

# 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 Don Buckley (Director Environment & Community Services), Mr Ian Carpenter (Director Corporate Services), Mr Brian Donaghy (Manager Administration Services/Public Officer) and Mrs Kerrie McConnell (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.

***"Be still and know that I am God;  
I will be exalted among the nations  
I will be exalted in the earth.***

*(Psalm 46:10)*

*Eternal God, Lord of the Universe and Creator of all, You indeed are God; and You will be exalted in the earth. Forgive us that we often continue on blindly in our own ignorance and self-sufficiency, instead of looking for You to guide us. Grant us wisdom, grace, insight and discernment in the matters before us today. Help us to be fair and impartial in all that we do so that no one might have an unfair advantage over any other person or group within our community. So by Your Spirit, enable us to act with integrity and dignity in our decision making and as we debate the items on our agenda.*

*Loving God, we acknowledge the desperate plight of our nation at this time; the drought which has crippled so much of our country and brought hardship and despair especially to our rural communities. Grant strength, comfort and peace to those who are facing difficult times especially as we approach Christmas. Bring rain, we plead, to a dry and thirsty land. Refresh and renew the land and our nation with life giving rains. We thank You today for the many volunteers who service our community and our nation. We especially remember the people who serve us through the many emergency services across the land. We pray particularly for our fire fighters, as they work to protect our land and our property in these dry and perilous times.*

*Help us to work in unity within our Shire and to bring our communities to their full potential. We pray for each other; look with favour upon us and bless us. Guide Your servant, Warren, as he gives leadership within our Shire as our Mayor. Let Your peace be upon us and Your presence fill this place; for ask this in the Name of Jesus Christ our Lord.*  
*Amen."*

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## CONFIRMATION OF MINUTES

509

Cr Boyd

Cr Davidson

**RESOLVED** that the Minutes of the Ordinary Meeting held 20 November 2002 be confirmed as an accurate record of the proceedings of that Meeting, with the following amendments to Minute No 484 – condition 18 to read:

“18. *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.”*

**Voting - Unanimous**

510

Cr Boyd

Cr Davidson

**RESOLVED** that the Minutes of the Extraordinary Meeting held 27 November 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

## ITEMS TO BE MOVED TO OR FROM CONFIDENTIAL

Nil

## SCHEDULE OF OUTSTANDING RESOLUTIONS

511

Cr Davidson

Cr Boyd

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

Voting – Unanimous

## MAYORAL MINUTE

### 1. Work Experience

This item was received and noted.

**Work Experience**

### 2. Aussie Connect

This item was received and noted.

**Councillors' Invitations**

### 3. Seabreeze Estate

This item was received and noted.

**Councillors' Invitations**

### 4. Tweed Business Awards

This item was received and noted.

**Civic Awards/Industrial Development General**

### 5. Ski for a Cure

This item was received and noted.

**Charities**

### 6. TEDC

This item was received and noted.

**TEDC**

### 7. Tweed Heads Hospital

This item was received and noted.

**Aged Services/Councillors' Invitations**

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**8. Casuarina Fishing Classic**

**Sport & Rec. General**

This item was received and noted.

**9. Tweed Coast Business Corp**

**Kingscliff District Strategic Issues**

This item was received and noted.

**10. Ski For a Cure**

**Charities**

This item was received and noted.

**11. Tweed River Festival**

**Tweed River Festival**

This item was received and noted.

**12. Bilambil Sports Club**

**Councillors' Invitations**

This item was received and noted.

**13. Bilambil Sports Club**

**Councillors' Invitations**

This item was received and noted.

**14. Mortgage Bureau**

**Councillors' Invitations**

This item was received and noted.

**15. TACTIC**

**TACTIC**

This item was received and noted.

**16. Councillors/Directors/Managers Christmas Party**

**Councillors General**

This item was received and noted.

**17. Remote Control Car Club**

**Councillors' Invitations**

This item was received and noted.

**18. Carols By Candlelight**

**Councillors' Invitations**

This item was received and noted.

**19. PlanningNSW**

**Planning General**

This item was received and noted.

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**20. Autumn Club**

**Councillors' Invitations**

This item was received and noted.

**21. People With Disabilities**

**Disabled Matters**

This item was received and noted.

**22. Northern Development Task Force Inc**

**Northern Rivers Regional Development Board**

This item was received and noted.

**23. Northern Rivers Area Health**

**Councillors' Invitations**

This item was received and noted.

**24. Lindisfarne School**

**Councillors' Invitations**

This item was received and noted.

**Adoption of Mayoral Minute**

**512**

**Cr Polglase**

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

**Voting - Unanimous**

**ITEMS DEFERRED**

Nil

**REPORTS THROUGH GENERAL MANAGER**

**REPORTS FROM DIRECTOR DEVELOPMENT SERVICES**

- 1. Section 94 Contribution Plan No 16 – Emergency Facilities and Cabarita Surf Lifesaving Club**

**GT1/S94/16 Pt1**

**513**

**Cr Boyd**

**Cr James**

**RESOLVED** that Council:

- Approves the amendment to Section 94 Contribution Plan No 16 to include:
  - the actual location of the proposed clubhouse;

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- the loan component for the \$500,000, with total principal and interest of \$649,121 over eight years; and
  - the revised equipment needs of the surf clubs for the next five years; and
  - the amended contribution rate.
2. Endorses the public exhibition for 28 days of the amended CP16 in accordance with Clause 31 of the Environmental Planning and Assessment Regulations, 2000.

### Voting - Unanimous

2. **Development Application DA02/0988 for the Erection of an Agricultural Storage Shed and Greenhouse Structures at Lot 11 DP 835413 Boulder Close, Byangum**  
**DA02/0988 Pt2**

514

Cr Boyd

Cr Davidson

**RESOLVED** that Development Application DA02/0988 for the erection of an agricultural storage shed and greenhouse structures at Lot 11 DP 835413 Boulder Close, Byangum be approved subject to the following conditions: -

### GENERAL

1. The development shall be completed in general accordance with the plans and the Statement of Environmental Effects included in the application, except where varied by these conditions of consent.
2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
3. The erection of a building in accordance with 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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4. No produce is to be sold direct from the site.

## **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

5. 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.

6. A detailed plan of landscaping providing for a mixture of advanced nursery stock and other trees that provide effective screening is to be submitted and approved by the Director of Development Services prior to the issue of a Construction Certificate. The landscaping is to be planted to the satisfaction of the Director of Development Services before the shade cloth is attached to the structures.

## **PRIOR TO COMMENCEMENT OF WORK**

7. 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.
8. 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.

## **DURING CONSTRUCTION**

9. 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).
10. 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. completion of work
  - d. frame

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11. 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.
12. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
  - i. All required erosion and sedimentation control devices have been installed and are operational.
  - ii. A sign has been erected on the site identifying:
    - Lot number
    - Builder
    - Phone number of builder or person responsible for site.
  - iii. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
13. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped.
14. 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.
15. 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.

### **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

16. 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.
17. 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**

18. 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.

