

IN ATTENDANCE

Councillors L F Beck (Deputy Mayor)-Chair, Cr G B Bell, M R Boyd, R D Brinsmead, B J Carroll, S Dale, D M Holdom, H James, G J Lawrie, J F.Murray.

Also present were Dr John Griffin (General Manager), Mr Michael Rayner (Director Engineering and Operations), Mr Noel Hodges (Director Planning & Environment), Mr Don Buckley (Director Environment & Community), Mr Reg Norvill (Executive Manager-Office of the General Manager), Mr Brian Donaghy (Manager Administration Services/Public Officer) and Mrs Meredith Smith (Minutes Secretary)

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

PRAYER

The meeting opened with a Prayer by Council's Chaplain, Father Harry Reuss.

Prayer for Ascension Day - 20 May:

Grant, we pray, almighty God, that as we believe your only begotten Son to have ascended into heaven, so we may also in heart and mind there ascend, and with him continually dwell; who lives and reigns with you and the Holy Spirit, one God, for ever and ever. Amen.

Almighty and everliving God, give wisdom and understanding, to the members of the Tweed Shire Council. Teach them in all things to perceive what is right for the people of the Tweed Shire; have courage to pursue it, and grace to accomplish it, through Jesus Christ our Lord. Amen.

CONFIRMATION OF MINUTES

Minutes of Ordinary Meeting held Wednesday 5 May 2004

302 RESOLUTION:

Councillor G B Bell
Councillor G J Lawrie

RESOLVED that the Minutes of the Council Meeting held 5 May 2004 be adopted as a true and accurate record of proceedings of that meeting.

Voting - Unanimous

Minutes of the Extraordinary Meeting of Council held 12 May 2004

303 RESOLUTION:

Councillor G B Bell
Councillor G J Lawrie

RESOLVED that the Minutes of the Extraordinary Council Meeting held 12 May 2004 be adopted as a true and accurate record of proceedings of that meeting.

Voting - Unanimous

APOLOGIES

Councillor W J Polglase

Councillor W J Polglase has informed the General Manager that his absence is caused by being out of the Shire on Annual Leave from 17 May 2004 to 2 June 2004.

304 RESOLUTION:

Councillor G J Lawrie
Councillor M R Boyd

RESOLVED that the apology of Councillor W J Polglase be accepted.

Voting - Unanimous

DISCLOSURE OF INTEREST

DECLARATION OF INTEREST

Councillor G J Lawrie declared an interest in Deferred Item 2 and the further report at Item 6.

The nature of the interest is that Councillor G J Lawrie acts in a professional capacity for the landowners.

DECLARATION OF INTEREST

Councillor R D Brinsmead declared an interest in Item 5.

The nature of the interest is that Councillor R D Brinsmead has a family business interest in the subject development.

ITEMS TO BE MOVED FROM ORDINARY TO CONFIDENTIAL - CONFIDENTIAL TO ORDINARY

Nil

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

305 RESOLUTION:

Councillor G B Bell
Councillor G J Lawrie

RESOLVED that this item be received and noted.

Voting - Unanimous

MAYORAL MINUTE

This item as presented by Cr Polglase was received and noted.

ITEMS DEFERRED

[ID] [DS] 2 Development Application DA03/1259 - Demolition of Existing Dwelling and Construction of Multi-Dwelling Housing Comprising 3 Dwellings at Lot C DP 406494, No 2 Boundary Lane, Tweed Heads

306 RESOLUTION:

Councillor R D Brinsmead
Councillor J F Murray

RESOLVED that this item be deferred.

Voting For

Cr Beck
Cr Bell
Cr Boyd
Cr Brinsmead
Cr Carroll
Cr Holdom
Cr Lawrie
Cr Murray

Voting Against

Cr James

[ID] [DS] 2 Development Application DA03/1348 for a Subdivision into 17 Lots at Lot 2 DP 871171, Lot 731 DP 48275, Lot 515 DP 755740 No. 4A Oyster Point Road, Banora Point

307 RESOLUTION:

Councillor H James
Councillor M R Boyd

RESOLVED that this item be dealt with in conjunction with Item 6 of the Agenda (Minute No 313 refers).

Voting - Unanimous

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT

1 [DS] Development Application DA03/1038 for a 7 Lot Subdivision at Lot 121 DP 755701, No. 50 Chinderah Bay Drive, Chinderah

308 RESOLUTION:

Councillor R D Brinsmead
Councillor G B Bell

RESOLVED that this item be deferred to allow landowners to further address the concerns outlined in the report with Development Staff.

Voting - Unanimous

- 2 [DS] Section 96 Application K99/0400.01 for an Amendment to Development Consent K99/0400 for Shops, Restaurants, Tourist Accommodation, Marina & Associated Car Parking Facilities - Chinderah Bay Drive and River Street, Chinderah**

309 RESOLUTION:

Councillor R D Brinsmead
Councillor G B Bell

RESOLVED that this item be deferred to allow landowners to further address the concerns outlined in the report with Development Staff.

Voting - Unanimous

ATTENDANCE AT MEETING

Councillor S M Dale attended the meeting at 3.06 pm.

- 3 [DS] Development Application DA04/0030 - Residential Flat Building Consisting of 6 Units in a 3 storey configuration at Lot 3 Section 7 DP 758571, No. 244 Marine Parade, Kingscliff**

310 RESOLUTION:

Councillor G J Lawrie
Councillor J F Murray

RESOLVED that: -

1. Council utilises its assumed concurrence in relation to the North Coast Regional Environmental Plan Clause 32B – Overshadowing and the subsequent variation sought under SEPP 1 Development Standards; and
2. Development Application DA04/0030 for a residential flat building consisting of 6 units in a 3 storey configuration at Lot 3 Sec 7 DP 758571, No. 244 Marine Parade Kingscliff be approved, subject to the following conditions:

"DEFERRED COMMENCEMENT"

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

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "A". The consent shall become operative and take effect from

the date of notification under Section 67 of the Environmental Planning and Assessment Regulations subject to the conditions set out in Schedule "B".

SCHEDULE "A"

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

1. The applicant shall submit to Council for approval an appraisal carried out by a Geotechnical Consultant of the effect of the proposed excavation including any precautions considered necessary to protect such properties from damage on accordance with Tweed Shire Council's Building Excavation Dewatering Policy.
2. The applicant shall submit to Council documentation demonstrating General Public Liability Insurance to the value of \$5,000,000 which includes loss of support to neighbouring properties which is attributed to excavation vibration associated with the project in accordance with Tweed Shire Council's Building Excavation Dewatering Policy.

SCHEDULE B

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

GENERAL

1. The existing structures should be demolished in accordance with the Demolition Work Plan prepared by Darryl Anderson Consulting which forms part of the development application.

The proposed development should be completed in accordance with the Statement of Environmental Effects and Plans Nos DA01, DA02, DA02b, DA03 -DA12, DA29 Issue B and the Landscaping Plan DA 30 & DA31 Issue A prepared by Bloc dcl and dated 01/01/2001, except where varied by these conditions:

2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property. [GEN0010]
3. Front external wall of the building is to stand a minimum of 6 metres from the front boundary of the property. [GEN0030]
4. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0080]
5. The erection of a building in accordance with a development consent must not be commenced until: [GEN0120]

(a) a construction certificate for the building work has been issued by

the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and

- (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- (b1) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (b2) the person having the benefit of the development consent, if not carrying out the work as an owner-building, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[GEN0150]

- 6. All work shall comply with the Erosion and Sediment Control Plan, Cozens, Regan, Williams and Prove, December 2003.

[GENNS01]

- 7. All work shall comply with the Stormwater Management Plan Plan, Cozens, Regan, Williams and Prove, December 2003.

[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- 8. 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: S94 Plan No. 4 (Version 4.0) (Sector 6 - Kingscliff)	\$4740
b.	Open Space (Structured): S94 Plan No. 5	\$2280
c.	Open Space (Casual): S94 Plan No. 5	\$487
d.	West Kingscliff - Drainage: 0.0099 ha @ \$16070 DCP No. 9 S94 Plan No. 7	\$159.10
e.	Shirewide Library Facilities: S94 Plan No. 11	\$2012
f.	Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$396
g.	Community Facilities (Tweed Coast) (North Coast) S94 Plan No. 15	\$2460
h.	Emergency Facilities (Surf Lifesaving) (Remainder of Shire) S94 Plan No. 16	\$690
i.	Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$1224.63
j.	Cycleways S94 Plan No. 22	\$470
k.	Regional Open Space (Structured) S94 Plan No. 26	\$3437
l.	Regional Open Space (Casual) S94 Plan No. 26	\$643

[PCC0050/PSC0005]

9. A **certificate of compliance** (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall **NOT** be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

Water: 3.5 ET @ \$4110 \$14385

Sewer: 3.5 ET @ \$3290 \$11515

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.

[PCC0070/PSC0004]

10. 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.

[PCC0090]

11. The basement car parking is to be protected against the inflow of water from Kingscliff Lane during storm events up to ARI 100 year intensity. 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.

[PCC0110]

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.

[PCC0190]

13. 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) An oil/grit arrestor shall be installed to remove pollutants generated from undercover and basement car parking areas, and must satisfy the following sizing requirements:
- Storage Volume must be available for the combined Sediment Tank and Oil Storage Capacity to retain no less than 0.5m³ per 1000m² of undercover/basement area.
 - The minimum retained volume of any oil/grit arrestor is 0.75m³
- (ii) The designated car wash bay shall be constructed of permeable paving and/or be graded so that generated runoff

is directed to grassed filter strips or landscaping, to maximize infiltration of Stormwater otherwise all runoff from the bay shall be collected and treated for oil, sediment and nutrient pollutants prior to discharge to the public Stormwater system.

