in general accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by these conditions of consent.
3. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
4. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.
5. 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 the relevant provisions of AS1428- Design for Access and Mobility.
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.
 - a) copies of compliance certificates relied upon
 - b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
 - earthworks
 - roadworks
 - road pavement
 - road furnishings
 - stormwater drainage
 - water supply works
 - sewerage works
 - landscaping works
 - details of the proposed embellishment works relating to the open space allotment. Such works are to be to the satisfaction of Council's Manager Recreation Services.
 - sedimentation and erosion management plans
 - location of all service conduits (water, sewer, Northpower and Telstra)
 - details pertaining to the proposed upgrade of the existing access bridge
 - the approved Traffic Control Plan
 - the relevant maintenance manuals (eg. G.P.T's, water pump station)

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

7. Roof water from future dwellings and structures shall be directed to the roof water soakage pits.
8. All stormwater discharges are to be positioned at least 50m from any seagrass or other marine vegetation.
9. No fencing structures greater than 1.2m in height are permitted within the rear setback of each allotment.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

10. A detailed plan of landscaping is to be submitted and approved by Council's Director, Development Services prior to the issue of a Construction Certificate. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.
11. 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 recording 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.
12. (i) Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

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

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

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

- a. Tweed Road Contribution Plan:

37 lots @ \$2394 \$88,578.00

S94 Plan No. 4 (Version 4.0)

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(Sector 7a - Duranbah/Cabarita)

Heavy Haulage Component

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

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

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

b. Open Space (Structured):

37 lots @ \$519 \$19,203.00

S94 Plan No. 5

c. Street Trees:

37 lots @ \$42.90 \$1,587.30

S94 Plan No. 6

d. Shirewide Library Facilities:

37 lots @ \$688 \$25,456.00

S94 Plan No. 11

e. Bus Shelters:

37 lots @ \$23 \$851.00

S94 Plan No. 12

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- f. Eviron Cemetery/Crematorium Facilities
37 lots @ \$126 \$4,662.00
S94 Plan No. 13
- g. Community Facilities
37 lots @ \$584 \$21,608.00
(South Coast)
S94 Plan No. 15
- h. Emergency Facilities (Surf Lifesaving)
37 lots @ \$201 \$7,437.00
S94 Plan No. 16
- i. Extensions to Council Administration Offices
& Technical Support Facilities
37 lots @ \$344.81 \$12,757.97
S94 Plan No. 18
- j. Cycleways
37 lots @ \$160 \$5,920.00
S94 Plan No. 22
- k. Pursuant to the provisions of S94 Plan No. 5 the proposed park shall be dedicated as passive open space and suitably embellished at no cost to Council including grassing, landscaping, seating, playground equipment and shade cover in accordance with detailed plans to accompany the Construction Certificate application. Where play equipment is installed a minimum area of 10m around the equipment is to be turfed and the remaining area seeded.
- Where a developer pays Council to acquire and install play equipment, Council will **NOT** install the equipment until a minimum of 20% of the lots in that stage of the development are occupied. The embellishment shall be completed prior to the issue of a Subdivision Certificate.
13. A **certificate of compliance** (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

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

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

Water: 38 lots @ \$4000 \$152,000.00

Sewer: 38 lots @ \$3,275 \$124,450.00

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 Management Act 2000 to be certified by an Accredited Certifier.

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

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

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

15. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted and approved by the PCA prior to the issue of a construction certificate.
16. Prior to the issue of a construction certificate/documentary evidence shall be submitted from the Department of Land and Water Conservation demonstrating that development consent has been obtained under the Native Vegetation Conservation Act **OR** that no such consent is required under that Act.
17. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-
 - i. Construction along the full length of the proposed subdivision vertical face kerb and gutter on an approved alignment along with associated sub-surface and over-land stormwater drainage systems with a 7.0 metre wide road pavement for the local internal circular road and 8.0 metre wide road pavement for the access road linking into the local internal circular road

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- from Hastings Road, from the lip of the new kerb and gutter to the edge of the existing bitumen pavement including tapers.
- ii. The roads in the subdivision shall be generally in accordance with drawing Nos. 02-1400 D2 & D6 prepared by Auspacifik Design Engineers Pty Ltd and dated May 2002.
 - iii. Construction of a 1.2 metre footpath as proposed on drawing Nos . 02-1400 D2 & D6 prepared by Auspacifik Design Engineers Pty Ltd and dated May 2002.
 - iv. Construction of a stormwater drainage system that will convey all waters through the site to a legal point of discharge. The sub-surface and over-land drainage systems shall convey the respective flows from minor and major storm events. Clearly defined upstream catchment areas and supporting stormwater calculations shall accompany the engineering design plans.
18. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.
19. 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 designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices, which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.

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- (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
- (d) Specific requirements:
- (i) The proposed Humeceptor Model STC3 shown in the Stormwater Quality Management Plan for Friday Island prepared by Auspacifik Design Engineers and dated June 2002 is to be upgraded to a Humeceptor Model STC5.
20. A construction certificate application for works that involve any of the following:-
- connection of a private stormwater drain to a public stormwater drain
 - installation of stormwater quality control devices
 - erosion and sediment control works
- will not be approved until prior separate approval to do so has been granted by Council under section 68 of the Local Government Act 1993.
- Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.
21. 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*.
22. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17⁰ or steeper, such slopes shall be

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densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.