**515**

**Cr Youngblutt**

**Cr Davidson**

**RESOLVED** that an extension of 3 minutes be granted to Cr Lawrie.



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## Voting – Unanimous

### ATTENDANCE AT MEETING

Cr Brinsmead attended the meeting at 3.20pm.

### AMENDMENT

Cr Lawrie

Cr Marshall

**PROPOSED** that this item be deferred until the next Council meeting to allow this matter to be further investigated.

516

Cr Davidson

Cr Youngblutt

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

#### Voting For

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

#### Voting Against

Cr Beck  
Cr Marshall

The Amendment was **Lost**

#### Voting For

Cr James  
Cr Lawrie  
Cr Marshall

#### Voting Against

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

The Motion was **Carried**

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## Voting For

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

## Voting Against

Cr James  
Cr Lawrie  
Cr Marshall

## DECLARATION OF INTEREST

### Cr Brinsmead

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

The nature of the interest is that Cr Brinsmead's son is the principal of the law firm involved in this item.

### 3. Development Application DA02/0626 for a 26 Lot Residential Subdivision at Lot 113 DP 1031933 Tweed Coast Road, Kingscliff

DA02/0626 Pt1

517

Cr Beck

Cr Youngblutt

**RESOLVED** that rather than both parties, Tweed Shire Council and Kings Beach No 2 Pty Ltd/Consolidated Properties spending substantial monies on an appeal Council should resolve to negotiate a settlement of the appeal with the aim of approval based upon a deferred commencement (S80(3)) EPA Act.

## Voting For

Cr Polglase  
Cr Beck  
Cr Lawrie  
Cr Marshall  
Cr Youngblutt

## Voting Against

Cr Boyd  
Cr Carroll  
Cr Davidson  
Cr James

## RETURN TO MEETING

Cr Brinsmead returned to the meeting.

## SUSPENSION OF STANDING ORDERS

518

Cr Youngblutt

Cr Beck

**RESOLVED** that standing orders be suspended to deal with Item 1 of Orders of the Day being the Rescission Motion.

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## ATTENDANCE AT MEETING

Cr Luff attended the meeting at 4.06pm.

### Voting – Unanimous

#### 1. Lot 156 DP 628026 Creek Street, Hastings Point

**PF1431/190 Pt4; Notice of Rescission**

Cr Youngblutt

Cr Davidson

**PROPOSED** that Council resolution at Minute No 481 in relation to Item 2 of the Meeting held 20 November 2002 being:-

".....that:-

1. Council informs the Director-General of PlanningNSW, pursuant to Section 54 of the Environmental Planning and Assessment Act that it intends to prepare a draft Local Environmental Plan, to rezone parts of Lot 156 DP 628026, Creek Street, Hastings Point identified in Aerial photograph MapInfo 7 by J Batchelor marked "no. 1" and dated 12 November 2002 from 2(e) Residential Tourist Zone to 7(a) Environmental Protection (Wetland).
2. The Director-General of PlanningNSW be advised that in Council's opinion an Environmental Study pursuant to Section 57 of the Environmental Planning and Assessment Act 1979 will be required.

Be rescinded.

**519**

Cr Beck

Cr Lawrie

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

#### Voting For

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

#### Voting Against

Cr Luff

**520**

Cr Beck

Cr Brinsmead

**RESOLVED** that a further extension of 1 minute be granted to Cr Youngblutt.

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**Voting - Unanimous**

## PROCEDURAL MOTION

**521**

**Cr Boyd**

**RESOLVED** that the motion be put.

**Voting - Unanimous**

The Recission Motion was **Lost**

### **Voting For**

Cr Polglase  
Cr Beck  
Cr Brinsmead  
Cr Youngblutt

### **Voting Against**

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

## RESUMPTION OF STANDING ORDERS

**522**

**Cr Luff**

**Cr Marshall**

**RESOLVED** that Standing Orders be resumed.

**Voting - Unanimous**

- 4. Development Application DA02/1265 for Construction of a Skate Park and Associated Drainage Works - Les Burger Fields at Lot 1 DP 1040811 Tweed Coast Road, Bogangar**

**DA02/1265 Pt1**

**523**

**Cr Davidson**

**Cr James**

**RESOLVED** that Development Application DA02/1265 for the construction of a skate park and associated drainage works - Les Burger Fields at Lot 1 DP 1040811, Tweed Coast Road, Bogangar be deferred and considered at the next meeting.

**Voting - Unanimous**

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5. **Development Application 0023/2002DA - Two (2) Sixteen Storey Residential/Tourist/Commercial Buildings - The Corner of Wharf and Bay Streets, Tweed Heads - Latitude 28**

**DA4040/100 Pt8**

**Cr Boyd**

**Cr Luff**

**PROPOSED** that Development Application 0023/2002DA for Two (2) Sixteen Storey Residential/Tourist/Commercial Buildings at Lot B DP 332137, Lot 2 DP 758279, Lot 1 DP 962785, Lot 1 DP 962784, Lot 100 DP 775892, Lot A DP 101034, Lot 1 DP 963896, Lot 12 Section 1 DP 759009, Lot 13 Section 1 DP 759009, Lot 14 Section 1 DP 759009, the Corner of Wharf and Bay Streets, Tweed Heads, be refused for the following reasons:-

1. Pursuant to Section 79C(a)(i) of the Environmental Planning and Assessment Act, 1979 and State Environmental Planning Policy No. 1, concurrence of the Director-General of PlanningNSW has been declined to the proposal to vary the development standard prescribed by Clause 32B of the North Coast Regional Environmental Plan.
2. Pursuant to Section 79C(a)(i) of the Environmental Planning and Assessment Act, 1979, and Clause 51 of the North Coast Regional Environmental Plan, concurrence of the Director-General of PlanningNSW has been declined to the proposal for the building to exceed 14m in height.
3. Pursuant to Section 79C(a)(i) of the Environmental Planning and Assessment Act, 1979, the application does not comply with Clause 32B of the North Coast Regional Environmental Plan given the development would result in the water body, beaches and adjacent public open space in the coastal foreshore reserve of Jack Evans Boatharbour being overshadowed before 6.30pm mid summer (DST).
4. Pursuant to Section 79C(e) of the Environmental Planning and Assessment Act, 1979, it is considered the development is not in the public interest, as it does not satisfy the underlying visions for Tweed Heads Central Business District contained in Tweed Heads 2000+ Strategy and Tweed Shire 2000+ Strategic Plan.

### **AMENDMENT**

**524**

**Cr Polglase**

**Cr Beck**

**RESOLVED** that Council:

- a. Notes the advice of non-concurrence for the Latitude 28 development application by the Director-General of PlanningNSW.
- b. Defers a determination to enable further negotiations to occur and the potential lodgement of amended plans;
- c. Reaffirms its support for the proposed development.