[PCC0230]

14. 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.

[PCC0240]

15. 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 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.

Roof water shall be conveyed to OSD devices by gravity means only. Driveway and basement water may be pumped to OSD devices, with all pump systems designed and installed according to AS/NZS 3500.3.2.1998 (National Plumbing and Drainage - Part 3.2: Stormwater Drainage - Acceptable Solutions). Pumps will not be accepted as a means of controlling discharge. Driveway and basement water must be treated prior to entering OSD Devices, roof water does not require quality treatment.

[PCC0260]

16. Pursuant to Section 68 of the Local Government Act, 1993 to ensure there is no unacceptable discharge to Councils sewerage system an approved pre-treatment device (eg. Oil/grease traps, separators, etc) shall be installed to details approved prior to the issuing of a Construction Certificate. The development will be required to meet discharge standards in accordance with Councils Trade Waste Policy. [PCC0290]
17. 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*. [PCC0320]
18. The Construction Certificate Plans are to demonstrate that the proposed building complies with the setback requirements of Development Control Plan No. 6. Specifically, all open balconies are not to encroach beyond 1.5m from a side boundary. [PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

19. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore required that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design. [PCW0010]
20. 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.

[PCW0030]

21. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised to the satisfaction of the Principal Certifying Authority and provided with a dish drain or similar at the base or otherwise retained to the satisfaction of the Principle Certifying Authority. All retaining works shall be completed to the satisfaction of the Principal Certifying Authority prior to start of building work. Please note timber retaining walls are not permitted.

[PCW0040]

22. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
- (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
 - (ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and
 - (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (A) the method of protection; and
 - (B) the date of installation of the system; and
 - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (D) the need to maintain and inspect the system on a regular basis.

Note:

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

[PCW0050]

23. 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.

[PCW0060]

24. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and

- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0070]

25. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:

- i. The person must, at the person's own expense:
 - a. preserve and protect the building from damage; and
 - b. if necessary, underpin and support the building in an approved manner.
- ii. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.

[PCW0080]

26. 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.

[PCW0090]

27. 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.

[PCW0190]

28. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW0210]

29. Prior to the commencement of work the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work

Methods for the subject site have been prepared in accordance with either:-

- a. Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
- b. AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.

[PCW0270]

30. Residential building work:

(1) 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 (not being the council) has given the council written notice of the following information:

(a) in the case of work for which a principal contractor is required to be appointed:

- (i) in the name and licence number of the principal contractor, and
- (ii) the name of the insurer by which the work is insured under Part 6 of that Act,

(b) in the case of work to be done by an owner-builder:

- (i) the name of the owner-builder, and
- (ii) if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.

(2) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0290]

31. Prior to the commencement of any demolition works all house drainage connections are to be suitably capped off by a licenced plumber and an inspection of the work obtained from Council.

[PCW0300]

32. Prior to the commencement of works sedimentation and erosion control measures shall be installed to the satisfaction of the Director of Planning and Environment.

[PCWNS01]

DURING CONSTRUCTION

33. 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).

[DUR0010]

34. 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.

[DUR0040]

35. The provision of 12 off street car parking spaces. Three of these spaces are to be specifically nominated for visitor use and shall be signposted accordingly and reflected as such on any subsequent Strata Application. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.

[DUR0050]

36. 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.

[DUR0070]

37. 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.

[DUR0080]

38. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".

[DUR0090]

39. 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.

[DUR0100]

40. 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.

[DUR0130]

41. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.

[DUR0150]

42. The principal certifying authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the principal certifying authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

[DUR0170]

43. 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.

[DUR0200]

44. If the work involved in the erection or demolition of a building:
- a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or

b. building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.

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

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

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

[DUR0220]
45. Provision to be made for the designation of a durable and pervious car wash-down area/s. The area/s must be identified for that specific purpose and be supplied with an adequate water supply for use within the area/s. Any surface run-off from the area must not discharge directly to the stormwater system.

[DUR0240]
46. The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering Services Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.

[DUR0430]
47. 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.

[DUR0470]
48. A concrete ribbon footpath 1.2 metres wide and 100 millimetres thick is to be constructed on a compacted base along the entire frontage of the site to Marine Pde. The compacted base is to achieve 95% of maximum dry density determined in accordance with AS1289 5.4.1 for a minimum 100mm depth. A full depth construction joint is to be provided at 6.0 metre intervals and 20 millimetre deep groove joints provided every 1.5 metres, the balance area to be graded to the kerb and turfed. The footpath is to have a 3% crossfall which must be attained at each side boundary. This may result in work to be undertaken on the footpath at adjoining properties which must not exceed 1:14 and must be reinstated with turf. The footpaving is to be located 800 millimetres from the property boundary. The concrete footpath gradient shall be parallel to the top of kerb for the full frontage of the site and maintained unvaried

across the (any) driveway cross-section. An inspection of the formwork is to be arranged with Council's Engineering Services Division prior to concrete being placed.

Note: The existing nature strip level is to be lowered to top of kerb height to permit construction of a concrete footpath to the Marine Parade frontage.

- [DUR0520]
49. All surface water collected from hard stand parking areas to be directed to Council approved pre-treatment facilities before discharge to approved discharge locations. Stormwater from covered or enclosed carpark areas shall not be discharged to the public sewer unless approved treatment facilities have been provided. Details are to be submitted to and approved by the Director of Environment and Community Services prior to installation
- [DUR0670]
50. 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.
- [DUR0850]
51. 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.
- [DUR0870]
52. 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 or public holidays.
- [DUR0900]
53. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
- A. Short Term Period - 4 weeks.
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
- B. Long term period - the duration.
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.
- [DUR0910]
54. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
- [DUR0920]
55. The burning of builders waste on site by open fire is prohibited.
- [DUR0940]

56. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development. [DUR0980]
57. 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 and zoning. [DUR1000]
58. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- internal drainage, prior to slab preparation;
 - water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - external drainage prior to backfilling.
 - completion of work and prior to occupation of the building. [DUR1020]
59. 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. [DUR1030]
60. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position. [DUR1040]
61. Where two (2) or more premises are connected by means of a single house service pipe, the owner of each premises must (*unless all the premises are occupied by a single household or firm as a residence or place of business*) ensure that a separate water meter, of a class and size approved by Council, is installed on each of those premises. [DUR1070]
62. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged. [DUR1100]
63. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard. [DUR1110]
64. Overflow relief 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. [DUR1130]
65. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and

- * 50°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.

[DUR1160]

66. 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.
67. 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.

[DUR1200]
68. Landscaping of the site shall be carried out in accordance with the submitted landscaping plans. The landscaping to be completed prior to occupation of the building, to the satisfaction of the Director, Development Services.

[DUR1210]
69. Swimming Pools (Building)

[DUR1230]

 - A. The swimming pool is to be installed and access thereto restricted in accordance with Council's "Code for the Installation of New Swimming Pools" and Australian Standard AS 1926-1986 (Copy of code enclosed).
 - B. Swimming pools shall have suitable means for the drainage and disposal of overflow water.
 - C. The pool filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
 - D. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction.
 - a. Steel reinforcing prior to the pouring of concrete.
 - b. Swimming pool safety fencing prior to filling the pool with water.

E. In the event that Council is not utilised as the inspection/certifying authority:-

- a. Within seven (7) days of the filling of the pool a Compliance Certificate in the prescribed form shall be submitted to Council together with the prescribed fee, by the Accredited Certifier to certify that all works have been completed in accordance with the approved plans and conditions of Consent and that the swimming pool safety fencing has been installed and complies with AS 1926.
- b. The Certifying authority is to be given 24 hours notice in writing for an inspection of the swimming pool safety fencing prior to filling the pool with water.

[DUR1280]

70. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.

[DUR1290]

71. The site shall not be dewatered

[DURNS01]

72. Acid Sulphate Soils shall not be exposed or disturbed

[DURNS02]

73. The fence to Marine Parade shall not exceed 1.2m in height.

The northern side boundary fence is to be tapered from 1.8m in height down to 1.2m in height for a length of 5m from the property boundary with Kingscliff Lane to ensure adequate site distance is available from the basement ramp.

[DURNS03]

74. The northern elevation is to be extensively landscaped (high dense plantings) for the length of the exposed podium to create a privacy screen between the subject site and the existing property to the north.

[DURNS04]

75. The side boundary fence to the northern elevation is to be a minimum of 1.8m when measured from existing ground level within the northern adjoining property.

[DURNS05]

76. All works (including support structures for excavation such as sheet piling) are to occur within the confines of the subject property boundaries.

[DURNS06]

77. The proposed roof terraces are not to be covered in any way.

[DURNS07]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

78. Prior to occupation of the building or the issue of a Subdivision Certificate, all disused invert crossings are to be removed and replaced with kerb and gutter and all disused driveway across the footpath are to be removed and replaced with topsoil and turf to the satisfaction of the Director, Engineering Services.

[POC0080]

79. Prior to the issue of an occupation certificate, a "satisfactory inspection report" issued by Council must be produced for S68h2 permanent Stormwater quality control devices. This inspection report must be

obtained from Council prior to backfilling of any of the S68h2 approved devices.