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

- i) Contours and terraces where the height exceeds 1m.
 - ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
 - iii) Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees and ground covers, which require minimal maintenance. Undergrowth should be weed suppressant.
 - iv) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.
 - v) The landscaping shall be completed to the satisfaction of the Director Development Services **PRIOR** to the issue of a Subdivision Certificate.
 - vi) A bond shall be lodged prior to the issue of the subdivision certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.
23. * Details of the proposed roof water disposal, including surcharge overland flow paths are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. These details shall include likely landscaping within the overland flow paths.
- * All roof water shall be discharged to infiltration pits located wholly within the subject allotment.
- * The infiltration rate for sizing infiltration devices shall be 3m per day:
- As a minimum requirement, infiltration devices are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) over a range of storm durations from 5 minutes to 24 hours and infiltrate this storm within a 24 hour period, before surcharging occurs.
- * Surcharge overflow from the infiltration area to the street gutter, inter-allotment or public drainage system must occur by **visible surface flow**, not piped.
- * Runoff is to be pre-treated to remove contaminants prior to entry into the infiltration areas (to maximise life of infiltration areas between major cleaning/maintenance overhauls).

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- * If the site is under strata or community title, the community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
 - * All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.
 - * All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.
 - * All infiltration devices are to be located clear of stormwater or sewer easements.
24. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan, which shall be submitted to and approved by the Director of Environment and Community Services **PRIOR** to the issue of a construction certificate.
- The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of.

PRIOR TO COMMENCEMENT OF WORK

25. Subdivision work in accordance with a development consent must not be commenced until:-
- (a) a construction certificate for the subdivision work has been issued by:
 - (i) the consent authority, or
 - (ii) an accredited certifier, and
 - (b) the person having the benefit of the development consent:
 - (i) has appointed a principal certifying authority, and
 - (ii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment, and
 - (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the subdivision work.
26. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of the Director, Development Services. The sign is to remain in place until the Subdivision Certificate is issued.

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27. Prior to work commencing, a “Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority” shall be submitted to Council at least **2 days** prior to work commencing.
28. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of fill shall be submitted to the satisfaction of the Director Development Services.
29. 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.

DURING CONSTRUCTION

30. No soil, sand, gravel, clay or other material shall be disposed of off the site.
31. 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.
32. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.
33. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.
34. Prior to the application for a **Subdivision Certificate** a Compliance Certificate or Certificates shall be obtained from Council **OR** an accredited certifier for the following:-
 - (i) Compliance Certificate - Roads
 - (ii) Compliance Certificate - Water Reticulation
 - (iii) Compliance Certificate - Sewerage Reticulation

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- (iv) Compliance Certificate - Sewerage Pump Station
- (v) Compliance Certificate - Drainage

- Note:** 1. Where Council is requested to issue compliance certificates, applications for such certificates must be accompanied by documentary evidence from the Developers Supervising Consulting Engineer certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, DCP16 - Subdivision Manual and good Engineering Practice.
2. Where Council is requested to issue the construction certificate all compliance certificates and a Subdivision Certificate, Council will carry out the following inspections as deemed necessary by Council based on the rates contained in Council's current Fees and Charges:-

Roadworks

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

Water Reticulation, Sewer Reticulation, Drainage

- a. Excavation
- b. Bedding
- c. Laying/jointing
- d. Manholes/pits
- e. Backfilling
- f. Permanent erosion and sedimentation control measures
- g. Drainage channels

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

Sewer Pump Station

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

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

- 3. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".
35. Before the commencement of the relevant stages of road construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.
- a. That the pavement has been designed and constructed in accordance with subgrade analysis as per Austroads Pavement Design, A Guide to the Structural Design of Road Pavements.
 - b. That the pavement materials used comply with the specifications in RTA Form Q3051 (June 1998)
 - c. That the pavement layers have been compacted to RTA specifications.
 - d. That site fill areas have been compacted to the specified standard.
 - e. That supervision of Bulk Earthworks has been to Level 1 and/or Level 2 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
 - f. That pavement testing has been completed in accordance with Table 8.1 of AS 3798-1996.
36. All lots must be graded and trimmed to prevent the ponding of surface water. Additionally, all lots must be adequately vegetated and action must be taken to prevent erosion from wind and/or water to the satisfaction of the Director, Development Services.

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37. Provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet, including the provision of a standard vehicular crossing to each proposed lot.
38. All proposed road/streets, drainage and associated works within the subdivision shall be designed and constructed in accordance with the development consent plans **AND** the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.
39. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped.
40. No filling to be placed hydraulically within twenty metres (20m) of any boundary that abuts private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.

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

41. Inter allotment drainage shall be provided to **all** lots where roof water for dwellings cannot be conveyed to the street gutter by gravitational means.
42. All proposed building pads are to be above the Q100 design flood level, including provision for any localised overland flow, such that at least 300mm freeboard is provided to the satisfaction of the Director Development Services.
43. The land to be filled to the design flood level of RL 3.4 m AHD.
44. The earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments". In general, material shall be placed in layers not exceeding 300mm in depth, watered and compacted to achieve the specified density ratio as monitored in Table 5.1 - Guidelines for Minimum Relative Compaction.
45. The earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with Appendix B, AS 3798-1996. In addition, the frequency of field density testing shall be to a Type 1 standard in accordance with Table 8.1 of AS 3798. The geotechnical report shall be accompanied by a certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798.
46. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

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

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

47. (a) Disposal of all allotment runoff by infiltration.

Runoff from all roofs, hardstand and impervious surfaces is to be discharged to infiltration trenches located on the subject allotment.:

- As a minimum requirement, trenches are to be sized to accommodate the ARI 20 year 24 hour month storm and infiltrate this storm within a 72 hour period, with a safety factor of 2, before surcharging occurs. Surcharge when it does occur, must be in the form of unconcentrated surface runoff onto grass filter areas on the site.
- Runoff is to be pre treated to remove contaminants prior to entry into the absorption areas (to maximise life of absorption areas between major cleaning/maintenance overhauls).
- If the site is under strata or community title, the strata/community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
- The design infiltration rate shall be determined as follows:-
 - * Conduct percolation tests on the site in accordance with Appendix B of A.S. 1547, Disposal Systems for Effluent from Domestic Premises,
 - * if the above yields a result <6m/day, this rate may be used for design
 - * if the result is >6m/day, the rate for design may not exceed 6m/day unless this rate is confirmed by independently determining the coefficient of permeability of the soil in accordance with AS 1289.6.7.3. Notwithstanding these tests, the maximum infiltration rate that may be used for design and sizing purposes is 12m/day.
- The owner shall be responsible for perpetual maintenance of the stormwater disposal and infiltration system to ensure its continual operation at design capacity and to ensure no adverse affects on other land or property

(b) Partial disposal of allotment runoff by infiltration, for stormwater treatment.