The Amendment was **Carried**

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

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

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

6. **Section 96 Application K99/0294.02 for an Amendment to Development Consent K99/0294 for a 3 Lot Rural/Residential Subdivision at Lot 29 DP 624296 Rowlands Creek Road, Uki**

**DA4800/170 Pt1**

525

**Cr Beck**

**Cr Youngblutt**

**RESOLVED** that Development Application K99/0294 for an amendment to Development Consent K99/0294 for a 3 lot rural/residential subdivision at Lot 29 DP 624296, Rowlands Creek Road Uki be approved.

**Voting - Unanimous**

7. **Development Application DA02/1421 - Proposed Change of Use of Existing Tweed Heritage Caravan Park to a Manufactured Home Estate and Community Title Subdivision - Lots 102, 103 and 104 DP 755701 Chinderah Bay Drive, Chinderah**

**DA02/1421 Pt3**

526

**Cr Boyd**

**Cr Marshall**

**RESOLVED** that Development Application DA02/1421 for a proposed change of use of the existing Tweed Heritage Caravan Park to a manufactured home estate and a community title subdivision of the proposed 140 manufactured home sites and two dwellings on Lots 102, 103 and 104 DP 755701 Chinderah Bay Drive, Chinderah be refused for the following reasons:-

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1. The proposed development is prohibited under the provisions of Tweed Local Environmental Plan 2000.
2. Approval of the application under the existing use provisions of the Environmental Planning and Assessment Act, 1979 and Environmental Planning and Assessment Regulations would be inconsistent with the public interest.
3. The development is likely to have an unacceptable adverse social and economic effect on existing residents.
4. The proposed development does not comply with the Manufactured Housing Estates and Manufactured Homes Regulations, 1995.
5. The development is inconsistent with the provisions of Development Control Plan No. 5 – Development of Flood Liable Land.
6. The development is inconsistent with the provisions of Development Control Plan No. 16- Subdivisions Manual.
7. The development is inconsistent with the provisions of State Environmental Planning Policy No. 36 – Manufactured Homes Estates in relation to the proposed subdivision component.
8. The development is inconsistent with the provisions of Development Control Plan No. 39 – Energy Smart Homes Policy.
9. Approval of the application would be contrary to the public interest and may create an undesirable precedent for other caravan parks within Tweed Shire.

### TEMPORARY ABSENCE FROM MEETING

Cr Youngblutt left the meeting.

#### Voting - Unanimous

8. **Draft Development Control Plan No. 16 – Subdivisions Manual**

**GT1/DCP/16 Pt1**

**527**

**Cr Boyd**

**Cr Luff**

**RESOLVED** that Council: -

1. Endorses draft “Development Control Plan No.16 - Subdivision Manual - Version 1.2” as a basis for public exhibition and community discussion/consultation for a period of 8 weeks in accordance with the Environmental Planning and Assessment Regulation.
2. Notes that during the exhibition period a series of workshops be conducted for developers, consulting town planners and consulting engineers to explain the provisions of Draft Development Control Plan No. 16 and seek their input.

#### Voting - Unanimous

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## DECLARATION OF INTEREST

### Cr Brinsmead

Declared an interest in Item No 8a, left the Chamber and took no part in the discussion and voting.

The nature of the interest is that Cr Brinsmead's son is the principal of the law firm involved in this item.

### **8a. Development Application DA02/0980 - Multi-Dwelling Housing Comprising 17 x 3 Bedroom and 4 x 4 Bedroom Units in 6 Storeys at Lot 92 DP 237806, Lot 93 DP 237806, Lot 94 DP 237806, No. 5 Ivory Crescent, Tweed Heads**

**DA02/0980 Pt2**

528

### Cr James

### Cr Marshall

**RESOLVED** that in relation to Development Application DA02/0980 for multi-dwelling housing comprising 17 x 3 bedroom and 4 x 4 bedroom units in 6 storeys at Lot 92 DP 237806, Lot 93 DP 237806, Lot 94 DP 237806, No. 5 Ivory Crescent, Tweed Heads: -

- A. The Director-General of PlanningNSW concurrence be assumed for the variation to Clause 51(2) of the North Coast Regional Environmental Plan; and
- B. The application be approved subject to the following conditions:-

### **GENERAL**

1. The development shall be completed in general accordance with the Statement of Environmental Effects and Plans Nos 5701/S/03 to 5701/S/08 inclusive and 5701/S/09A and 5701/S/10A prepared by Pat Twohill Designs Pty Ltd and dated June 2002, except where varied by these conditions.
2. 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.
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
4. The erection of a building in accordance with a development consent must not be commenced until:
  - a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
    - (i) the consent authority; or
    - (ii) an accredited certifier; and
  - b. the person having the benefit of the development consent:



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- (i) has appointed a Principal Certifying Authority; and
  - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
- c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.
5. The proposed development requires a licence under Part 5 of the Water Act 1912 for the purpose of temporary dewatering for construction purposes for a period of four months. The General Terms of Approval for a licence under the Water Act for the proposed development are attached to this consent.
6. The volume allocated for the temporary licence will be 10 mega litres for the period of the licence.
7. This approval does not permit any sheet piling to Council owned land.

### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

8. The basement car parking is to be protected against the inflow of water to a level of 500mm above the design flood level of RL 3.15m AHD. A detailed design of the basement stormwater pump out system is to be provided designed for a storm event with a 10 year average return interval (ARI 10) and the consequences of pump failure and the 100 year ARI storm event must be addressed and included with the above details prior to the issue of a Construction Certificate.
9. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be submitted to and approved by the Director of Environment and Community Services PRIOR to the issue of a construction certificate.
10. The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of.
11. 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.
12. 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 prior to issue of a construction certificate for the development.
13. A construction certificate application for works that involve any of the following:-

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- 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.

14. A. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
- i. in the case of work to be done by a licensee under that Act:
    - (i) has been informed in writing of the licensee's name and contractor licence number; and
    - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
  - ii. in the case of work to be done by any other person:
    - (i) has been informed in writing of the person's name and owner-builder permit number, or
    - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner-builder work* in Section 29 of that Act,
- and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
- B. A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
15. Sanitary plumbing and drainage details designed by a hydraulic consultant are to be submitted to and approved of by Council prior to the issue of a construction certificate.

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16. Any premises proposing to discharge into Councils sewerage system a waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by Councils Manager Water and concurrence received from the Department of Land and Water Conservation, if required, PRIOR to the issuing of a Construction Certificate to discharge to Councils sewerage system.
17. 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*.
  - (d) Specific requirements:
    - (i) Roof runoff is to be discharged without stormwater quality treatment.
    - (ii) Basement and driveway area runoff is to be pre-treated to remove oil and sediment prior to entry to the 'soakwell'
    - (iii) The car wash down areas are to be pervious areas
18. The peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the ARI 100 year design storm, shall be 200 l/s/ha. This may be achieved by on site detention (OSD), on site retention or a combination of both. Detention storage may be incorporated into surface

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depressions in landscaping or aboveground car parking areas. The maximum water depth under design conditions in aboveground vehicle parking areas shall be 200mm. OSD devices including discharge control pits (DCP) are to comply with standards in The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook, Third Edition, December 1999") except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire. All these works and the connection to Councils drainage system shall be constructed in accordance with design calculations, plans and specifications to be submitted with the construction certificate application and approved by the Director of Engineering Services.