[POCNS01]

USE

80. The premises shall be suitably identified by Unit No. (where appropriate) and Street Number displayed in a prominent position on the facade of the building facing the primary street frontage, and is to be of sufficient size to be clearly identifiable from the street.
[USE0040]
81. 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.
[USE0160]
82. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.
[USE0170]
83. Swimming Pools (Building)
- A. It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the adjoining premises. Due regard must be given to the affect that landscaping will have on the future effectiveness of the security fencing. (Section 7 Swimming Pool Act 1992).
- B. The resuscitation poster must be permanently displayed in close proximity to the swimming pool. (Section 17 Swimming Pool Act 1992).
[USE0250]
84. The swimming pool is not to be used for commercial purposes without prior Development Consent.
[USE0260]
85. All wastes shall be collected, stored and disposed to the satisfaction of the DECS. Wastes shall be presented at the kerb in a Council approved wheelie bin for collection. A screened, graded, and drained bin storage area shall be provided within the boundary of the property.
[USENS01]
86. Use of the swimming pool, spa pool or lighting shall not be permitted to impact the amenity of any other premise
[USENS02]

Voting For

Cr Beck
Cr Bell
Cr Boyd
Cr Brinsmead
Cr Lawrie
Cr Murray

Voting Against

Cr Carroll
Cr Dale
Cr Holdom
Cr James

4 [DS] Development Application DA04/0168 for a Surf Lifesaving Facility and Public Amenities Building at Lot 194 DP 755701, Lot 301 DP 755701 & Lot 312 DP 755701 Tweed Coast Road, Kingscliff

311 RESOLUTION:

Councillor R D Brinsmead
Councillor J F Murray

RESOLVED that : -

1. Council uses the assumed Concurrence of the Director General of the Department of Infrastructure Planning and Natural Resources and supports the proposed development and its overshadowing of the Coastal Reserve.
2. Development Application DA04/0168 for a surf lifesaving facility and public amenities building at Lot 194 DP 755701, Lot 301 DP 755701 & Lot 312 DP 755701, Tweed Coast Road, Kingscliff be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos A-DA-001 to A-DA-009 prepared by ML Design McKerrell Lynch and dated 20 January 2004, except where varied by these conditions.
2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property. [GEN0010]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0030]
4. The erection of a building in accordance with a development consent must not be commenced until: [GEN0120]
 - (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - (b1) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and

- (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[GEN0150]

- 5. The surf lifesaving service is to be operational prior to the opening of the Outrigger Resort.
- 6. The Strategic Beach Management Plan prepared by Surf Lifesaving NSW as amended from time to time is to be implemented.
- 7. Conditions 15, 16 and 17 of DA02/1422 are to be complied with.
- 8. Suitable arrangements are to be made between Council and the resort operators for the lease of the facility prior to opening of the Outrigger Resort.

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

[PCC0010]

10. 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: \$896.00
S94 Plan No. 4 (Version 4.0)
(Sector 7a)
- b. Extensions to Council Administration Offices
& Technical Support Facilities \$69.00
S94 Plan No. 18

[PCC0050/PSC0005]

11. A **certificate of compliance** (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall **NOT** be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

Water: \$20,550.00

Sewer: \$16,450.00

South Kingscliff Water Levy: \$1,055.00

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.

[PCC0070/PSC0004]

12. 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.

[PCC0240]

13. * Details of the proposed roof water disposal, including surcharge overland flow paths are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. These details shall include likely landscaping within the overland flow paths.
- * All roof water shall be discharged to infiltration pits approved by Council.
- * The infiltration rate for sizing infiltration devices shall be 3m per day:
- As a minimum requirement, infiltration devices are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) over a range of storm durations from 5 minutes to 24 hours and infiltrate this storm within a 24 hour period, before surcharging occurs.
- * Surcharge overflow from the infiltration area to the street gutter, inter-allotment or public drainage system must occur by **visible surface flow**, not piped.
- * Runoff is to be pre-treated to remove contaminants prior to entry into the infiltration areas (to maximise life of infiltration areas between major cleaning/maintenance overhauls).
- * If the site is under strata or community title, the community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
- * All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.
- * All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.
- * All infiltration devices are to be located clear of stormwater or sewer easements.

[PCC0360]

14. Prior to issue of the construction certificate Council approval is to be obtained for all fixtures and fittings.

[PCNS01]

PRIOR TO COMMENCEMENT OF WORK

15. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore required that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.

[PCW0010]

16. 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 Occupation Certificate is issued.

[PCW0030]

17. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
- (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
 - (ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and
 - (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (A) the method of protection; and
 - (B) the date of installation of the system; and
 - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (D) the need to maintain and inspect the system on a regular basis.

Note:

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

[PCW0050]

18. 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.

[PCW0060]

19. **Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003**, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0070]

20. 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.

[PCW0090]

21. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW0210]

22. Prior to the commencement of works on the site all required erosion and sedimentation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

In addition to these measures an appropriate sign is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

Please note that this sign is to remain in position for the duration of the project.

[PCW0280]

23. Prior to commencement of construction of the building Council shall be provided with a validation report from a suitably qualified person which confirms surface radiation levels on the site, and that these levels do not exceed NSW Health Action limit of 0.7uGy/hr.

[PCWNS01]

24. 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.

[PCW0190]

DURING CONSTRUCTION

25. 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).

[DUR0010]

26. 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. [DUR0040]
27. 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. [DUR0080]
28. The principal certifying authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the principal certifying authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979. [DUR0170]
29. Access to the building for disabled persons shall be provided and constructed in accordance with the requirements of Part D3 of the Building Code of Australia and Australian Standard AS 1428.1. [DUR0260]
30. If access for the disabled is required under Part D3 of the Building Code of Australia, facilities for the use of the disabled shall be provided as specified in Part F2.4 of the Building Code of Australia and shall be constructed to the requirements of Australian Standard AS1428.1. [DUR0280]
31. 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. [DUR0850]
32. 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. [DUR0870]
33. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning. [DUR0890]
34. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays. [DUR0900]
35. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
- A. Short Term Period - 4 weeks.
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
 - B. Long term period - the duration.

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

[DUR0910]

36. The burning of builders waste on site by open fire is prohibited. [DUR0940]
37. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of the buildings with direct line of sight to the proposed building. [DUR0960]
38. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development. [DUR0980]
39. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction: [DUR1020]
- 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 and prior to occupation of the building.
40. A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage. [DUR1030]
41. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard. [DUR1110]
42. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.

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

[DUR1160]

43. 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.

44. All solid wastes shall be collected, stored and disposed of to the satisfaction of the Director of Environment and Community Services. [DUR1200]

45. Fore-dune vegetation shall not be removed, damaged or disturbed to the satisfaction of the Director of Environment and Community Services. [DURNS01]

46. Acid sulfate soils shall not be exposed or disturbed. [DURNS02]

47. The site shall not be dewatered. [DURNS05]

48. 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 and conditions of Consent. [DURNS04]

49. 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). [POC0020]

[POC0030]

USE

50. 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. [USE0160]

51. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997. [USE0170]

AMENDMENT

Councillor M R Boyd
Councillor D M Holdom

PROPOSED that this matter be deferred to clarify whether it is the intention of Surf Lifesaving NSW to support a full-scale lifesaving club as proposed in the letter received from the applicant and read at this Council meeting.

The Amendment was **Lost** on the casting vote of the Deputy Mayor

Voting For

Cr Boyd
Cr Carroll
Cr Dale
Cr Holdom
Cr James

Voting Against

Cr Beck
Cr Bell
Cr Brinsmead
Cr Lawrie
Cr Murray

The Motion was **Carried** on the casting vote of the Deputy Mayor

Voting For

Cr Beck
Cr Bell
Cr Brinsmead
Cr Lawrie
Cr Murray

Voting Against

Cr Boyd
Cr Carroll
Cr Dale
Cr Holdom
Cr James

DECLARATION OF INTEREST

Councillor R D Brinsmead declared an interest in Item 5, left the Chamber and took no part in the discussion or voting.

The nature of the interest is that Councillor R D Brinsmead has a family interest in subject item.

5 [DS] Development Application DA04/0064 for a Mixed Commercial/Retail Tourist Accommodation at Lot 4 Section 4 DP 172565, Lot 23 DP 1064172, No. 30-32 Marine Parade, Kingscliff

312 RESOLUTION:

Councillor J F Murray
Councillor G B Bell

RESOLVED that this item be deferred to allow the applicants to further discuss concerns raised in the report with Council officers.

AMENDMENT

Councillor M R Boyd
Councillor B J Carroll

PROPOSED that a copy of this report and draft conditions be sent to the Director General of the Department of Infrastructure, Planning and Natural Resources for

consideration as part of their report to the Minister with the following added amendments to proposed Condition 107 -

- iii. *The approved tourist accommodation units are not to be used for permanent residential accommodation. They are to be used for tourist accommodation only.*
- iv. *The approved retail/commercial units are not to be used for restaurant or cafe use without prior development consent.*

The Amendment was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr Dale
Cr Holdom

Voting Against

Cr Beck
Cr Bell
Cr James
Cr Lawrie
Cr Murray

The Motion was **Carried**

Voting For

Cr Beck
Cr Bell
Cr James
Cr Lawrie
Cr Murray

Voting Against

Cr Boyd
Cr Carroll
Cr Dale
Cr Holdom

RETURN TO MEETING

Councillor R D Brinsmead returned to the meeting.