Runoff from all roofs, hardstand and impervious surfaces is to be discharged to infiltration trenches located on the subject allotment:-

- As a minimum requirement, trenches are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event)

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and infiltrate this storm within a 24 hour period, with a safety factor of 2, before surcharging occurs. Surchage overflow from the infiltration area must occur by visible surface flow.

- Runoff is to be pre treated to remove contaminants prior to entry into the absorption areas (to maximise life of absorption areas between major cleaning/maintenance overhauls).
- If the site is under strata or community title, the strata/community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
- The design infiltration rate shall be determined as follows:-
 - * Conduct percolation tests on the site in accordance with Appendix B of A.S. 1547, Disposal Systems for Effluent from Domestic Premises,
 - * if the above yields a result <6m/day, this rate may be used for design
 - * if the result is >6m/day, the rate for design may not exceed 6m/day unless this rate is confirmed by independently determining the coefficient of permeability of the soil in accordance with AS 1289.6.7.3. Notwithstanding these tests, the maximum infiltration rate that may be used for design and sizing purposes is 12m/day.

The owner shall be responsible for perpetual maintenance of the stormwater disposal and infiltration system to ensure its continual operation at design capacity and to ensure no adverse affects on other land or property.

48. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.
49. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
50. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.
51. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
52. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.

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53. 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.
54. 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.
55. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
56. Prior to and during construction provide a “shake down” area along the haul route located immediately before the intersection with the road reserve. The “shake down” area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director of Engineering Services.
57. Works shall comply with the Acid Sulfate Soil Management Plan prepared by Soil Surveys Engineering Pty Ltd, June 2002. All excavated or exposed materials shall be treated and monitored in accordance with the measures outlined within the plan.
58. Marine & Riparian Vegetation shall not be removed or disturbed as part of the proposed works, except as strictly necessary for the placement of service lines.
59. The applicant shall undertake water quality monitoring, which assesses at minimum, dissolved oxygen, pH, turbidity, toxicants, salinity and nutrients. Such monitoring shall be undertaken at regular intervals during the construction period and for a period of two (2) years thereafter. The required monitoring shall be undertaken from at least two (2) sites, being 1 near the rosewood avenue bridge and 2. between stages 2 & 3 of the proposed medium density allotments on Hastings Road.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

60. Work as executed plans are to be provided to Council detailing:-

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- (i) all drainage lines, sewer lines and structures are wholly contained within the drainage easement created by the subdivision;
- (ii) the plans accurately reflect the Work as Executed;
- (iii) plans are to show the two inspection points perpendicular to two side boundaries and a depth below natural surface to pipe culvert for each inspection shaft.

Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed plans.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

- 61. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No DA02/0895 have been complied with.
- 62. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:
 - (i) Easements for sewer, water supply and drainage over **ALL** services on private property.
 - (ii) A restriction as to user restricting front building setbacks to a minimum of 3.0m and 4.0m on alternate lots to the general building line with the exception of garages, which are to be located a minimum of 6.0m back from the street frontage. The subject restriction must also detail that any encroachment within the 6.0m setback must not extend for greater than 50% of the street frontage.

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.

- 63. Prior to the issue of a Subdivision Certificate, Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council.
- 64. Where new state survey marks and/or permanent marks are placed, a copy of the locality sketch relating to the marks shall be submitted with the final subdivision certificate application.

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65. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the Director, Development Services **PRIOR** to the issue of a Subdivision Certificate. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.
66. Prior to registration of the plan of subdivision, a **Subdivision Certificate** shall be obtained.
- (i) The following information must accompany an application:
- original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees of \$118 per lot.
 - relevant development consent
 - detailed subdivision engineering plans endorsed with a construction certificate (where applicable)
 - evidence that the applicant has complied with all conditions of consent, that it is required to comply with before a subdivision certificate can be issued (where applicable)
 - a certificate of compliance from the relevant water supply authority (where applicable)
 - for subdivision involving subdivision works evidence that:
 - the work has been completed, or
 - agreement reached with the relevant consent authority regarding payment of the cost of work or as to the time for carrying out the work, or
 - security given to the consent authority with respect to the completion of the work
 - Work as Executed Plans for **ALL** works
- (ii) Documentary evidence that **all** matters contained in Section 109J of the Act have been complied with.
- (iii) Written evidence from Council that the proposed road/street names have been approved.

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

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67. Prior to the issue of a **Subdivision Certificate**, Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual.

The plans are to be endorsed by a Registered Surveyor **AND** a Consulting Engineer Certifying that:

- (i) all drainage lines, sewer lines and structures are wholly contained within the drainage easement created by the subdivision;
- (ii) the plans accurately reflect the Work as Executed.

Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed plans.

68. Prior to the issue of a **Subdivision Certificate** a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.

The bond shall be based on 5% of the value of the works which will be held by Council for a period of 6 months from the date on which the Subdivision Certificate is issued and will be refunded following the remedying of any defects arising within the 6 month period.

69. Prior to the issue of a Subdivision Certificate and also prior to the end of defects liability period, a CCTV inspection of the stormwater pipes will be required to demonstrate that the standard of the stormwater system is acceptable to Council.