19. 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*.
20. 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. Drainage must be installed and operational prior to commencement of any building work.

All fill and cut batters shall be obtained wholly within the subject land.
21. All stormwater runoff from the site is to be discharged to Ivory Crescent. No discharge is permitted to adjacent land.
22. Runoff from the driveway and basement parking areas is to be pumped for final discharge to Ivory Crescent in accordance with Section 9 of AS/NZS 3500.3.2.1998 (Natural Pumping and Drainage - Part 3.2: Stormwater Discharge - Acceptable Solutions).

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23. The driveway entrance shall be graded to ensure Q100 stormwater run off from the Ivory Crescent kerb and gutter does not enter the site.
24. 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, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

- a. Tweed Road Contribution Plan: \$12,389.00

S94 Plan No. 4 (Version 4.0)

(Sector 1)

### 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)

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	\$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):	\$8,304.00
	S94 Plan No. 5	
c.	Open Space (Casual):	\$1,788.00
	S94 Plan No. 5	
d.	Shirewide Library Facilities:	\$7,386.00
	S94 Plan No. 11	
e.	Bus Shelters:	\$309.00
	S94 Plan No. 12	
f.	Eviron Cemetery/Crematorium Facilities:	\$1,449.00
	S94 Plan No. 13	
g.	Emergency Facilities (Surf Lifesaving)	\$2,358.00
	S94 Plan No. 16	
h.	Extensions to Council Administration Offices & Technical Support Facilities	\$4,458.39
	S94 Plan No. 18	
i.	Cycleways	\$1,725.00
	S94 Plan No. 22	
j.	Regional Open Space (Structured)	\$12,617.00
	S94 Plan No. 26	
k.	Regional Open Space (Casual)	\$2,361.00
	S94 Plan No. 26	
25.	A <b>certificate of compliance</b> (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

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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: \$51,000.00

Sewer: \$41,756.00

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.

### PRIOR TO COMMENCEMENT OF WORK

25. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
  - (a) a standard flushing toilet connected to a public sewer, or
  - (b) if that is not practicable, an accredited sewage management facility approved by the council, or
  - (c) if that is not practicable, any other sewage management facility approved by the council.
26. 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.
27. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:
  - i. The person must, at the person's own expense:
    - a. preserve and protect the building from damage; and
    - b. if necessary, underpin and support the building in an approved manner.

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- ii. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.
28. 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.
29. Prior to the commencement of work on the stormwater system a site inspection is to be arranged with the Principal Certifying Authority to discuss site drainage.
30. 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.
31. 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.
32. Prior to commencement of any works on the site a plumbing and drainage inspection fee of \$988.00 is to be submitted to Council.
33. 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.
34. 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.
35. An Acid Sulfate Soils sampling and analysis shall be carried out on the proposed site and develop an appropriate acid sulfate soil management plan if necessary based on the sampling results. Such a sampling and analysis program is to be carried out in accordance with the ASSMAC Guidelines and is to include appropriate management procedures in accordance with the ASSMAC Guidelines for both soil and water if necessary. The results of the sampling and analysis program together with any necessary management plan are to be submitted to Council for consideration and approval prior to commencement of works. The plan should also indicate the proposed on site location of any ASS stockpiles.



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36. Prior to commencement of works details shall be provided to Council with respect to Stormwater Management Plan 02052 SK2 Issue A on how the impervious pavement area associated with the car wash down bays will be connected to the soakwell. Untreated runoff from the car wash bays will not be permitted to enter the stormwater system.

### **DURING CONSTRUCTION**

37. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
38. All engineering works required to be approved prior to the issue of a construction certificate are to be constructed in accordance with the approval.
39. 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.
40. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:
- a. A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.
  - b. The chute shall be located in a position approved by the Principal Certifying Authority.
  - c. A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.
41. 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.
42. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".
43. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead" and the WorkCover guidelines on working with and handling of asbestos.
44. 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.

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45. Demolition of building existing on site is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover Authority.
46. 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
  - f. swimming pool safety fencing prior to filling the pool with water
  - g. the fire protection of penetrations through any fire rated elements prior to covering
  - h. steel reinforcing prior to pouring of concrete
  - i. frame
  - j. stormwater drainage connection to inter allotment drainage system prior to back filling.
47. 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.
48.
  - a. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
  - b. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
49. If the work involved in the erection or demolition of a building:
  - a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
  - b. building involves the enclosure of a public place,a hoarding or fence must be erected between the work site and the public place.

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

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

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

50. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the Director, Engineering Services. Twenty four (24) hours notice is to be given to Council's Engineering Services Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction. Paving bricks are not acceptable unless laid on a 100mm thick concrete base.
51. The building is to be sited at least one metre horizontally clear of sewer main on site. All footings and slabs within the area of influence of the sewer main are to be designed by a practising Structural Engineer. The engineer is to submit a certification to the Principal Certifying Authority that the design of such footings and slabs will ensure that all building loads will be transferred to the foundation material and will not effect or be affected by the sewer main.
52. A Sewer manhole is present on this site. This manhole is not to be covered with soil or other material or concealed below ground level.  
  
Should additional fill be proposed in the area of the sewer manhole Council's Engineering Services Division must be consulted and suitable arrangements made for the raising of the manhole to the satisfaction of Council's Manager Public Utilities.
53. 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.
54. 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.
55. 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.
56. 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.

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L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 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.

57. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
58. The burning of builders waste on site by open fire is prohibited.
59. All new residential dwellings (and extensions comprising over 50% of the original floor area) are to fully comply with Councils Energy Smart Housing Policy (DCP39). In order to comply with DCP39 consideration must be given to the building envelope, orientation, insulation, ventilation, thermal mass, zoning, and hot water supply.
60. 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.
61. 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.
62. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
63. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
64. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.
65. 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.

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

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

67. 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.
68. 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.
69. 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.

70. 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.
71. Any Acid Sulfate Soil or landscaping and site works soil stockpiles that will be located on the site for a period in excess of three weeks should be seeded to minimise the generation of dust.
72. Should any items or materials believed to be of Aboriginal or cultural heritage significance be exposed during the excavation works, then all work in the vicinity of the materials or items is to stop immediately and the Regional Director of the National Parks and Wildlife Service is to be contacted. No work in the vicinity of the items or materials are to recommence without the permission of the Regional Director.
73. The hot water system for the development shall comply with Development Control Plan No. 39 - Energy Efficient Housing.
74. The development shall provide eight (8) marked visitor car parking spaces in the basement in accordance with the approved basement plan. The basement security door system shall provide information to enable visitor access to the basement.

### **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

75. 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.
76. A person must not commence occupation or use of the whole or any part of a new building (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).
77. 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.
78. A survey certificate signed by a registered surveyor is to be submitted to the PCA to certify that the habitable floor level of the building to be at a level of not less than RL 2.95m AHD.