Councillor G J Lawrie declared an interest in Item 6, left the chamber and took no part in the discussion or voting.

The nature of the interest is that Councillor G J Lawrie acts in a professional capacity for the landowner.

6 [DS] Development Application DA03/1348 for a Subdivision into 17 Lots at Lot 2 DP 871171, Lot 731 DP 48275, Lot 515 DP 755740, No. 4A Oyster Point Road, Banora Point

313 RESOLUTION:

Councillor M R Boyd
Councillor J F Murray

RESOLVED that Development Application DA03/1348 for a subdivision into 17 lots at Lot 2 DP 871171, Lot 731 DP 48275 & Lot 515 DP 755740 into two stages at No. 4A Oyster Point Road, Banora Point be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plans Nos 0358IBN-S02 prepared by Stewart McIntyre & Associates and dated 24/11/2003, and Plan No.0358IBN-S05 prepared by Stewart McIntyre & Associates and dated 12/3/2004 except where varied by these conditions. [GEN0010]
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. [GEN0030]
3. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual. [GEN0040]
4. No retaining walls or similar structures are to be constructed over Council's sewer main. [GEN0090]
5. Prior to commencement of work pursuant to this consent a **Construction Certificate** shall be obtained for the works proposed and required by this consent.
 - a) copies of compliance certificates relied upon
 - b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
 - earthworks
 - roadworks
 - road pavement
 - acoustic barrier
 - road furnishings

- stormwater drainage
- water supply works
- sewerage works
- landscaping works
- sedimentation and erosion management plans
- location of all service conduits (water, sewer, Country Energy and Telstra)
- the approved Traffic Control Plan
- the relevant maintenance manuals (eg. G.P.T's, water pump station)

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

[GEN0140]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. A detailed plan of landscaping is to be submitted and approved by Council's Director Planning and Environment prior to the issue of a Construction Certificate. All landscaping work is to be completed in accordance with the approved plans prior to release of subdivision certificate.

[PCC0010]

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

[PCC0040]

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

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

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

[PCC0080]

9. 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.

[PCC0090]

10. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-

- i. Construction along the full length of the proposed subdivision roll top kerb and gutter/vertical face kerb and gutter on an approved alignment along with associated sub-surface and over-land stormwater drainage systems and 9 metre wide road pavement from the lip of the new kerb and gutter to the edge of the existing bitumen pavement including tapers.
- ii. The road reserve in the subdivision shall be generally in accordance with drawing 0358IBN-S02 prepared by Stewart McIntyre & Associates dated 24/11/2003.
- iii. Construction of a stormwater drainage system that will convey all waters through the site to a legal point of discharge. The sub-surface and over-land drainage systems shall convey the respective flows from minor and major storm events. Clearly defined upstream catchment areas and supporting stormwater calculations shall accompany the engineering design plans.
- iv. The proponent shall submit detailed plans and specification with an application for Construction Certificate for, but is not limited to, the proposed link road, associated services, subsurface overland flow and piped stormwater drainage structures designed in accordance with DCP16.

[PCC0180]

11. 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.

[PCC0190]

12. 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) Permanent stormwater treatment shall be in general accordance with the Stormwater Management Plan prepared by Cozens Regan Williams Prove (August 2003) attached to the development application. [PCC0230]
13. 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. [PCC0240]

14. 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*.

[PCC0320]

15. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17⁰ or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.

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

- i) Contours and terraces where the height exceeds 1m.
- ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
- iii) Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
- iv) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.
- v) The landscaping shall be completed to the satisfaction of the Director Planning and Environment **PRIOR** to the issue of a Subdivision Certificate.
- vi) A bond shall be lodged prior to the issue of the subdivision certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.

[PCC0330]

16. Construction Certificate drawings shall make provision for the design of earthworks, land forming and site regarding in accordance with "Development Design Specification - Site Regrading" or to the satisfaction of the Director Engineering Services.

[PCCNS01]

17. All retaining walls are to be designed by a suitably qualified geotechnical/structural engineer in accordance with AS4678-2002- Earth Retaining Structures. A report that details compliance with the design provisions of this standard is to accompany the Construction certificate Drawings.

[PCCNS01]

18. Details of the proposed roof water disposal for dwellings on Lots 6 - 15 inclusive, including surcharge overland flow paths are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. These details shall include likely landscaping within the overland flow paths.

All roof water shall be discharged to infiltration pits located wholly within the subject allotment.

The infiltration rate for sizing infiltration devices shall be 3m per day:

- As a minimum requirement, infiltration devices are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) over a range of storm durations from 5 minutes to 24 hours and infiltrate this storm within a 24-hour period, before surcharging occurs.

Surcharge overflow from the infiltration area must be directed into the proposed inter-allotment drainage (IAD) as shown on Cozens Regan Williams Prove engineering drawing M.20.0vSK1 by visible surface flow, not piped.

Runoff is to be pre-treated to remove contaminants prior to entry into the infiltration areas (to maximise life of infiltration areas between major cleaning/maintenance overhauls).

If the site is under strata or community title, the community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).

All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.

All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.

All infiltration devices are to be located clear of stormwater or sewer easements.

The IAD line is to discharge to a level spreader in proposed Lot 6 to distribute flows across the full width of Lot 6.

An easement favouring all benefiting properties is to be obtained over the IAD system, discharge structures and level spreader and over all of Lot 6 downstream of the level spreader.

[PCCNS02]

19. Prior to the issue of a construction certificate for stage 2 the applicant shall satisfy the requirements of the NSW Roads and Traffic Authority and Tweed Shire Council in terms of the design of any acoustic barriers required for the subdivision.
20. Prior to the issue of a construction certificate for stage 2 the applicant shall submit to Council an acoustic report providing the design measures required for future residences in stage 2 of the subdivision. The acoustic report for the design measures for the future residences shall have regard to the acoustic barrier referred to in condition 19 above.

[PCCNS03]

PRIOR TO COMMENCEMENT OF WORK

21. Subdivision work in accordance with a development consent must not be commenced until:-
 - (a) a construction certificate for the subdivision work has been issued by:
 - (i) the consent authority, or
 - (ii) an accredited certifier, and
 - (b) the person having the benefit of the development consent:
 - (i) has appointed a principal certifying authority, and
 - (ii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment, and
 - (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the subdivision work.

[PCW0020]

22. 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 Planning and Environment. The sign is to remain in place until the Subdivision Certificate is issued.

[PCW0030]

23. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing.

[PCW0090]

24. 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 Planning and Environment.

[PCW0140]

25. 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.

[PCW0190]

26. Where water is required to be drawn from Council's water reticulation system it shall be the applicants responsibility to notify the Engineering Services Division prior to taking water.

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

[PCW0260]

27. **Prior** to the commencement of work the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-

- a. Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
- b. AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.

[PCW0270]

DURING CONSTRUCTION

28. All engineering works required to be approved prior to the issue of a construction certificate are to be constructed in accordance with the approval.

[DUR0020]

29. No soil, sand, gravel, clay or other material shall be disposed of off the site.

[DUR0030]

30. 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.

[DUR0040]

31. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers

expense and any such costs are payable prior to the issue of a Subdivision Certificate.

[DUR0150]

32. Prior to the application for a **Subdivision Certificate** a Compliance Certificate or Certificates shall be obtained from Council **OR** an accredited certifier for the following:-

- (i) Compliance Certificate - Roads
- (ii) Compliance Certificate - Water Reticulation
- (iii) Compliance Certificate - Sewerage Reticulation
- (iv) Compliance Certificate - Sewerage Pump Station
- (v) Compliance Certificate - Drainage

Note: 1. Where Council is requested to issue compliance certificates, applications for such certificates must be accompanied by documentary evidence from the Developers Supervising Consulting Engineer certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, DCP16 - Subdivision Manual and good Engineering Practice.

2. Where Council is requested to issue the construction certificate all compliance certificates and a Subdivision Certificate, Council will carry out the following inspections as deemed necessary by Council based on the rates contained in Council's current Fees and Charges:-

Roadworks

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

Water Reticulation, Sewer Reticulation, Drainage

- a. Excavation
- b. Bedding
- c. Laying/jointing
- d. Manholes/pits
- e. Backfilling
- f. Permanent erosion and sedimentation control measures
- g. Drainage channels
- h. Final inspection - on maintenance
- i. Off maintenance

Sewer Pump Station

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

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

3. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".

[DUR0360]

33. Before the commencement of the relevant stages of road construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.

- a. That the pavement has been designed and constructed in accordance with subgrade analysis as per Austroads Pavement Design, A Guide to the Structural Design of Road Pavements.
- b. That the pavement materials used comply with the specifications in RTA Form Q3051 (June 1998)
- c. That the pavement layers have been compacted to RTA specifications.
- d. That site fill areas have been compacted to the specified standard.
- e. That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
- f. That pavement testing has been completed in accordance with Table 8.1 of AS 3798-1996.

[DUR0370]

34. All proposed road/streets, drainage and associated works within the subdivision shall be designed and constructed in accordance with the development consent plans **AND** the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.

[DUR0400]

35. The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering Services Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.

[DUR0430]

36. The footpath area is to be graded to the kerb and turfed for the full frontage of the site.

[DUR0510]

37. On completion of the filling work, all topsoil to be respread and the site revegetated.

[DUR0550]

38. Inter allotment drainage shall be provided to **all** lots where roof water for dwellings cannot be conveyed to the street gutter by gravitational means.