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

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

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

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

Council does not permit the building over Council's sewers. When buildings are located in close proximity to the sewer, detailed plans of footing types, location

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and depth relative to the sewer are required to be included with the Construction Certificate Application.

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

71. Prior to issuing a Subdivision Certificate, Town Water shall be provided to each lot including a minimum size 25mm outside diameter water service terminated 1.0m inside the property boundary of each lot in accordance engineering with plans to accompany the Construction Certificate application. The reticulation shall be designed and constructed in accordance with DCP16 - Subdivisions Manual.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.

72. The production of written evidence from Telstra Australia certifying that satisfactory arrangements have been made for the provision of underground telephone supply.
73. i. The production of written evidence from Country Energy certifying that reticulation of underground electricity (residential) has been completed; and
ii. The reticulation to include the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.
74. All stormwater gully lintels shall have the following notice **cast** into the top of the lintel: '**DUMP NO RUBBISH, FLOWS INTO CREEK**' or similar wording to the satisfaction of the Director of Development Services.
75. (i) **PRIOR** to lodging an application for a Subdivision Certificate, the applicant shall obtain the written approval of Council to the proposed road/street names. Approved names are to be in accordance with Council's Road Naming Policy adopted on 7 August 1996 and are to be shown on the Plan of Subdivision accompanying the application for a Subdivision Certificate.
(ii) To avoid confusion resulting from duplication of private driveway/accessway name and public road/street names, the applicant shall submit to Council for approval the proposed name(s) of any private driveway/accessways.

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

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

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76. Outlet stormwater peak flows to the drainage canal are to be attenuated by utilising on site detention in the proposed park and limiting the underground drainage outflows to the canal.

DEPARTMENT OF LAND & WATER CONSERVATION GENERAL TERMS OF APPROVAL

77. Erosion and sediment control measures shall be employed for the duration of construction works to minimise silts and sediments from entering the adjoining waterbody.
78. Excavated material may contain potential acid sulfate soils and shall be tested. If present then appropriate management measures shall be employed to control any acid sulfate soil impacts in accordance with the ASMACC Manual.
79. Excavation operations shall be conducted so as not to damage or cause erosion of the adjoining banks of the waterbody.
- B. Council grant a building line variation for allotments numbered 1 to 38, inclusive of the following restriction:-
- “(i) All dwelling houses are to be setback a minimum of 3.0m and 4.0m on alternate from the front boundary, exclusive of garages, which are to be setback a minimum of 6.0m. Any encroachment within 6.0m of the front boundary is only permitted within 50% of the street frontage.*
- (ii) Rear setback to the canal boundary shall be a minimum of 6.0m to the external wall of the building and a minimum of 3.0m to any open deck structure.”*

Voting - Unanimous

6. **Draft Open Space Strategy and Amended Contribution Plan No.5 – Local Open Space, Draft Contribution Plan No 26 – Shirewide/Regional Open Space**
GT1/S94/5; Section 94 Plans

186

Cr Luff
Cr Boyd

RESOLVED that Council:-

1. Adopts the Open Space Infrastructure Policy as exhibited;
2. Adopts the Section 94 Developer Contributions Plan No 5 and the Section 94 Developer Contributions Plan No 26 as placed on public exhibition;
3. Gives public notice of its decision in accordance with the Environmental Planning and Assessment Regulations 2000, in the Tweed Link, specifying that the Contribution Plans come into effect on the date of the notice.

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Voting For

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

Voting Against

Cr Beck
Cr Brinsmead
Cr Lawrie
Cr Youngblutt

RETIREMENT FROM MEETING

Cr Lawrie

Left the meeting at 4.42pm.

SUSPENSION OF STANDING ORDERS

187

Cr Beck

Cr James

RESOLVED that standing orders be suspended to deal with Item 9 of the Agenda.

Voting – Unanimous

9. **Development Application K99/1682 for a Six (6) Lot Subdivision at Lot 2 DP 1014553 Winders Place, Banora Point**

DA5937/740 Pt3; 5937.740

188

Cr Boyd

Cr Marshall

RESOLVED that this matter be deferred on the request of the applicant.

Voting – Unanimous

RESUMPTION OF STANDING ORDERS

189

Cr Beck

Cr James

RESOLVED that Standing Orders be resumed.

Voting - Unanimous

7. **Erection of an Advertising Sign at Lot 1 DP 121377 No. 363 Carool Road, Carool**
DA02/1111 Pt1; 960.730

190

Cr Beck

Cr Youngblutt

RESOLVED that that Development Application DA02/1111 for the erection of a advertising sign on Lot 1 DP 121377 No. 363 Carool Road, Carool be deferred pending determination of

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the application and request the applicant to provide additional information within 28 days to meet the statutory compliance requirements.

Voting - Unanimous

8. Interim Protection Order - Kings Forest

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

191

Cr Luff

Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

**9. Development Application K99/1682 for a Six (6) Lot Subdivision at Lot 2 DP
1014553 Winders Place, Banora Point**

DA5937/740 Pt3; 5937.740

This item was dealt with at Minute No 188.

**10. Draft Tweed Local Environmental Plan 2000, Amendment No 25 - Part Lot DP
830595, Riveroak Drive, Murwillumbah**

GT1/LEP/2000/25 Pt1; LEP 25

192

Cr Luff

Cr Boyd

RESOLVED that Council forwards draft Tweed Local Environmental Plan 2000, Amendment No 25, to the Minister for Planning and requests the Minister to make the Plan in accordance with Section 70 of the Environmental Planning and Assessment Act 1979.

Voting – Unanimous

TEMPORARY ABSENCE FROM MEETING

Cr Youngblutt left the meeting.

11. Banora Point Community Centre and Passive Open Space

GT1/S94/1 Pt1; GT1/S94/3 Pt1; Banora Pt Comm Ctr; S94

193

Cr Boyd

Cr Luff

RESOLVED that this report be received and noted.