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### USE

79. 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.
80. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.
81. Swimming Pool water quality shall be maintained in accordance with the requirements of NSW Health Guidelines for the disinfection of Swimming Pools and Spa Pools.
82. All external artificial lighting is to be shielded where required to the satisfaction of Council's Director of Environment and Community Services so as to prevent the spill of light onto adjoining neighbouring properties causing a nuisance.

### DEPARTMENT OF LAND & WATER CONSERVATION GENERAL TERMS OF APPROVAL FOR A LICENSE UNDER THE WATER ACT 1912

#### General Conditions

83. Before commencing any works or using any existing works for the purposes of Temporary Dewatering for Construction Purposes, an approval under **Part 5** of the Water Act 1912 must be obtained from the Department. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.
84. An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the Water Act 1912.
85. When the Department grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or to let lapse.
86. All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.
87. All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.
88. The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.
89. All vegetation clearing must be authorized under the Native Vegetation Conservation Act 1997, if applicable.
90. The approval to be granted may specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.

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91. A license fee calculated in accordance with the Water Act 1912 must be paid before a license can be granted.
92. Any license so issued, from the date of issue, will be subject to Annual Cost Recovery Water Management Charges as set by the Independent Pricing and Regulatory Tribunal.

### **Conditions relating to water entitlements**

93. An approval will only be issued in relation to a water entitlement that is already held by the owner of the land subject to this consent or is purchased from another entitlement holder.
94. A transfer of an entitlement shall be subject to the provisions of the Water Act 1912 the regulations made thereunder and the transfer rules applying at the time of application as determined by the Department.
95. The authorized annual entitlement will not exceed 10 mega litres.
96. Extraction of water under the approval to be issued shall be subject to conditions with regard to availability of supply and such restrictions as are deemed necessary by the Department from time to time to ensure an adequate flow remains for other water users and the environment (unregulated streams).

### **Conditions for water use**

97. If and when required by the Department, suitable devices must be installed to accurately measure the quantity of water extracted or diverted by the works.
98. All water measuring equipment must be adequately maintained. It must be tested as and when required by the Department to ensure its accuracy.
99. The use of water shall be conditional on no tailwater drainage being discharged into or onto –
  - any adjoining public or crown road
  - any crown land
  - any river, creek or watercourse
  - any groundwater aquifer
  - any area of native vegetation
  - any wetlands

### **Conditions for bores and wells**

100. Works for construction of bores must be completed within such period as specified by the Department.



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101. The Department must be notified if a supply of usable water is obtained and the bores shall be suitably lined and capped to the standard required by the Department.
102. Within 2 months after the works are completed the Department must be provided with an accurate plan of the location of the works and notified of the results of any pumping tests, water analysis and other details as are notified in the approval.
103. Officers of the Department or other authorised persons must be allowed full and free access to the works for the purpose of inspection and testing.
104. Water shall not be pumped from the works for any purpose other than dewatering for construction purposes.
105. The use of water shall be conditional on no tailwater drainage being discharged into or onto –
  - any adjoining public or crown road
  - any crown land
  - any river, creek or watercourse
  - any groundwater aquifer
  - any area of native vegetation
  - any wetlands
106. The volume of groundwater extracted as authorised must not exceed 10 mega litres.
107. The Department has the right to vary the volumetric allocation or the rate at which the allocation is taken in order to prevent the overuse of an aquifer.
108. The licence shall lapse within 4 months of the date of issue of the licence.
109. The work shall be managed within the constraints of an acid sulfate soil and water management plan.

### RETURN TO MEETING

Cr Youngblutt returned to the meeting.

### Voting - Unanimous

### RETURN TO MEETING

Cr Brinsmead returned to the meeting.

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## LATE ITEM

529

Cr Beck

Cr Davidson

**RESOLVED** that Item 8b being an Addendum item be dealt with after dinner.

**Voting - Unanimous**

## REPORTS FROM DIRECTOR CORPORATE SERVICES

### 9. Tweed Economic Development Corporation (TEDC) Funding Agreement 2002/2005

**TEDC**

530

Cr Marshall

Cr Lawrie

**RESOLVED** that:-

1. The draft Funding Agreement 2002/05 between Tweed Shire Council and the Tweed Economic Development Corporation be amended by the following rewording:
  - a. Clause 4.4 by deleting:

*“Develop and implement a business plan”*

and replace with the wording  
*“Conducts at least on an annual basis, a review of the TEDC Business/Strategic Plan”*;  
and
  - b. Clause 5.1.2(b) by deleting:

*“The number of jobs created in the region as a result of TEDC’s activities as referred to in Clause 5.1.3(a) of this Agreement”*

and replacing with the wording,  
*“The number of jobs created in the region as a result of TEDC’s activities as referred to in clause 5.1.3(a) of this Agreement as measured by the agreed Input/Output Economic Model”*.
2. The balance of the Funding Agreement 2002/05 not be further amended.

**Voting - Unanimous**

### 10. Tweed and Coolangatta Tourism Inc Funding Agreement

**TACTIC**

531

Cr Marshall

Cr Lawrie

**RESOLVED** that Council, having considered the proposed amendments to the funding agreement, confirms that the Agreement as adopted by Council reflects the intention and

## Minutes - Meeting of Tweed Shire Council

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required outcomes of Tweed and Coolangatta Tourism Inc in accordance with the funding agreement.

**Voting - Unanimous**

**11. Report on the Regional Tourism Action Plan for Northern River Tropical New South Wales**

**Tourist Gateway; Tourism General**

**532**

**Cr Marshall**

**Cr Luff**

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

**Voting - Unanimous**

### **RETIREMENT FROM MEETING**

**Cr Youngblutt**

Left the meeting at 5.25pm.

### **REPORTS FROM DIRECTOR ENGINEERING SERVICES**

**12. Draft Development Design and Construction Specifications**

**GT1/DCP/16 - DCP**

**533**

**Cr Luff**

**Cr Marshall**

**RESOLVED** that:-

1. Council adopts the draft Tweed Shire Council "Development Design Specifications" and "Development Construction Specifications" as a basis for exhibition and community discussion/consultation.
2. The exhibition period be concurrent with the exhibition period of Draft Development Control Plan No.16 – Subdivision Manual.
3. During the exhibition period a workshop be conducted for Consulting Engineers, Surveyors and Councillors to explain the provisions of the draft Tweed Shire Council "Development Design Specifications" and "Development Construction Specifications" and seek their input.

**Voting - Unanimous**

## Minutes - Meeting of Tweed Shire Council

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### 13. Cudgera Creek Road Upgrade

**R1470 Pt2; Cudgera Creek Road**

534

Cr Marshall

Cr Luff

**RESOLVED** that the Roads and Traffic Authority be advised, that for the section of Cudgera Creek Road from the Motorway to Mooball-Pottsville Road, it either:-

- a) Accepts full responsibility for maintenance; or
- b) Compensates Council for increased maintenance costs.