[DUR0580]

39. The earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with Appendix B, AS 3798-1996. In addition, the frequency of field density testing shall be to a Type 1 standard in accordance with Table 8.1 of AS 3798. The geotechnical report shall be accompanied by a certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798.

[DUR0630]

40. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

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

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

[DUR0730]

41. 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.

[DUR0850]

42. 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.

[DUR0870]

43. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.

[DUR0880]

44. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.

[DUR0890]

45. 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 or public holidays. [DUR0900]
46. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
- A. Short Term Period - 4 weeks.
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
- B. Long term period - the duration.
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence. [DUR0910]
47. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited. [DUR0920]
48. 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 constructed in accordance with Tweed Shire Council Design Specification D7 - Stormwater Quality. [DUR0930]
49. 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. [DUR1210]
50. The horizontal and vertical alignment of the proposed link road shall transition smoothly into the existing pavement of Martinelli Avenue and Bione Avenue in accordance with DCP16.
51. The vertical alignment of the proposed link road shall be such that the sag in the kerb and channel aligns with the easement to drain water that exists within Lot 1 DP 1034399.

52. For storms up to a Q100 ARI event, overland flow associated with the development must be conveyed through designated overland flow paths, prior to breaching the crest in the road reserve of Martinelli Avenue, east of the site.
53. In accordance with DCP16, the formed nature strip of the proposed road reserve is to be 3.5m wide at 2% crossfall.
54. In accordance with DCP16, the proposed kerb and channel is to be standard Tweed Shire Council Upright, not Layback.
55. In accordance with DCP16, a 1.2m wide footpath is to be constructed on one side of the proposed link road. The nominated side is to be confirmed by Council.
56. The driveways servicing proposed Lots 13 and 14 are to be constructed for the full length of the access shafts in accordance with Tweed Shire Council's DCP16.
57. Erosion and Sedimentation control measures shall be carried out in accordance with the Erosion and Sediment Control Plan prepared by Cozens Regan Williams and Prove Pty Ltd dated August 2003.

[DURNS01]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

58. A **certificate of compliance** (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

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

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

Stage 2

Water:	14 lots @ \$4110	\$57,540.00
Sewer:	14 lots @ \$3290	\$46,060.00

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.

59. Section 94 Contributions

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

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

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

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

Stage 2

- a. Tweed Road Contribution Plan: \$23,576.00
S94 Plan No. 4 (Version 4.0)
(Tweed South - Sector 2)

Heavy Haulage Component

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

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

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

- b. Open Space (Structured): \$10,920.00
S94 Plan No. 5
- c. Open Space (Casual): \$2,338.00
S94 Plan No. 5

d.	Street Trees: S94 Plan No. 6	\$600.60
e.	Shirewide Library Facilities: S94 Plan No. 11	\$9,632.00
f.	Bus Shelters: S94 Plan No. 12	\$322.00
g.	Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$1,764.00
h.	Emergency Facilities (Surf Lifesaving) (REMSHIRE) S94 Plan No. 16	\$3,010.00
i.	Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$4,827.34
j.	Cycleways S94 Plan No. 22	\$2,240.00
k.	Regional Open Space (Structured) S94 Plan No. 26	\$16,478.00
l.	Regional Open Space (Casual) S94 Plan No. 26	\$3,094.00

60. A Subdivision Certificate will not be issued for each stage by the General Manager until such time as all relevant conditions of Development Consent No DA03/1348 have been complied with. [PCC0050/PSC0005]

61. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following: [PSC0010]

- i. Easements for sewer, water supply and drainage over **ALL** services on private property.
- ii. Restriction as to user for all lots within Stage 2 of the subdivision to ensure future dwelling houses are designed in accordance with the acoustic design measures in the acoustic report as required in Condition 20.

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the

owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

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

[PSC0020]

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

[PSC0040]

63. Where new state survey marks and/or permanent marks are placed a copy of the locality sketch relating to the marks shall be submitted to Councils Surveyor within two months of the issue of the Subdivision Certificate.

[PSC0060]

64. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the Director Planning and Environment **PRIOR** to the issue of a Subdivision Certificate. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.

[PSC0070]

65. Prior to registration of the plan of subdivision, a **Subdivision Certificate** shall be obtained.

- (i) The following information must accompany an application:
- original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees of \$122.00 per lot.
 - relevant development consent
 - detailed subdivision engineering plans endorsed with a construction certificate (where applicable)
 - evidence that the applicant has complied with all conditions of consent, that it is required to comply with before a subdivision certificate can be issued (where applicable)
 - a certificate of compliance from the relevant water supply authority (where applicable)
 - for subdivision involving subdivision works evidence that:
 - the work has been completed, or
 - agreement reached with the relevant consent authority regarding payment of the cost of work or as to the time for carrying out the work, or
 - security given to the consent authority with respect to the completion of the work

· Work as Executed Plans for **ALL** works

- (ii) Documentary evidence that **all** matters contained in Section 109J of the Act have been complied with.
- (iii) Written evidence from Council that the proposed road/street names have been approved.

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

[PSC0090]

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

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

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

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

[PSC0100]

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

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

[PSC0110]

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

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

- Tiger Patch patch liner;
- Econoliner;

- PL Quick Sleeve System;
- Flexi-Bond method

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

[PSC0140]

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

Council does not permit the building over Council's sewers. When buildings are located in close proximity to the sewer, detailed plans of footing types, location and depth relative to the sewer are required to be included with the Construction Certificate Application.

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

[PSC0150]

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

[PSC0170]

71. i. The production of written evidence from Country Energy certifying that reticulation of underground electricity (residential and rural residential) has been completed; and
- ii. The reticulation to include the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.

[PSC0190]

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

[PSC0220]

73. (i) **PRIOR** to lodging an application for a Subdivision Certificate, the applicant shall obtain the written approval of Council to the proposed road/street names. Approved names are to be in accordance with Council's Road Naming Policy adopted on 7 August 1996 and are to be shown on the Plan of Subdivision accompanying the application for a Subdivision Certificate.

- (ii) Street signs shall be erected clearly indicating the interface between Bione Avenue and Martinelli Avenue in accordance with Tweed Shire Council's Standard Drawing 041.

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

[PSC0230]

74. All retaining walls are to be certified by a suitably qualified geotechnical/structural engineer. The certification is to be submitted with the subdivision certificate application and shall state that the retaining walls have been designed and constructed in accordance with AS4678-2002-Earth Retaining Structures and are structurally sound.

In addition to the above certification the following is to be included in the S88B Instrument to accompany the final plan of subdivision.

- i. A restriction to user for each lot that has the benefit of a retaining wall that prevents any cut or fill greater than 0.5m in vertical height.
- ii. Each lot burdened and or benefited by a type 1 wall as defined in AS4678-2002- Earth retaining Structures, shall contain a restriction to user advising the landowner of the need to monitor and maintain the structure in accordance with that standard.

Tweed Shire Council is to be nominated as the authority empowered to release, vary or modify the restrictions.

75. Prior to the issue of Subdivision Certificate for Stage 2 the acoustic barriers referred to in Condition 19 are to be constructed or alternatively these works may be bonded for an amount agreed to by Tweed Shire Council.

[PSCNS01]

GENERAL TERMS OF APPROVAL UNDER SECTION 100B OF THE RURAL FIRES ACT 1997

1. Reticulated water supply shall comply with AS2419. Locations of fire hydrants are to be delineated by blue pavement markers in the centre of the road.
2. Any future development application lodged for this subdivision under section 79BA of the EP & A Act will be subject to the requirements as set out in Planning for Bushfire Protection, 2001.
3. The proposed road shall comply with 4.3.1 Planning for Bushfire Protection 2001.
4. Property access to lots 14 and 15 shall comply with 4.3.2 Planning for Bushfire Protection 2001. To achieve the required width for an access road, no obstruction or barrier (fence, etc) is to be erected between the access roads to the two lots.
5. There shall be a minimum of 20 metres from the vegetation on the south-western boundary to any proposed dwelling to be maintained as an 'Inner Protection Area' as outlined within section 4.2.2 in Planning for Bushfire Protection 2001.

6. The proposed fire trail is to be deleted as the maintenance on private lots is impractical and the provision of a 20 metre Asset Protection Zone provides sufficient protection from the vegetation.

Voting For

Cr Beck
Cr Bell
Cr Boyd
Cr Brinsmead
Cr Carroll
Cr Murray

Voting Against

Cr Dale
Cr Holdom
Cr James

RETURN TO MEETING

Councillor G J Lawrie returned to the meeting.