Voting – Unanimous

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LATE ITEM

194

Cr Marshall

Cr Luff

RESOLVED that Item 11a being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

Voting – Unanimous

11a. Banora Point Community Centre and Passive Open Space

GT1/S94/1 Pt1; GT1/S94/3 Pt1; Banora Pt Comm Ctr; S94

195

Cr Luff

Cr James

RESOLVED that:-

1. Council, in accordance with Clause 31 of the Environmental Planning and Assessment Regulations, 2000:-
 - A. Endorses the amendment and subsequent public exhibition of Contribution Plan No 1 – Banora Point West/Tweed Heads South Open Space to cease emplacement of conditions on Development Consent for contributions for the Banora Point Community Centre.
 - B. Endorses the amendment and subsequent public exhibition of Contribution Plan No 3 – Banora Point West/Tweed Heads South Community Facilities to include the equivalent amount of funds that would have been collected for the Community Centre to embellish and potentially assist the purchase of passive open space in Banora Point.
2. Council notes that there will be existing consents which have not had Construction Certificates issued but will have conditions requiring the payment of a Community Facilities Contribution.

RETURN TO MEETING

Cr Youngblutt returned to the meeting.

Voting - Unanimous

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REPORTS FROM DIRECTOR CORPORATE SERVICES

12. First Round Donations 2002/2003 - Donations Policy

Donations

196

Cr Boyd

Cr Polglase

RESOLVED that the applications for donations, as in accordance with the adopted Policy, and the funds voted in the 2002/2003 Budget be as follows:-

| | | |
|----------------------------------|---------|-----------------|
| Twin Towns Friends | \$1,000 | |
| Cudgen Headland Surf Club | \$2,000 | |
| Netball Qld | \$3,500 | |
| Blind Citizens Aust | \$750 | |
| Pottsville Community Assn | \$650 | |
| Tweed Valley Wildlife Carers Inc | \$2,700 | |
| Kingscliff Lions Club | \$350 | |
| Blind & Vision Impaired | \$2,000 | |
| Speed on Tweed | \$1,500 | \$14,450 |

AMENDMENT

Cr Marshall

Cr Youngblutt

PROPOSED that the applications for donations, as in accordance with the adopted Policy, and the funds voted in the 2002/2003 Budget be as follows:-

| | | |
|----------------------------------|---------|-----------------|
| Twin Towns Friends | \$1,000 | |
| SPELD | \$1,000 | |
| Pottsville Community Assn | \$650 | |
| Tweed Valley Wildlife Carers Inc | \$2,700 | |
| Tweed Heads Croquet | \$2,152 | |
| Kingscliff Lions | \$350 | |
| Tweed Landcare | \$1,773 | |
| Blind & Vision Impaired | \$2,000 | |
| Speed on Tweed | \$1,500 | \$13,125 |

The Amendment was **Lost** on the Casting vote of the Mayor.

Voting For

Cr Beck
Cr Brinsmead
Cr Davidson
Cr Marshall
Cr Youngblutt

Voting Against

Cr Polglase
Cr Boyd
Cr Carroll
Cr James
Cr Luff

The Motion was **Carried**

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Voting For

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

Voting Against

Cr Beck
Cr Brinsmead
Cr Marshall

13. First Round Donations 2002/2003 - Festivals Policy

Festivals-Policy; Donations

Cr Beck

Cr Marshall

PROPOSED that the distribution of funds for the first round of donations to festivals in accordance with the adopted policy and the funds voted in the 2002/2003 budget be as follows:-

| | |
|------------------------------|---------|
| Senior Citizens | \$3,500 |
| Tweed Valley Banana Festival | \$4,250 |

AMENDMENT

197

Cr Boyd

Cr Youngblutt

RESOLVED that the distribution of funds for the first round of donations to festivals in accordance with the adopted policy and the funds voted in the 2002/2003 budget be as follows:-

| | |
|------------------------------|---------|
| Senior Citizens | \$3,500 |
| Tweed Valley Banana Festival | \$8,500 |
| Wollumbin Festival | \$2,000 |

The Amendment was **Carried**

Voting For

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

Voting Against

Cr Beck
Cr Marshall
Cr Youngblutt

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

Voting For

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

Voting Against

Cr Beck
Cr Brinsmead
Cr Marshall

14. Budget Review 30 June 2002 - Carry Over Works

Budget

198

Cr Boyd

Cr Luff

RESOLVED that the:-

1. Quarterly Budget Review as at 30 June 2002 be adopted.
2. Expenditure as detailed before be “voted” by Council in the 2002/03 Budget year.

Voting - Unanimous

15. Council Business Ethics

ICAC; Code of Conduct

199

Cr Boyd

Cr Luff

RESOLVED that:-

1. Council’s Business Ethics Policy be approved by Council, being:-

“Background

A business ethics policy outlines the moral standards which will guide the organisation in carrying out its business. It is the morality based structural framework which guides decision making and behaviour by all members of the organisation - in all of their actions in relation the work required by their role within the organisation. This framework exists concurrently with the legislative, regulatory and other policy requirements which mandate or otherwise affect the business of the organisation.

The business ethics of an organisation are based on the principles and values which are held/espoused by the organisation.

The following business ethics policy is based on the principles of

- *Accountability & Transparency*
- *Respect for others and for legal authority*

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- *Stewardship and Community Leadership*

Policy Objective

To provide clear ethical guidance to Councillors and staff regarding the conduct of Council business.

Policy Statement

Councillors and staff will conduct their role within the business of Council in such a way as to maintain the highest level of community accountability, community stewardship and leadership whilst maintaining respect for individuals and the rule of law.