**Voting - Unanimous**

### 14. Highway Handover - Lump Sum Agreement

**R4031 Pt14; Pacific Highway/Tweed Valley Way; Roads - Maintenance Program**

535

Cr Boyd

Cr Luff

**RESOLVED** that Council:-

- a) notes the proposed works and timing;
- b) votes the expenditure.

### TEMPORARY ABSENCE FROM MEETING

Cr Brinsmead left the meeting.

**Voting - Unanimous**

### 15. Application to Close & Purchase Unformed and Unnecessary Road Reserve - Old Lismore Road, Byangum

**R3870 Pt1; Old Lismore Road**

536

Cr Marshall

Cr Luff

**RESOLVED** that:-

1. Council approves the closing of the unformed road reserve ;
2. The applicant bears all the survey and legal costs;
3. The title of the closed road be consolidated with the adjacent land;
4. Easements be created over public authority reticulation services, if any; and
5. All necessary documentation be executed under Common Seal of Council.

**Voting - Unanimous**

## Minutes - Meeting of Tweed Shire Council

- 16. Acquisition of Crown Reserve 84717 for Reservoir (being Lot 430 in DP 755740)  
Razorback Road, Tweed Heads**

**Land Acquisition; Crown Land; 4610.50**

**537**

**Cr Boyd**

**Cr Luff**

**RESOLVED** that Council:-

1. Approves the acquisition of Lot 430 in DP 755740 for reservoir, for the sum of \$125,000.00.
2. Votes the expenditure from the Water Fund (Reservoir Acquisitions B1700.8112).

**Voting - Unanimous**

- 17. Proposed Closure - Acquisition of Road - Lighthouse Parade, Fingal Head**

**R3050 Pt1; Land Acquisitions; 1080.90**

**538**

**Cr Boyd**

**Cr Marshall**

**RESOLVED** that:-

1. Council approves the closure of part of Lighthouse Parade, shown as proposed Lot 2 and hatched in the proposed plan of road closure;
2. The purchase price of the road be waived in lieu of the road opening within proposed Lot 1;
3. The title of the closed road be consolidated with the adjacent land (proposed Lot 3);
4. Easements be created over public authority reticulation services, if any; and
5. All necessary documentation be executed under the Common Seal of Council.

**Voting - Unanimous**

### **RETURN TO MEETING**

Cr Brinsmead returned to the meeting.

- 18. Farmers Market Proposal**

**Markets - Farmers Market**

**Cr Luff**

**Cr Marshall**

**PROPOSED** that Council defers consideration of the proposal and report until there has been:

1. A further report to Council regarding permit fees and operational matters.
2. Consultation with residents of Tumbulgum and others.

# Minutes - Meeting of Tweed Shire Council

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## AMENDMENT

539

Cr Boyd

Cr Davidson

**RESOLVED** that Council:--

1. Proceeds with the small scale farmers market proposal at Riverside Drive, Tumbulgum as outlined in this report.
2. Proceeds with the preparation and lodgement of a Development Application.
3. Votes Expenditure of \$10,000. Funding to be provided in the next Quarterly Budget Review.

## PROCEDURAL MOTION

540

Cr Lawrie

**RESOLVED** that the motion be put.

### **Voting For**

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

### **Voting Against**

Cr Boyd  
Cr Carroll

The Amendment was **Carried**

### **Voting For**

Cr Polglase  
Cr Boyd  
Cr Brinsmead  
Cr Carroll  
Cr Davidson  
Cr Lawrie

### **Voting Against**

Cr Beck  
Cr James  
Cr Luff  
Cr Marshall

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

# Minutes - Meeting of Tweed Shire Council

## Voting For

Cr Polglase  
Cr Boyd  
Cr Brinsmead  
Cr Carroll  
Cr Davidson  
Cr Lawrie

## Voting Against

Cr Beck  
Cr James  
Cr Luff  
Cr Marshall

### 19. Revision/Naming of Localities

GG2/1 Pt5

541

Cr Beck

Cr Davidson

**RESOLVED** that:-

1. Council approves:
  - a. The proposed locality of "Casuarina" extending from the northern boundary of the Cudgen Nature Reserve, northwards to the southern boundary of the "Seaside City" subdivision, encompassing the development known as "Casuarina Beach" only;
  - b. The locality of Kingscliff extending southwards to the northern boundary of the "Casuarina Beach" development, including the "Seaside City" subdivision in the locality of Kingscliff; and
2. Makes application to the Geographical Names Board for its approval to the proposed boundary between "Casuarina" and Kingscliff as displayed in plan GNB3810/A2, and following approval, to publish a notice in the NSW Government Gazette to create the locality of "Casuarina", "Kings Forest" and the amended locality boundaries of Pottsville, Hastings Point, Bogangar, Cabarita Beach, Cudgen, Duranbah & Round Mountain.

## Voting For

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

## Voting Against

Cr Carroll  
Cr James  
Cr Luff

### 20. Proposed Closure of Public Road - Inlet Drive, Tweed Heads

R2628 Pt1; Inlet Drive - Roads General; 2628.770

542

Cr Marshall

Cr Luff

**RESOLVED** that:-

## Minutes - Meeting of Tweed Shire Council

1. Council raises no objection to the closure of unnecessary public road reserve adjacent to Lot 4 in DP 700873;
2. Council accepts the transfer of part of Lot 4 in DP 700873, to be consolidated with Public Reserve comprised in Lot 3 in DP 700873, in exchange plus a pro-rata payment for the difference in area;
3. The applicant bears all survey and legal costs;
4. Easements are created where necessary over any existing public authority services; and
5. All necessary documentation be endorsed under the Common Seal of Council.

### TEMPORARY ABSENCE FROM MEETING

Cr Davidson left the meeting.

#### Voting - Unanimous

21. **Proposed Closure of Part Public Road - Fernvale Road, Fernvale  
R2040 Pt1 - Fernvale Road; Road Closures - Condong Parish**

543

Cr Boyd

Cr Lawrie

**RESOLVED** that:

1. Council raises no objection to the closure of unnecessary public road reserve adjacent to Lot 4 in DP 1009061 Fernvale Road, Fernvale;
2. A valuation by the State Valuation Office be sought to determine the value of the proposed road closure;
3. The applicant bears all survey and legal costs;
4. Easements are created where necessary over any existing public authority services; and
5. All necessary documentation be endorsed under the Common Seal of Council.

### RETURN TO MEETING

Cr Davidson returned to the meeting.

#### Voting For

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

#### Voting Against

Cr James  
Cr Luff



# Minutes - Meeting of Tweed Shire Council

**22. Tweed Road Contribution Plan, Arterial Network Revision 2002 Amendment  
Roads Construction Program - Machinery Drive - R3250 Pt2; Minjungbal Drive - R3454 Pt2;  
Leisure Drive - R3035 Pt2**

544

**Cr Luff**

**Cr Lawrie**

**RESOLVED** that:-

1. Council adopts draft version 4.6 of the Tweed Road Contribution Plan (Contributions Plan No. 4) as a basis for exhibition and community discussion.
2. The draft plan Version 4.6 of the Tweed Roads Contribution Plan be exhibited as required by the Environmental Planning and Assessment Regulations to repeal and replace Version 4.5.