- 7 **[DS] Development Application DA03/1851 for the Construction of a Public Road and Relocation of a Watermain at Lot 490 DP 47021, Lot 500 DP 727420, Lot 312 DP 755701, Tweed Coast Road, Kingscliff**

Councillor R D Brinsmead
Councillor J F Murray

RESOLVED that:-

- A. Development Application DA03/1851 for the construction of a public road and relocation of a watermain at Lot 490 DP 47021, Lot 500 DP 727420, Lot 312 DP 755701, Tweed Coast Road Kingscliff be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos DA01, DA02A, DA03, DA04, DA05, DA06 and DA07 prepared by Cardno MBK and dated November 2003, except where varied by these conditions. [GEN0010]
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. [GEN0030]
3. The works are to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual. [GEN0040]
4. Prior to commencement of work pursuant to this consent a **Construction Certificate** shall be obtained for the works proposed and required by this consent.
 - a) copies of compliance certificates relied upon

- b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
- earthworks
 - roadworks
 - road pavement
 - road furnishings
 - stormwater drainage
 - water supply works
 - landscaping works
 - sedimentation and erosion management plans
 - location of all service conduits (water, sewer, Country Energy and Telstra)
 - the approved Traffic Control Plan

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

5. The existing bicycle path is to be extended from the northern boundary of the SALT site to the existing pavement in Casuarina Way (Old Coast Road). [GEN0140]
6. All necessary approvals from the Department of Lands are to be obtained for the construction of the road. [GENNS01]
7. The proposed road is to be constructed at no cost to Council. [GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

8. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, and submitted to Council, prior to issue of the Construction Certificate. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times. [PCC0040]
9. **Prior** to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works (minimum \$1,000).

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

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

10. 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. [PCC0080]

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

[PCC0130]

11. 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*.

[PCC0230]

12. 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.

[PCC0240]

13. 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*.
- [PCC0320]
14. The engineering plans and specifications to accompany the Construction Certificate application shall provide for: -
- (a) The construction of Casuarina Way within Lot 490 on an alignment generally in accordance with Figure No. DA02 prepared by Cardno MBK (Qld) Pty Ltd and dated November 2003.
- (b) The construction of a cleared road reserve of 22.0m containing a sealed carriageway of 7.0m, with sealed break down lanes of 2.5m either side. The pavement under the seal break down lane shall be the same thickness as the 7.0m pavement. Consideration should also be given to super elevation between chainages 1800 and 1950 to address safety, comfort and appearance.
- (c) The construction of a twin 1200x600 RCBC under Casuarina Way at approximately chainage 1650. A second culvert under Casuarina Way shall be provided at approximately chainage 1400. Design details for this culvert shall be provided with the Construction Certificate.
- (d) The intersection of the proposed road with the existing Casuarina Way (Old Coast Road) is to be designed and constructed in accordance with Austroads Guide to Traffic Engineering Practice Part 5.
15. The existing water main located within the temporary section of Casuarina Way shall be relocated to the north within the Bushfire Management Corridor. Design details for this relocation to be provided with the Construction Certificate.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

16. 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.
- [PCW0030]
17. 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.

The approved haul route for the transportation of filling to the site shall be via Old Bogangar Road and then Casuarina Way.

[PCW0140]

18. 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.

[PCW0190]

19. Work in accordance with this development consent must not be commenced until:-
- (a) a construction certificate for the subdivision work has been issued by:
 - (i) the consent authority, or
 - (ii) an accredited certifier, and
 - (b) the person having the benefit of the development consent:
 - (i) has appointed a principal certifying authority, and
 - (ii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment, and
 - (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the subdivision work.

[PCW0020]

20. 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.

[PCW0090]

21. Where water is required to be drawn from Council's water reticulation system it shall be the applicants responsibility to notify the Engineering Services Division prior to taking water.

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

[PCW0260]

22. **Prior** to the commencement of work the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-
- a. Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
 - b. AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.

[PCW0270]

DURING CONSTRUCTION

23. No soil, sand, gravel, clay or other material shall be disposed of off the site. [DUR0030]
24. 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. [DUR0040]
25. 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. [DUR0080]
26. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

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

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated. [DUR0730]

27. 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. [DUR0850]
28. 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. [DUR0870]
29. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles. [DUR0880]
30. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning. [DUR0890]
31. 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 or public holidays. [DUR0900]
32. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
- A. Short Term Period - 4 weeks.
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the

background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

- B. Long term period - the duration.
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.
33. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development. [DUR0910]
34. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate. [DUR0980]
35. Prior to the application for a **Subdivision Certificate** a Compliance Certificate or Certificates shall be obtained from Council **OR** an accredited certifier for the following:- [DUR0150]
- (i) Compliance Certificate - Roads
 - (ii) Compliance Certificate - Water Reticulation
 - (iii) Compliance Certificate - Sewerage Reticulation
 - (iv) Compliance Certificate - Drainage

Note:

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

Roadworks

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

Water Reticulation, Sewer Reticulation, Drainage

- a. Excavation
- b. Bedding

- c. Laying/jointing
- d. Manholes/pits
- e. Backfilling
- f. Permanent erosion and sedimentation control measures
- g. Drainage channels
- h. Final inspection - on maintenance
- i. Off maintenance

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

3. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".
- [DUR0360]
36. Before the commencement of the relevant stages of road construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.
- a. That the pavement has been designed and constructed in accordance with subgrade analysis as per Austroads Pavement Design, A Guide to the Structural Design of Road Pavements.
 - b. That the pavement materials used comply with the specifications in RTA Form Q3051 (June 1998)
 - c. That the pavement layers have been compacted to RTA specifications.
 - d. That site fill areas have been compacted to the specified standard.
 - e. That supervision of Bulk Earthworks has been to Level 1 and/or Level 2 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
 - f. That pavement testing has been completed in accordance with Table 8.1 of AS 3798-1996.
- [DUR0370]
37. All proposed road/streets, drainage and associated works within the subdivision shall be designed and constructed in accordance with the development consent plans **AND** the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.
- [DUR0400]
38. Pram ramps are to be constructed at road intersections in accordance with Council's Plan No. A4-96 to the satisfaction of the Director of Engineering Services and in accordance with Council's Standard Plan No. A4-96. Mountable or roll top kerb does not meet pram ramp requirements, and therefore requires a pram ramp to be constructed as above.
- [DUR0500]
39. The earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments". In general, material shall be placed in layers not exceeding 300mm in depth, watered and compacted to achieve the specified density ratio as monitored in Table 5.1 - Guidelines for Minimum Relative Compaction.
- [DUR0620]
40. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
- [DUR0860]

41. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.

[DUR0920]

42. 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.

[DUR0930]

USE

43. Upon completion and prior to use of the proposed road certification shall be provided to Council that the road reserve area has been surveyed for radiation levels and that surface radiation levels do not exceed the relevant NSW Health Action Limit of 2.5uGh/yr.
44. All works shall comply with the Casuarina Way Road Alignment Acid Sulfate Soils Management Plan, Cardno MBK, November 2003.
45. All works shall comply with the Casuarina Way Road Alignment Erosion and Sediment Control Plan, Cardno MBK, November 2003.
46. All works shall comply with the Casuarina Way Road Alignment Water Quality Monitoring Program, Cardno MBK, November 2003.

[USENS01]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

47. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No. DA03/1851 have been complied with.

[PSC0010]

48. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:

- i. Easements for sewer, water supply and drainage over **ALL** services on private property.

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

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

[PSC0020]

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

[PSC0040]

50. Where new state survey marks and/or permanent marks are placed a copy of the locality sketch relating to the marks shall be submitted to Councils Surveyor within two months of the issue of the Subdivision Certificate.

[PSC0060]

51. Prior to registration of the plan of subdivision, a **Subdivision Certificate** shall be obtained.

- (i) The following information must accompany an application:
- original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees of \$122 per lot.
 - relevant development consent
 - detailed subdivision engineering plans endorsed with a construction certificate (where applicable)
 - evidence that the applicant has complied with all conditions of consent, that it is required to comply with before a subdivision certificate can be issued (where applicable)
 - a certificate of compliance from the relevant water supply authority (where applicable)
 - for subdivision involving subdivision works evidence that:
 - the work has been completed, or
 - agreement reached with the relevant consent authority regarding payment of the cost of work or as to the time for carrying out the work, or
 - security given to the consent authority with respect to the completion of the work
 - Work as Executed Plans for **ALL** works
- (ii) Documentary evidence that **all** matters contained in Section 109J of the Act have been complied with.
- (iii) Written evidence from Council that the proposed road/street names have been approved.

Note:

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

52. Prior to the issue of a **Subdivision Certificate** a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council. [PSC0090]

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

53. The production of written evidence from Telstra Australia certifying that satisfactory arrangements have been made for the provision of underground telephone supply. [PSC0110]

54. i. The production of written evidence from Country Energy certifying that reticulation of underground electricity (residential and rural residential) has been completed; and [PSC0170]
- ii. The reticulation to include the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.

[PSC0190]

55. Prior to the issue of the Subdivision Certificate a 22.0m wide road corridor (Casuarina Way) is to be dedicated as public road free of cost to Tweed Shire Council.

[PSCNS01]

S68 STORMWATER (where separate S68 approval is required)

56. Approved permanent stormwater quality treatment devices in the private drainage system must be regularly cleaned out and maintained in accordance with submitted maintenance schedules and as required to ensure the continued efficient operation of the devices.

[SWD0090]

57. The erosion and sediment control works shall be carried out in accordance with Council's *Code of Practice for soil and water management on construction sites*.

[SWD0120]

- B. The Department of Lands be asked to issue a temporary licence over the proposed road alignment.
- C. Council commences acquisition and dedication of the alignment to create the permanent road reserve in accordance with the Departments of Lands' requirements with all costs to be met by the applicant.

AMENDMENT

Councillor M R Boyd
Councillor D M Holdom

PROPOSED that this item be deferred until after Council conducts a Workshop on the Coastal Plan.

The Amendment was **Lost** on the casting vote of the Deputy Mayor.