Implementation

- 1. Councillors and staff will comply with all requirements of state legislation and regulation relating to local government administration and land development.*
- 2. Councillors & staff will comply with requirements of Councils policies and procedures in particular the Code of Conduct and Procurement Policy.*
- 3. Behavioural guidance in matters of responsibilities and circumstances is provided by the detail in these policies.*
- 4. The requirements of these policies will be brought to the attention of persons who deal with Council on business matters.*
- 5. Councillors will maintain a clear separation between their work as advocates of particular matters and their work as a member of Council as a determining body.*
- 6. Councillors and staff will adopt a conservative approach to the avoidance and declaration of actual or potential conflict of interest and or pecuniary and non-pecuniary interest in matters which become the business of Council.*
- 7. Councillors and staff will be particularly meticulous with regard to the requirements of the Code of Conduct and Implementation 5 in relation to land development matters.*
- 8. Councillors and staff will act honestly and impartially and observe all requirements of equity and procedural fairness in their dealings with people and organisations who are involved in business with Council.*
- 9. Councillors and or staff who believe that their ability to operate within these guidelines has been compromised by the actions of others are required to advise the Mayor or General Manager respectively and withdraw from further action on the matter of business until completion of investigation and action by the Mayor or General Manager.*
- 10. A Councillor and or staff member who does report such a matter will be protected by Councils Protected Disclosures Policy and the relevant State legislation.*

Minutes - Meeting of Tweed Shire Council

Policy Responsibility

Director Corporate Services”

2. The Policy be advertised for a period of 28 days requesting comment on such Policy.

Voting - Unanimous

16. Public Liability Insurance - Incorporated Bodies

Insurance-Public Liability

200

Cr Marshall

Cr Boyd

RESOLVED that Council facilities/assets not be hired or leased to any association whether incorporated or otherwise unless it can be shown that such association has an appropriate level of public liability insurance where insurance is an issue for Council.

Voting - Unanimous

17. Council Workshops

Councillor-Conferences; Council Meetings

201

Cr Davidson

Cr Youngblutt

RESOLVED that Council modifies the currently scheduling of Workshop Meetings particularly in regard to Strategic issues, Policy development and specific presentations/briefings, by external agencies, by requiring the General Manager to:-

1. Schedule confidential workshop meetings on the second Wednesday of the month (following the Reserve Trust and Community Access meetings).
2. Provide the circulation of a confidential discussion/issues paper to all Councillors on the Friday prior to the Workshop regarding the specific scheduled matters.
3. Nominate a contact officer to enable clarification by Councillors of related matters prior to the scheduled workshop.

Voting - Unanimous

18. Report of Investigation - Tweed Shire Council

LEP – Kings Forest; GT1/LEP/2000/20 Pt5

202

Cr Beck

Cr Youngblutt

RESOLVED that Council has the opinion that having regard to Council’s Code of Meeting Practice that Cr Brinsmead has not transgressed the Code in his participation in and voting of his motion of dissent of 4 April 2001.

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Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Cr Luff

Cr James

PROPOSED that Council forms an opinion that it was unacceptable for Cr Brinsmead to remain as Chair and to use his casting vote as Chair to defeat a motion of censure against his behaviour as a Councillor.

The Motion was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

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

19. Report of Investigation - Tweed Shire Council

Gt1/LEP/2000/20 Pt5; LEP-Kings Forest

203

Cr Luff

Cr James

RESOLVED that the General Manager informs the Minister for Local Government and the Director-General, Department of Local Government of the results of his investigation and forwards relevant documentation.

TEMPORARY ABSENCE FROM MEETING

Cr Marshall left the meeting.

Voting - Unanimous

20. Lease to the Murwillumbah Pistol Club

Leases-Council Property; 3120.85

204

Cr Beck

Cr Davidson

RESOLVED that a Lease over part of Lot 10 in Deposited Plan No 258122 be granted to the Murwillumbah Pistol Club Incorporated based upon the terms and conditions as outlined in this report.

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Voting - Unanimous

21. Local Government Week Bus Tours

Local Government Week

205

Cr Davidson

Cr Beck

RESOLVED that Council continues the bus tours program as part of Local Government Week 2003.

Voting - Unanimous

22. Tweed and Coolangatta Tourism Inc (TACTIC) Strategic Plan 2002/2005

TACTIC

206

Cr Davidson

Cr Youngblutt

RESOLVED that the Tweed and Coolangatta Tourism Inc (TACTIC) :-

1. Strategic Plan 2002/2005:
 - a) be received and noted
 - b) be accepted as satisfying one of the requirements for the 2002/05 funding agreement.
2. Funding Agreement:
 - a) funding for the year 2002/03 be set at \$259,000 plus CPI.
 - b) changes be incorporate into the quarterly budget review to reflect the CPI amount of \$5,852.00.
 - c) as amended be signed and sealed under the Common Seal of Council.

Voting For

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

Voting Against

Cr James

RETURN TO MEETING

Cr Marshall returned to the meeting.

Minutes - Meeting of Tweed Shire Council

23. Uki Village and District Residents Association Inc - Purchase and Refurbishment of Uki Buttery

Bank Guarantees; Regional Solutions Program; 2970.2860

207

Cr Beck

Cr Youngblutt

RESOLVED that :-

1. Council approves to guarantee the repayment of a loan of \$50,000 by Uki Village and District Residents Association Inc.
2. The conditions of the loan guarantee to be determined by the General Manager.

Voting - Unanimous

24. Community Honour Roll

Civic Awards

208

Cr Brinsmead

Cr Davidson

RESOLVED that:-

1. The names on the Community Honour Roll is restricted to those receiving awards through the Australian Honours system.
2. No specific order will be followed with the names.
3. The board be installed near the public entrance to the Council Chambers

Voting - Unanimous

25. Quarterly Council Vehicle Accident Report - 1 April 2002 to 30 June 2002

GI1/4 Pt7

209

Cr Davidson

Cr Brinsmead

RESOLVED that this report be received and noted.