**Voting - Unanimous**

## REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

**23. Tyalgum Garbage Depot Operations**

**Garbage Depot - Tyalgum**

**Cr Beck**

**Cr Brinsmead**

**PROPOSED** that the operations at Tyalgum Garbage Depot remain the same and be monitored for the next 12 months.

### AMENDMENT 1

**Cr Boyd**

**Cr James**

**PROPOSED** that a report be brought forward that indicates the number of premises within reasonable distance of the Tyalgum Garbage Depot that have a wheelie bin service available and those residences which do not have such a service available.

Amendment 1 was **Lost**

#### **Voting For**

Cr Boyd  
Cr Carroll  
Cr James  
Cr Luff

#### **Voting Against**

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

# Minutes - Meeting of Tweed Shire Council

## AMENDMENT 2

545

Cr Marshall

Cr Davidson

**RESOLVED** that Council:

1. Changes the existing operations at Tyalgum Garbage Depot to a supervised transfer station operating the same hours as the existing depot.
2. Calls for submissions for the design and construction of the transfer station.

Amendment 2 was **Carried** and became the Motion.

### **Voting For**

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

### **Voting Against**

Cr Beck  
Cr Carroll  
Cr James  
Cr Luff

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

### **Voting For**

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

### **Voting Against**

Cr Beck  
Cr Carroll  
Cr Luff

## ADJOURNMENT OF MEETING

Adjournment for dinner at 6.30pm.

## RESUMPTION OF MEETING

The Meeting resumed at 7.50pm.

Crs Boyd and James were not present at the re-commencement of the meeting.

## Minutes - Meeting of Tweed Shire Council

**24. Installation of Unregistrable Moveable Dwelling - Site 129, North Star Holiday Resort**

**PF1190/1265 Pt2**

**546**

**Cr Marshall**

**Cr Lawrie**

**RESOLVED** that Council takes no further action at this time on the basis that there is an extinguisher and fire hose reel present, and the setback is expected to be corrected in the near future and the matter be reviewed by Council after 30 May 2003.

**Voting - Unanimous**

**25. Membership of Crystal Creek Hall Management Committee**

**Rural Halls - Crystal Creek: 3780.3240**

**547**

**Cr Davidson**

**Cr Beck**

**RESOLVED** that Jenny Glasby be appointed to the Crystal Creek Hall Management Committee.

**Voting - Unanimous**

**26. Annual Agreement for Surf Life Saving Services**

**Agreements; Surf Life Saving**

**548**

**Cr Luff**

**Cr Marshall**

**RESOLVED** that:-

1. The Agreement with Surf Life Saving Services Pty Limited for the provision of beach life saving services over Christmas 2002/2003 period be approved at the contract price of \$52,619 (GST exclusive) for the following beaches:
  - Cudgen Beach
  - Cabarita Beach
  - Fingal Beach
  - Duranbah Beach
  - Hastings Beach
  - Pottsville Beach
2. That all necessary documentation be executed under the common seal of Council.

**Voting - Unanimous**

# Minutes - Meeting of Tweed Shire Council

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## REPORTS FROM COMMITTEES/WORKING GROUPS

1. **Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday  
14 November 2002**

**Dunecare**

2. **Pottsville Dune Care (PDC)**

**Pottsville Dune Care**

**549**

**Cr Luff**

**Cr Davidson**

**RESOLVED** that Council appoints Arthur Rawlinson to the Tweed Dune Care Advisory Committee.

**Voting - Unanimous**

6. **Salt Developments**

**550**

**Cr Luff**

**Cr Davidson**

**RESOLVED** that Council notes the recommendation under Item 6 and refers the matter to the Director Development Services for consideration while dealing with the SALT Development Application.

**Voting - Unanimous**

**551**

**Cr Luff**

**Cr Davidson**

**RESOLVED** that the balance of the Minutes of the Tweed Dune Care Advisory Committee Meeting be adopted.

## ATTENDANCE AT MEETING

Crs Boyd and James attended the meeting at 7.52pm.

**Voting - Unanimous**

## Minutes - Meeting of Tweed Shire Council

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2. **Minutes of the Sports Advisory Committee Meeting held Tuesday 19 November 2002**

**Sports Advisory Committee**

3. **Tumbulgum Rangers Sports Club (TRSC)**

**Brian Breckenridge Field, Assets Reserve Trust Fund**

552

**Cr Davidson**

**Cr Boyd**

**RESOLVED** that Council contributes \$1,500 to Tumbulgum Rangers Sports Club from the Assets Reserve Trust Fund to erect a safety fence at the Brian Breckenridge Fields.

**Voting - Unanimous**

553

**Cr Davidson**

**Cr Boyd**

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

**Voting - Unanimous**

3. **Minutes of the Local Traffic Committee Meeting held Thursday 21 November 2002**

**Traffic Committee**

1. **Kittiwake Street off Terranora Road**

**R2930 Pt1, R5441 Pt1 – DW696296**

554

**Cr Luff**

**Cr Davidson**

**RESOLVED** that the Committee voted to modify the merging lane to its previous alignment so vehicles are merging before the driveways in Terranora Road.

**Voting - Unanimous**

1. **Tweed Valley Way – ‘Keep Left Sign’**

**R4031 Pt16**

555

**Cr Luff**

**Cr Davidson**

**RESOLVED** that the “Keep left unless overtaking” sign be installed in the centre median south of Melaleuca Station.

**Voting - Unanimous**

# Minutes - Meeting of Tweed Shire Council

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**2. Nullum Street - Barry Smith Hockey Fields**

**R3770 Pt2**

**556**

**Cr Luff**

**Cr Davidson**

**RESOLVED** that a Disabled Parking space be installed next to the Club House at the Barry Smith Hockey Fields.

**Voting - Unanimous**

**5. Terranora Primary School – Parking Signage Terranora Road**

**R5441 Pt1**

**557**

**Cr Luff**

**Cr Davidson**

**RESOLVED** that “No Stopping” and “No Parking” between 8am-930am and 2.30pm-4pm signage as per the submitted diagram within the school car park and on Terranora Road be installed.

**Voting - Unanimous**

**11. Shallow Bay Drive**

**R5006 Pt 1 – DW 705974**

**558**

**Cr Luff**

**Cr Davidson**

**RESOLVED** that a 50km/h area zone be installed in Shallow Bay Drive east of the entrance of the shopping centre.

**Voting - Unanimous**

**559**

**Cr Luff**

**Cr Davidson**

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

**Voting - Unanimous**

**DELEGATES REPORTS**

Nil

**OUTSTANDING INSPECTIONS**

Nil

**ITEMS OF INTEREST & INFORMATION**

Nil

# Minutes - Meeting of Tweed Shire Council

## ORDERS OF THE DAY

**1. Lot 156 DP 628026 Creek Street, Hastings Point**

**PF1431/190 Pt4; Notice of Rescission**

This item was dealt with after Minute No 518.