For	Against
Cr Boyd	Cr Beck
Cr Carroll	Cr Bell
Cr Dale	Cr Brinsmead
Cr Holdom	Cr Lawrie
Cr James	Cr Murray

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

For	Against
Cr Beck	Cr Boyd
Cr Bell	Cr Carroll
Cr Brinsmead	Cr Dale
Cr Lawrie	Cr Holdom
Cr Murray	Cr James

8 [DS] Seaside City

314 RESOLUTION:

Councillor M R Boyd
Councillor G J Lawrie

RESOLVED that Council completes Draft Tweed Local Environmental Plan 2000, Amendment No 3 to rezone land at Seaside City from 2(f) Tourism to 2(e) Residential Tourist.

Voting - Unanimous

9 [DS] Bushfire Prone Area Map

315 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER

10 [OGM] Lease of Council Premises - Lot 1 DP 381677 & Lot 1 DP 395275, Bray Park, Murwillumbah

316 RESOLUTION:

Councillor M R Boyd
Councillor D M Holdom

RESOLVED that:

1. Council surrenders the lease to the Wollumbin Community Development Association Incorporated and enters into a lease with Tweed Training and Enterprise Company Limited over Lot 1 DP 381677 and Lot 1 DP 395275, Bray Park, Murwillumbah for a period of five (5) years on the same terms and conditions.
2. All necessary documentation to be completed under the Common Seal of Council.

Voting - Unanimous

11 [OGM] Mayor and Councillors Annual Remuneration 2004/2005

317 RESOLUTION:

Councillor H James
Councillor G J Lawrie

RESOLVED that Council determines:

1. The annual fee for the Mayor for the period 1 July 2004 to 30 June 2005 be \$41,140.00.
2. The annual fee for Councillors for the period 1 July 2004 to 30 June 2005 be \$12,925.

Voting For

Cr Beck
Cr Bell
Cr Boyd
Cr Brinsmead
Cr Carroll
Cr Dale
Cr James
Cr Lawrie
Cr Murray

Voting Against

Cr Holdom

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.32pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.40pm.

12 [OGM] Quarterly Budget Review - 31 March 2004

318 RESOLUTION:

Councillor G J Lawrie
Councillor B J Carroll

RESOLVED that:-

1. The Quarterly Budget Review Statement as at 31 March 2004 be adopted.
2. The expenditure and income, as detailed within the body of the report, be voted and adjusted in accordance with the revised total expenditure and income for the year.

	POSITIVE (Contribute to Surplus) \$	NEGATIVE (Contribute to Deficit) \$
1. Recreation		63,793
2. Health & Community Services	109,519	
3. Economic Development	47,037	
4. Natural & Built Environment	694,575	
5. Roads & Transport	210,000	
6. Infrastructure Planning		26,000
7. Corporate Governance	801,035	
8. General Fund Reserves-Cary Over of Works to 04/05		1,772,373
	\$1,862,166	\$1,862,166
Water Fund		
1. Water Corporate	95,000	
2. Dams & Weirs	83,500	
3. Reservoirs	37,000	
4. Water Mains	107,540	
5. Water Treatment	208,000	
6. Consumer Services	7,460	
7. Management	60,300	
8. Capital Works/Reserves		598,800
	\$598,800	\$598,800
Sewerage Fund		
1. Sewer Corporate	651,604	
2. Sewer Mains		1,500
3. Sewer Pumping Stations	60,000	

4. Sewer Treatment Plants		167,000
5. Management	242,700	
6. Capital Works/Reserves		785,804
	\$954,304	\$954,304

Voting - Unanimous

13 [OGM] Northern Rivers Organisation of Councils - Minutes of Ordinary Meeting and Workshop held on 30 April 2004

319 RESOLUTION:

Councillor M R Boyd
Councillor S M Dale

RESOLVED that Council endorses:

1. The Mayor and General Manager as delegates to Northern Rivers Organisation of Councils.
2. The proposed constitutional changes for the consideration at the Extraordinary Meeting of the Northern Rivers Organisation of Councils Extraordinary Meeting to be held on 18 June 2004.

Voting - Unanimous

14 [OGM] 2004 Union Picnic Day

320 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

RESOLVED that :-

1. Council endorses Union Picnic Day to be held on Friday 12 November 2004.
2. Council offices remain open and staffed where practical with "non-union" staff members on that day.

Voting - Unanimous

15 [OGM] Quarterly Motor Vehicle Accident Report for Period 1 January 2004 to 31 March 2004

321 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

RESOLVED that this report be received and noted.

Voting - Unanimous

16 [OGM] In Kind and Real Donations - January to March 2004

322 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

RESOLVED that this report be received and noted.

Voting - Unanimous

17 [OGM] Monthly Investment Report for Period Ending 30 April 2004

323 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

RESOLVED That this report be received and noted.

Voting - Unanimous

18 [OGM] Tweed & Coolangatta Tourism Inc (TACTIC) Monthly Performance Report - December 2003 to February 2004

324 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS

19 [ES] Deed of Agreement with Twin Towns Services Club - Drainage Easement at Club Banora

325 RESOLUTION:

Councillor M R Boyd
Councillor S M Dale

RESOLVED that Council :

1. Enters into a Deed of Agreement with Twin Towns Services Club whereby Council will accept maintenance of the moat at Club Banora at Banora Point and the Club will grant Council an Easement for Drainage as part of the Western Banora Point Drainage Scheme;
2. Executes all necessary documentation under the Common Seal of Council.

Voting - Unanimous

20 [ES] Naming of Road Created by Roads and Traffic Authority between Clothiers Creek Road and the Round Mountain Overpass of the Motorway in the Locality of Tanglewood

Councillor M R Boyd
Councillor R D Brinsmead

PROPOSED that Council brings forward alternative names for the Road between Clothiers Creek Road and the Round Mountain Overpass of the Motorway in the Locality of Tanglewood.

326 AMENDMENT

Councillor G J Lawrie
Councillor H James

RESOLVED that Council:-

1. Publicises its intention to name the road Swamp Road, allowing one month for submissions.
2. Notifies the relevant authorities under the provisions of the Roads (General) Regulation 1994.

The Amendment was **Carried**

For	Against
Cr Bell	Cr Beck
Cr Carroll	Cr Boyd
Cr Dale	Cr Brinsmead
Cr Holdom	
Cr James	
Cr Lawrie	
Cr Murray	

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

For	Against
Cr Bell	Cr Beck
Cr Carroll	Cr Boyd
Cr Dale	Cr Brinsmead
Cr Holdom	
Cr James	
Cr Lawrie	
Cr Murray	

21 [ES] Tweed Coastal Estuaries Management Plan, Offer of Financial Assistance

327 RESOLUTION:

Councillor B J Carroll
Councillor M R Boyd

RESOLVED that Council:-

1. Accepts the financial assistance of up to \$40,000 from the Department of Infrastructure, Planning and Natural Resources Estuary Management Program on a 1 to 1 basis, and
2. Votes the expenditure of \$40,000 from the Tweed River Estuary Management Program of Council to match the offer.

Voting - Unanimous

22 [ES] Tweed River Estuary Management Plan, Offer of Financial Assistance

328 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

RESOLVED that Council:-

1. Accepts the financial assistance of up to \$500,000 from the Department of Infrastructure, Planning and Natural Resource's Estuary Management Program on a 2: 1 basis, and
2. Votes the expenditure of \$250,000 from the Tweed River Estuary Management Program of Council to match the offer.

Voting - Unanimous

23 [ES] Cudgera Creek Road Upgrading

329 RESOLUTION:

Councillor L F Beck
Councillor S M Dale

RESOLVED that Council writes to the Roads and Traffic Authority advising that Council does not accept the timeframe for the upgrading of Cudgera Creek Road. The Roads and Traffic Authority has accepted that the road is not safe so work should be commenced as soon as possible before any major accidents occur.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY

24 [EC] Policy Regulating Installation of Unregistrable Moveable Dwelling in Flood Prone Caravan Parks

330 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

RESOLVED that Council does not vary Policy E2.29.

Voting - Unanimous

25 [EC] Entomological Control Report

331 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

RESOLVED that:-

1. Consent conditions for Tweed developments that include landscaping activity, require sourcing of any pandanus from jamella hopper free areas and that pandanus be injected or sprayed with imidacloprid.
2. Council's entomological officer be authorised to discuss this issue with local nurseries, landscape services and market plant sellers dealing in pandanus.

Voting - Unanimous

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

Minutes Circulated with this Agenda Not Requiring Council Resolution

332 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

RESOLVED that this item be received and noted.

Voting - Unanimous

DELEGATES REPORTS

Nil.

OUTSTANDING INSPECTIONS

Nil.

ITEMS OF INFORMATION AND INTEREST

Nil.

ORDERS OF THE DAY

1 [NOM] Alliance for Existing and New Agricultural Enterprises Within Tweed Shire

333 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

RESOLVED that in view of the serious financial constraints being experienced by many primary producers in Tweed Shire, Council takes a pivotal role in seeking to form an alliance with Southern Cross University and other universities, CSIRO, RIRDC, private consultants, government departments and farmer groups with the aim of building on existing agricultural successes and endeavouring to introduce new, more viable and sustainable farming enterprises.

Voting - Unanimous

2 [NOM] Alcohol Free Zones - Murwillumbah

334 RESOLUTION:

Councillor M R Boyd
Councillor J F Murray

RESOLVED that Council seeks to have a meeting with the Police Area Commander in a bid to put a stop to the unacceptable drunken behaviour which seems to occur on a regular basis in Murwillumbah on Friday and Saturday nights.