Voting - Unanimous

26. Quarterly Corporate Report

Quarterly Corporate Report

210

Cr Davidson

Cr Brinsmead

RESOLVED that this report be received and noted.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

REPORTS FROM DIRECTOR ENGINEERING SERVICES

27. Highway Handover

Pacific Highway; R4031 Pt15

211

Cr Youngblutt

Cr Marshall

RESOLVED that Council:-

1. Accepts the full length of the existing State Highway from the southern boundary at Wooyung to the interchange at Oak Avenue as a Regional Road.
2. Agrees to alterations to the existing Regional Road system by deleting:-
 - Wooyung Road south of Pottsville and adding:-
 - Clothiers Creek Road from the Motorway to Bogangar
 - Coronation Avenue and Pottsville Road Mooball from Pottsville to Cudgera Creek Road
 - Cudgera Creek Road from Mooball – Pottsville Road to the Motorway
3. Accepts the grants and lump sum offered and votes the expenditure.

Voting – Unanimous

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.30pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.30pm.

28. Acquisition of Easement for Water Supply within Crown Reserves 91297 & 821987, Towners Avenue, Cabarita Beach

Acquisitions-Coast Road; Easements; Crown Reserves; 1190.1235; Land Acquisitions; Easements – Crown Reserves; Coast Rd, Kcliff/Wooyung; 1190.1235

212

Cr Luff

Cr Marshall

RESOLVED that:-

1. Council approves the acquisition of an Easement for Water Supply 5 metres wide under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 and the Local Government Act, 1993 for water purposes;
2. All necessary documentation be executed under the Common Seal of Council.

Voting - Unanimous

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29. Kerb & Gutter Contributions

Kerb & Gutter; Sundry Debtors

213

Cr Marshall

Cr Youngblutt

RESOLVED that Council discontinues kerb and gutter contributions for all new work commenced after 1 July 2002 and that all previous accounts for contributions for works up to 30 June 2002 (including outstanding accounts) would stand.

Voting - Unanimous

30. Tweed Road Contribution Plan, Tourist Resort Amendment

Section 94 Plans

214

Cr Boyd

Cr Marshall

RESOLVED that:-

1. Council adopts draft version 4.5 of the Tweed Road Contribution Plan (Contributions Plan No. 4) as a basis for exhibition and community discussion. Version 4.5 contains the following amendments to current version 4.4:-

- (a) Amend Table 7.1 - Trip Generation Rates by Land Use by inserting the following:-

| No. | Land Use | Daily Trip Rate | Unit Per |
|-----|----------------|-----------------|---|
| 35 | Tourist Resort | 2.48 plus 12 | Room or Unit 100m ² GLA of restaurant |

- (b) Amend the notes to Table 7.1 by adding the following additional note:-

“e) A *TOURIST RESORT* is defined as a tourist accommodation facility with integrated reception area, common servicing and management of up to 400 rooms or units; featuring mainly accommodation with restaurants, pools, tennis courts, gym, conference facilities and moderate rates of arrival by car of 40 to 70%; and being in an Urban or Fringe Urban location within the Tweed Region.

If the Tourist Resort has a golf course/bowling greens/retail shopping/marina or is within a National park and is open to day visitors then category use No 35 does not apply and a Traffic Management Report will be required.”

2. The draft plan Version 4.5 of the Tweed Roads Contribution Plan be exhibited as required by the Environmental Planning and Assessment Regulations to repeal and replace Version 4.4.

Voting - Unanimous

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31. Tweed District Water Supply - Drought Management Strategy

Water Supply-General

215

Cr James

Cr Luff

RESOLVED that:-

1. Council adopts the following drought management strategy for the Tweed District Water Supply:-
 - a. Clarrie Hall Dam level above 65% - no restrictions - external sales are generally considered except when natural river flow is below the 20th percentile provided the water comes from storage.
 - b. Clarrie Hall Dam level below 65% - no external sales
 - c. Clarrie Hall Dam level between 60% and 50% - Tweed consumers 'on notice' of impending imposition of restrictions. Community requested to minimise consumption.
 - d. Clarrie Hall Dam between 50% and 45% - restrictions imposed to reduce monthly consumption by 10%.
 - e. Clarrie Hall Dam between 45% and 40% - restrictions imposed to reduce monthly consumption by 20%.
 - f. Clarrie Hall Dam below 40% - ongoing review by Council.
2. Appropriate communication be undertaken through the Tweed Link.
3. Storage and target demand levels be presented dynamically on Council's web page.

Voting - Unanimous

32. Pacific Highway Upgrading - Economic Impact on Murwillumbah

Tourist Gateway; Pacific Motorway; Advertising Signs; R5495 Pt7; DW684207

216

Cr Youngblutt

Cr Davidson

RESOLVED that Council:-

1. Advises the Roads & Traffic Authority of its in principle support to the proposal as outlined by the RTA in its letter dated 10 July 2002.
2. Convenes a meeting with TACTIC, the Tweed Economic Development Corporation, Murwillumbah Business Chamber Ltd, Tweed Heads Chamber of Commerce and the Kingscliff Business Corporation, Northern Rivers Tourism Board together with the RTA to address local signage issues identified post opening of the Yelgun to Chinderah Freeway.

Voting - Unanimous

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- 33. Transfer of Crown Road to Council as Public Road being Lot 373 in DP 48821 -
Letitia Spit Road, Fingal Head**

GR1/6 Pt5; Sand Bypass

217

Cr Luff

Cr Marshall

RESOLVED that all necessary documentation to effect the transfer of Lot 737 in DP 48821 to Council as Public Road be executed under the Common Seal of Council.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

- 34. Home and Community Care (HACC) Funding**

HACC; Govt Grant – Comm Options

218

Cr Marshall

Cr Luff

RESOLVED that Council:-

1. Upon receipt of the funds accepts the funds.
2. Votes the expenditure accordingly.
3. Completes all necessary documentation under the Common Seal of Council.

