

IN ATTENDANCE

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

Mr Russell Logan (Aboriginal Mentor Program)

Also present were Dr John Griffin (General Manager), Mr Mike Rayner (Director Engineering Services), Mr Garry Smith (Acting Director Development Services), Mr Don Buckley (Director Environment & Community Services), Mr Brian Donaghy (Manager Administration Services/Public Officer) and Mrs Maree Morgan (Minutes Secretary)

PRAYER

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

A Prayer for this Season of Lent

*Remember O Lord, what you have wrought in us
and not what we deserve,
and, as you have called us to your service,
make use worthy of our calling;
through Jesus Christ our Lord. Amen.*

*Almighty God, ruler of all,
guide and direct the minds of those who are about to exercise
their responsibility in the election of fit persons to serve in the Tweed Shire;
and to those who are elected give the spirit of understanding, courage and true
godliness; through Jesus Christ our Lord. Amen.*

*Most gracious God,
we pray for the members and officers of the Tweed Shire Council;
direct their work and influence their decisions
to the advancement of your glory,
and the safety and welfare of this community
We ask this through Jesus Christ our Lord. Amen.*

CONFIRMATION OF MINUTES

Minutes of Council Meeting held 18 February 2004

112 RESOLUTION:

Councillor G Davidson
Councillor P C P Youngblutt

RESOLVED that the Minutes of the Council Meeting held on 18 February 2004 be adopted as a true and accurate record of proceedings of that meeting.

Voting - Unanimous

APOLOGIES

Nil.

DELEGATES REPORT - MR RUSSELL LOGAN (ABORIGINAL MENTOR PROGRAM)

Chinderah Marina - reported a "no" response to the 240 berth marina development and requesting additional studies and the preparation of a management plan be undertaken for this development.

DISCLOSURE OF INTEREST

Nil.

DECLARATION OF INTEREST

Councillor B J Carroll declared an interest in Item 22.

The nature of the interest is that Councillor B J Carroll is the Executive Officer of the subject organisation.

Councillor W J Polglase declared an interest in Confidential Order of the Day Item 1.

The nature of the interest is that Councillor W J Polglase is the owner of the land involved.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

113 RESOLUTION:

Councillor G Davidson
Councillor G J Lawrie

RESOLVED that this item be received and noted.

Voting - Unanimous

MAYORAL MINUTE

Mayoral Minute

Councillors,

1. NRACC

19 February – attended NRACC Meeting in Ballina

2. Lindisfarne Anglican School

22 February – attended Lindisfarne Duathlon at Seagulls

3. Regional Arts Steering Committee

23 February – attended Regional Arts Steering Committee at Lismore

4. Rotary

23 February – attended Rotary Community Peace Dinner (celebrating 99 years) at Tweed Heads

5. Roads – funding announcement

24 February – on site inspection Clothiers Creek & Farrants Hill Roads with Larry Anthony funding announcement by Federal Government

6. Pound

24 February – meeting with GM, DECS, MEHS, Paul Brouwer & Cr. Youngblutt to discuss matters relating to Council's Pound

7. Tweed Futures

24 February – attended Tweed Futures Community Summit & Steering Committee Meeting at Murwillumbah

8. Murwillumbah Chamber of Commerce

25 February – attended Murwillumbah Chamber of Commerce meeting

9. Bilambil Sports Club

26 February – meeting on site at Bilambil Sports Club

10. Weeds Forum

26 February – opened Weeds Forum at Twin Towns

11. Association of Independent Retirees

26 February – addressed meeting of Association of Independent Retirees at Tweed Heads

12. TEDC

27 February – attended TEDC Board Meeting at South Tweed Heads

13. Tugun By-Pass

28 February – attended Tugun By-Pass Rally at Tugun

14. War Widows Guild

1 March – Tweed Heads War Widows Guild 14th Birthday Celebrations Twin Towns

15. Ocean View

2 March – Ocean View Open Day & Morning Tea (old Motel Sexton's Hill)

16. NRACC

3 March – NRACC Forum at Ballina

17. Regional Arts Committee

3 March – meeting with representatives Regional Arts Northern Rivers at Murwillumbah

INVITATIONS ACCEPTED:

- 4 March – unveiling Anne Graham Sculpture at Casuarina
- 5 March – Citizenship Ceremony at Tweed Heads
- 8 March – Opening Tweedlesea RSL Day Club at Cabasrita
- 9 March – Tweed Futures Steering Committee
- 12 March - NOROC Meeting Murwillumbah
- 13 March - Open MUNA 2004 at Tweed Heads
- 13 March – Launch Uki Nursery
- 13 March – Presentation prizes “Shave for a Cure” at Tweed
- 14 March – Opening Ceremony Seniors Week at Tweed
- 14 March – Tweed Bowls Club BciB Australian Sides Championships Centenary & Welcome Dinner at Tweed
- 16 March – Sports Advisory Committee Meeting at Cabarita
- 17 March – Mt. St. Patrick Primary School Murwillumbah Centenary Celebrations