Voting - Unanimous

3 [NOM] Development of Land - Barnby Street, Murwillumbah

335 RESOLUTION:

Councillor M R Boyd
Councillor S M Dale

RESOLVED that:-

1. Council facilitates a public meeting in the Murwillumbah Civic Centre Auditorium at which the applicant for the development of the Stainlay land off Barnby Street be given the opportunity to make a presentation on all the relevant issues associated with the development
2. A letter box drop advising people of this meeting be carried out in those areas most affected by this development.
3. Those people attending be given the opportunity to raise their concerns and opinions on this development.

Voting - Unanimous

WORKSHOPS

Nil.

URGENCY MOTION:

336 Public Meetings - Rating/Management Plan

337 RESOLUTION:

Councillor B J Carroll
Councillor M R Boyd

RESOLVED that the Urgency Motion be dealt with.

For

Cr Beck
Cr Bell
Cr Boyd
Cr Carroll
Cr Dale
Cr Holdom
Cr James
Cr Lawrie

Against

Cr Brinsmead
Cr Murray

Councillor D M Holdom
Councillor B J Carroll

PROPOSED that:-

1. Council venues be made available in Tweed Heads, Murwillumbah and the Tweed Coast to conduct discussions and information sharing with residents and ratepayers concerning the proposed rate rise during the 28 day period of public advertising of the Management Plan.
2. These meetings are advertised in the Tweed Link, The Daily News, the Tweed Sun, The Tweed Weekly and the Tweed Mail.
3. The General Manager and the Executive Manager (Mr Reg Norvill) and/or their nominees be available to attend.
4. The view of the people attending these meetings be recorded and reported to Council.

The Motion was **Lost** on the casing vote of the Deputy Mayor

For

Cr Boyd
Cr Carroll
Cr Dale
Cr Holdom
Cr James

Against

Cr Beck
Cr Bell
Cr Brinsmead
Cr Lawrie
Cr Murray

QUESTION TIME

Staff Positions

Councillor M R Boyd

Asked:-

1. Could Councillors be provided with a list of the new positions created within Council's staff during the term of the previous Council?
2. Could Councillors also be advised of those positions in Council's staff which were made redundant in the same period.

The General Manager advised that the Executive Manager will provide a response to part 1 of the questions.

In response to part 2 of the question, the General Manager advised that no staff were made redundant during the term of the previous Council.

Community Access Address - Flooding

Councillor M R Boyd

Asked that Council please invite the Tweed/Richmond Divisional Controller for State Emergency Services, Mr Scott Hanckel and Tweed Local Controller for SES, Mr Brian Sheahan, to address Council on issues of concern related to a maximum probably flooding event.

The General Manager responded that the Director Engineering and Operations would organise.

COMMITTEE OF THE WHOLE

338 RESOLUTION:

Councillor G J Lawrie
Councillor G B Bell

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:-

CONFIDENTIAL MATTERS

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT IN COMMITTEE

- 1 **[DS] Draft Tweed Local Environmental Plan 2000, Amendment No 51 -
Reclassification of Land from Community Land to Operational Land, Lot
3, DP 842350, 104 Rosewood Avenue, Bogangar**

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (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

C 66 RESOLUTION:

That Council engages the services of Jim Glazebrook & Associates to undertake the project in accordance with the tender submitted and the Project Brief for the fee of \$6,000 inclusive of GST.

Voting - Unanimous

- 2 **[DS] Consultant Brief - Land Use Planner for Kings Forest**

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (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

C 67 RESOLUTION:

That:

1. Council commissions GeoLINK to undertake the Consultant Brief for Land Use Planning Consultancy for Kings Forest in accordance with Council's Consultant Brief.
2. GeoLINK be advised that the commission is subject to their agreement with and signing the 'Terms of Engagement' for the consultancy.

Voting - Unanimous

REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER IN COMMITTEE

Nil.

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

3 [ES] Provision of Water Pipeline Cleaning Services and Valve and Hydrant Maintenance

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (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

C 68 RESOLUTION:

That:-

1. Council awards the Schedule of Rates contract EQ2004-022 for the provision of water pipeline cleaning and valve and hydrant maintenance to Clearflow Australia.
2. All documentation is to be completed under the Common Seal of Council.

3. The Director Engineering & Operations be given delegated authority to approve the option of a further two year contract period dependant upon contractor performance during the initial two (2) year contract period.
4. Council votes the expenditure.

Voting - Unanimous

RETURN TO MEETING

Councillor S M Dale returned to the meeting.

4 [ES] Construction of Sewage Pump Station, Beryl Street, Tweed Heads

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (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

C 69 RESOLUTION:

That:-

1. Council awards the Contract EC2003-211: Construction of Sewage Pump Station, Beryl Street, Tweed Heads to Demacs Constructions (Aust) Pty Ltd, in the amount of \$276,580.00 exclusive of GST.
2. All documentation is to be completed under the Common Seal of Council.
3. The Director Engineering Services be given delegated authority to approve variations up to 20% of the initial contract price.

Voting - Unanimous

RETURN TO MEETING

Councillor D M Holdom returned to the meeting.

5 [ES] Supply & Erection of Reservoir Roofing, West Pottsville Reservoirs (re-advertised) - Contract No. EC2004-081

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (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

C 70 RESOLUTION:

That:-

1. The Tender of \$110,000.00 (exclusive of GST) from Stewart & Sons Steel, of Bundaberg, be accepted.
2. All documentation is to be completed under the Common Seal of Council.
3. The Director Engineering and Operations be given delegated authority to approve variations up to 20% of the initial contract price.

Voting - Unanimous

6 [ES] EQ2004-068 Supply and Delivery of Selected Materials

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (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

C 71 RESOLUTION:

That the successful contractors listed in the body of this report be awarded supply contracts for the nominated items for the period 1 July 2004 until the 30 June 2005.

Voting - Unanimous

7 [ES] EC2004-074 Supply of Ready Mixed Concrete

C 72 RESOLUTION:

That Contract EC2004-074 for the Supply and delivery of Ready Mixed Concrete from the 1 July 2004 until the 31 December 2004 be awarded as follows:-

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

Voting - Unanimous

8 [ES] EC2004-066 Tenders for the Supply of Contract Truck Haulage

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (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

C 73 RESOLUTION:

That contracts for Truck Haulage be offered to the following tenderers subject to them meeting all O H & S requirements:-

A Rate - Hourly

Name	%
G Mortimer	-4%
M O'Keefe	-1%
J Middleton x 2	0%
D Colleton	0%
M Piper	0%
P Lawler	0%
A King	0%
C Wilson	0%
D Porter	0%
C Fraser	0%
N Everingham	0%
R Walker	0%
C Moore x 6	0%

B Rate - Truck

Name	%
J Middleton	-55%
J Blofield	-48%
J Middleton	-46%
D Colleton	-45.5%
M Piper	-45.5%
P Lawler	-45.5%
G Mortimer	-45%
A King	-42%
C Wilson	-42%
D Porter	-41.5%
C Fraser x 2	-40.5%

M O'Keefe	-40%
R Schrader	-39.5%
N Everingham	-36%
R Walker	-36%
C Moore x 6	-36%
G Marshall	-36%
S Everingham	-36%

B Rate – Truck and Dog

Name	%
J Middleton	-65%
J Blofield	-57%
J Middleton	-56%
D Colleton	-56%
M Piper	-56%
P Lawler	-56%
M O'Keefe	-55%
C Fraser x 2	-51%
G Mortimer	-50%
A King	-46%
C Wilson	-46%
C Moore x 4	-46%
S Everingham	-46%

B Rate – Rock

Name	%
C Moore x 6	-16%
N Everingham	-16%
R Walker	-16%
S Everingham	-16%
G Mortimer	-15%

B Rate – Semi-Tipper

Name	%
I Tagget	-44%
C Moore	-40%

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY IN COMMITTEE

9 [EC] Acquisition of Land at Riverview Street, Murwillumbah

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (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

C 74 AMENDMENT

That Council defers this item to allow for an inspection of the current facilities of Murwillumbah SES and Murwillumbah Rural Fire Service Unit at Murwillumbah, Wardrop Valley and Riverview Street with representatives from these services.

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

For	Against
Cr Beck	Cr Boyd
Cr Bell	Cr Carroll
Cr Brinsmead	Cr Dale
Cr Lawrie	Cr Holdom
Cr Murray	Cr James

The Amendment on becoming the Motion was **Carried** on the casting vote of the Deputy Mayor

For	Against
Cr Beck	Cr Boyd
Cr Bell	Cr Carroll
Cr Brinsmead	Cr Dale
Cr Lawrie	Cr Holdom
Cr Murray	Cr James

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS IN COMMITTEE

Nil.

ORDERS OF THE DAY IN COMMITTEE

Nil.

QUESTION TIME IN COMMITTEE

Nil.

ITEMS NOT ON THE AGENDA

Tweed Heads/Ballina Public Education Promotions Committee - Hire of Murwillumbah Civic Centre

C 75 RESOLUTION:

That Council accede to the request from the Tweed Heads/Ballina Public Education Promotions Committee to be granted hire of the Murwillumbah Civic Centre free of charge for the presentation of the Tweed Heads/Ballina Awards during Education Week (6-10 September 2004).

Voting - Unanimous

353 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

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 9.50pm.



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 89 of these Minutes**

Chairman