**2. Policy - Incentives for Conservation of Water**

**Notice of Motion; Water**

**560**

**Cr Beck**

**Cr Brinsmead**

**RESOLVED** that as soon as possible Tweed Shire Council develops a policy to give incentives to developments that make provision for the conservation of water.

**Voting For**

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

**Voting Against**

Cr Boyd  
Cr Carroll  
Cr James  
Cr Luff

## DECLARATION OF INTEREST

**Cr Brinsmead**

Declared an interest in Item No 8b, left the Chamber and took no part in the discussion and voting.

The nature of the interest is that Cr Brinsmead's son is the principal of the law firm involved in this item.

## REPORT FROM DIRECTOR DEVELOPMENT SERVICES

**8b. Application to Modify Development Consent 0242/2001DA - Proposed 51 Unit Tourist Accommodation Complex at Lot 3 DP 825580, Lot 4 & 5 DP 23476, Lot B DP 372324 and Lot B DP 102496 Marine Parade and Pearl Street, Kingscliff and Endorsement of Deed of Agreement**

**DA3340/325 Pt 12**

**561**

**Cr Beck**

**Cr Davidson**

**RESOLVED** that :-

1. Development Consent 0242/2001DA be amended by the replacement of Conditions 7, 14 and 15 with the following conditions: -

7a. The development shall be completed in general accordance with Plan Nos A-WD – 1.02 amendment T1, A-WD – 1.03 amendment T1, MM1007-

## Minutes - Meeting of Tweed Shire Council

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SD04(DA2),MM1007-SD-05(DA2),East/West Elevations, Roof Deck Plan, MM1007-SD-14, A-WD-8.35 A prepared by Blue Arc Network and dated 27 June 2001, 26 June 2001, December 2000, 19 June 2001 and 13 July 2002, except where varied by these conditions

- 7b. This consent does not grant approval for the extensions of the road blister or alfresco dining.
- 7c. Provision of public liability insurance to the value of a minimum of \$10 million indemnifying Council against any claim as a result of the erection of posts within Council's footpath prior to occupation.
- 14b. The provision of ninety eight (98) off street car parking spaces with a minimum of thirty five spaces being reserved for the exclusive use of patrons and staff of the restaurants and commercial premises. The layout and construction to be in accordance with Development Control Plan No 2 – Parking Controls. Security gates may be installed within the basement separating residence parking from restaurant and commercial premises parking.
15. The thirty five (35) basement car parks required to service the restaurants and commercial component of the development are to be available to the public between the hours of 8.00am and 9.00pm daily including weekends and public holidays. The entrance security gate is not permitted to be closed between these hours. Provision be made for automatic egress from all sections of the car park at any time.
2. The applicant is to be advised that a building certificate must be obtained for the awning and posts prior to release of the strata plan for the building. The application must be accompanied by a certificate of structural adequacy from a practicing structural engineer.
3. Council endorses the Deed of Agreement in relation to the public sewer located on the property and authorise the signing and placement of Council's seal on the document.
4. The matter of non-compliance of the awning structures be referred to the private certifier for explanation and should a satisfactory explanation not be provided the matter be reported as a complaint to PlanningNSW.

### **Voting - Unanimous**

### **RETURN TO MEETING**

Cr Brinsmead returned to the meeting.

### **WORKSHOPS PREVIEW**

Nil



# Minutes - Meeting of Tweed Shire Council

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## QUESTION TIME

### **Tugun Bypass**

### **Tugun Bypass**

#### **Cr Boyd**

What is the current position in relation to the Tugun Bypass?

The Director Engineering Services advised that Council will be briefed by Queensland Main Roads at workshop to be held on Wednesday, 11 December 2002.

### **Proposed Public Toilets, Mooball**

### **Public Toilets**

#### **Cr Marshall**

What is being done to assist those distressed residents at Mooball regarding the apparent lack of community consultation in regard to the location of the proposed public toilet? Can this matter be delayed pending review?

The Director Environment & Community Services advised that Mr Geoff Edwards, Manager Environment & Health Services attended a meeting at Mooball earlier this year and a location was determined. This will be passed by Council but some parties have objected.

### **Employment – Affordable Housing Planner & Gay and Lesbian Advocacy Worker**

### **Employment – Job Creation; Affordable Housing**

#### **Cr Beck**

When and why did this Council appoint an Affordable Housing Planner and the establishment of a Gay and Lesbian Advocacy Worker?

The Director Development Services advised that an Affordable Housing Planner was appointed and was funded by PlanningNSW. Such officer also provides services to Byron Shire Council.

With regard to the Gay and Lesbian Advocacy Worker the Director Development Services will investigate and provide a response in writing.

### **Salt Water at Weir**

### **Weirs – Bray Park**

#### **Cr Beck**

Is salt water still entering the weir through the holes near the fish ladder or have the holes been repaired?

The Director Engineering Services advised that there is still some leakage, however there is no threat to the water supply. Such leakage has been in existence for many years and is being monitored.

# Minutes - Meeting of Tweed Shire Council

## COMMITTEE OF THE WHOLE

562

Cr Luff

Cr Marshall

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

### Voting - Unanimous

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

## REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

## REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

1. **EQ2002-125 Tweed Heads/Banora Point Effluent Disposal Strategy Stage 2 - Community & Stakeholder Consultation - Appointment of Facilitator**

**GC12/1-3 Pt2 - Consultancy**

*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*

**C122**

That the submission of Montgomery Watson Harza be accepted for a fee of \$25,091 inclusive of additional consultation activities and GST.

### Voting - Unanimous

2. **Industrial Land Development**

**PF 5810/305 Pt 2; Land Development - Wardrop Valley**

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

- (d) *commercial information of a confidential nature that would, if disclosed:*
- (i) *prejudice the commercial position of the person who supplied it, or*
  - (ii) *confer a commercial advantage on a competitor of the council, or*
  - (iii) *reveal a trade secret*

**C123**

That:-

1. Council sells 14.6 hectares of Lot 31 in DP 133404 in accordance with the plan incorporated in this report to Jim and Les Dickinson as Directors of Tweed Valley Industrial Park Pty Ltd for the sum of **\$162,639.00** nett.
2. All necessary documentation is endorsed under the Common Seal of Council.

# Minutes - Meeting of Tweed Shire Council

**Voting - Unanimous**

## REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

### 3. Purchase of Land - Chillingham

**Land Purchase**

*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*

**C124**

That:-

1. Council agrees to purchase the subject land for the sum of \$85,000.
2. The land be classified as operational.
3. All necessary documents be endorsed under the common seal of Council.

**Voting - Unanimous**

**563**

**Cr Luff**

**Cr Marshall**

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

**Voting - Unanimous**

There being no further business the Meeting terminated at 8.35pm.



**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 51 of these Minutes**

\_\_\_\_\_  
**Chairman**