Voting - Unanimous

- 35. Cabarita Community Building**

Cabarita Community Centre

219

Cr Davidson

Cr Youngblutt

RESOLVED that the appropriate name for the community building currently under construction at Cabarita/Bogangar be the Cabarita Beach Sports Centre.

AMENDMENT

Cr James

Cr Luff

PROPOSED that Council calls for public comment on the name Cabarita Beach/Bogangar Sports Centre.

The Amendment was **Lost**

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Voting For

Cr Beck
Cr Carroll
Cr James
Cr Luff

Voting Against

Cr Polglase
Cr Boyd
Cr Brinsmead
Cr Davidson
Cr Marshall
Cr Youngblutt

The Motion was **Carried**

Voting - Unanimous

36. Membership of Chillingham Hall Management Committee

Rural Halls-Chillingham; 3780.1140

220

Cr Boyd

Cr Luff

RESOLVED that Council appoints the persons listed below as the Chillingham Hall Management Committee:-

Hazel M Jeffery
Maree Edwards
Bruce Edwards
Trevor Thomson
Joan Thomson
Glen Shoobridge
Gwenda Shoobridge
Keith Thomson
Rosalie Thomson
Jenny MacDonald
Christina Hayes

Voting - Unanimous

REPORTS FROM COMMITTEES/WORKING GROUPS

Nil

DELEGATES REPORTS

Nil

OUTSTANDING INSPECTIONS

Nil

ITEMS OF INTEREST & INFORMATION

Nil

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ORDERS OF THE DAY

1. Speech Communication Day

Notice of Motion; Communications Committee; Community Access

221

Cr Polglase

Cr Marshall

RESOLVED that this matter be deferred to a meeting where Cr Lawrie is in attendance.

Voting - Unanimous

2. Apology to Council Planning Staff

Notice of Motion; Code of Conduct

This motion was withdrawn.

WORKSHOPS PREVIEW

Nil

QUESTION TIME

Tennis Racquets for Tyalgum School

School – Tyalgum Public; Donation; Tweed Link

Cr Beck

Thanked the Editor of the Tweed Link for making a public appeal for tennis racquets for the Tyalgum School. As a result 7 racquets have been received for the children requested that the donors be thanked through the Tweed Link.

The General Manager responded that he will arrange for a suitable ‘thank you’ to be placed in the Tweed Link.

Latitude 28

DA4040/100 Pt7; Code of Conduct; TEDC

Cr Beck

Asked will Council take any action against:-

- (a) TEDC’s attitude to Latitude 28
- (b) The leaking of a confidential document to the Tweed Monitor Group.

The General Manager responded that:-

- (a) This is an issue for Council to decide upon.
- (b) The document is not a Confidential Council document, hence no action to be taken.

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Area Names

Geographical Names Board; Rural Addressing

Cr Boyd

Enquired whether the Uki area names have changed as some people are now receiving mail addressed to Rolands Creek, Smiths Creek etc and not Uki.

Director Engineering Services responded names can only be changed by the Geographical Names Board.

COMMITTEE OF THE WHOLE

222

Cr Marshall

Cr Youngblutt

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

Voting - Unanimous

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

ITEMS DEFERRED IN COMMITTEE

9. Development Application 1338/2001 for the Erection of a Rural Workers Dwelling at Lot 1 DP 772338 No 68 Simpson Drive, Bilambil Heights

DA0530/441 Pt1; 530.441

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

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

C50

That this item be dealt with in conjunction with Item 2 of this agenda. (Refer Minute No C52).

Voting - Unanimous

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES IN COMMITTEE

1. Appointment of Consultants to Prepare Draft Tweed Local Environmental Plan 2000, Amendment No 14 (Kingscliff Sewerage Treatment Plant)

GT1/LEP/2000/14 Pt1

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

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

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

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C51

That Council defers the decision on the Consultants to prepare the Local Environmental Study and draft Local Environmental Plan Amendment for Kingscliff Sewerage Treatment Plant (Lot 32, DP 847319) pending legal advice on the implications for the agreement with Gales Holdings of revising the brief to be based upon the preferred potential uses and consequent zoning(s) for the subject land in conjunction with the consultation and finalisation of the Kingscliff District Strategy.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

2. **Notice of Intention to Demolish Rural Worker's Dwelling at Lot 1 DP 772338 No 68 Simpson Drive, Bilambil Heights (Mr B Garbet)**

DA0530/441 Pt1; 530.441

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

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

C52

That Council not serves an Order pursuant to Section 121B of the Environmental Planning and Assessment Act on Mr B Garbett to demolish the building erected without prior Development Consent at Lot 1 DP 772338 No 68 Simpson Drive, Bilambil Heights, and now proceeds with the further assessment and determination of the Development Application for the rural worker's dwelling.

Voting - Unanimous

3. **Cabarita Community Building - Contract Caretaker**

Cabarita Community Centre

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

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

(a) personnel matters concerning particular individuals

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

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

C53

That this item be dealt with at Item 3a of this agenda. (Refer Minute No C54).

Voting - Unanimous

- 3a. **Further Information to Confidential Item 3 - Cabarita Community Centre - Contract Caretaker**

GC12/5-200238 Pt1; Community Centre; Les Burger Field

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

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

(i) prejudice the commercial position of the person who supplied it, or

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

C54

That Council:-

1. Delegates to the Director Environment and Community Services the authority to appoint the Caretaker for a 6 month probationary period prior to appointment for a three (3) year period.
2. Completes all necessary documentation under the Common Seal of Council.

Voting - Unanimous

223

Cr Marshall

Cr Youngblutt

RESOLVED that the report and recommendations of the Confidential Committee of the Whole be adopted.

Voting - Unanimous

There being no further business the Meeting terminated at 8.29pm.



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 64 of these Minutes**

Chairman