INFORMATION ON CONFERENCES TO BE HELD - Councillors to advise Mayoral Assistant, Jan Green, if they wish to attend and/or require further details:

- IPWEA NSW Division Annual Conference & Awards for Excellence **23-26 May** Sydney Super Dome Sydney Olympic Park
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ABSENCES FROM SHIRE BY EXECUTIVE, AND COUNCILLORS:

Name	From	To	Location	Details
A/DDS	23 February 2004	1 March 2004	Hobart, Tasmania	Planning Institute of Australia Planning Conference

Name	From	To	Location	Details
DECS	11 March 2004	11 March 2004	Tugun	Airport Noise Committee Meeting
EM	5 March 2004		Ocean Shores	Finance Professionals Meeting
EM	1 March 2004		Casino	GM's Sub-Regional Group Meeting
GM	1 March 2004		Casino	Sub-Regional General Manager's Group Meeting
GM	5 March 2004		Lismore	LGMA Northern Rivers Branch Meeting & Annual General Meeting

114 RESOLUTION:

Councillor W J Polglase

RESOLVED that the Mayoral Minute be adopted.

Voting - Unanimous

ITEMS DEFERRED

Nil.

SUSPENSION OF STANDING ORDERS

115 RESOLUTION:

Councillor W J Polglase

Councillor L F Beck

RESOLVED that Standing Orders be suspended to deal with Addendum Item 7a as a Late Item of the Agenda.

Voting For

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

Voting Against

Cr Marshall

7a [DS] Development Application DA02/1685 for Proposed Industrial Subdivision and Associated Boundary Adjustments and Works at Lots 1 and 2 DP 1051874, Lot 1 DP 232745, Lot 10 DP 258122, Lot 2 DP 591194, Lot 1 DP 846151 and Crown Public Road, Wardrop Valley

Mr Chris Power - Planning Consultant who was engaged by Council to prepare this report was present to answer questions in relation to the report.

Councillor H James
Councillor W M Marshall

PROPOSED that that Addendum Item 7a be deferred to the next meeting of Council.

The Motion was **not Carried**.

Voting For

Cr Beck
Cr Boyd
Cr Carroll
Cr James
Cr Marshall

Voting Against

Cr Polglase
Cr Brinsmead
Cr Davidson
Cr Lawrie
Cr Youngblutt

ATTENDANCE AT MEETING

Councillor B M Luff attended the meeting at 3.21pm.

Councillor M R Boyd
Councillor R D Brinsmead

PROPOSED that Addendum Item 7a of the Agenda be dealt with in a Workshop Mode.

AMENDMENT

Councillor B M Luff

Councillor H James

PROPOSED that this Addendum Item 7a be deferred to allow community consultation on this matter including the opportunity for residents to address Council.

116 RESOLUTION:

Councillor G J Lawrie
Councillor P C P Youngblutt

RESOLVED that an extension of 5 minutes be granted to Councillor M R Boyd

Voting - Unanimous

The Amendment was **Lost**

Voting For
Cr Carroll
Cr James
Cr Luff
Cr Marshall

Voting Against
Cr Polglase
Cr Boyd
Cr Brinsmead
Cr Davidson
Cr Lawrie
Cr Youngblutt

The Motion was **Lost**

Voting For
Cr Polglase
Cr Boyd
Cr Luff

Voting Against
Cr Beck
Cr Brinsmead
Cr Carroll
Cr Davidson
Cr James
Cr Lawrie
Cr Marshall
Cr Youngblutt

117 RESOLUTION:

Councillor G J Lawrie
Councillor P C P Youngblutt

RESOLVED that : -

1. Development Application DA02/1685 for proposed industrial subdivision and associated boundary adjustments and works at Lots 1 and 2 DP 1051874, Lot 1 DP 232745, Lot 10 DP 258122, Lot 2 DP 591194, Lot 1 DP 846151 and

Crown Public Road, Wardrop Valley Road, South Murwillumbah, be granted "Deferred Commencement" consent 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.

- A. The Engineering Plans and specifications to accompany the Construction Certificate application shall comply with the requirements of Councils Development Design Specification D6 - Site Regrading (D6) adopted June 2002.

Specific requirements to be addressed shall include:-

The design levels of lots and adjoining roads identified on Plan No's. A1-111-5 to A1-111-7 and A1-111-13 prepared by Richard Harry Engineers are unsatisfactory. The vertical alignment of the roads and allotments is to be redesigned to minimise the level difference between industrial land and adjoining roads. Level differences must not exceed those tabled in Development Design Specification - Site Regrading (adopted 5 June 2002) in particular table D6.1

All batters, catch drains, toe drains and retaining walls shall be wholly located within private property.

Provide catch drains above and at the toe of all batters to collect and transport waters to an approved point of discharge

All batters adjacent to the road reserve, steeper than 1:4 and greater than 1m in height below the road shall incorporate safety fencing / rails

Toe drains are to be provided along the base of all batters greater than 1m in height and wholly located within private land. Toe drains are to be designed to cater for the Q100 rainfall event and extend to a legal point of discharge.

B. 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) All storm waters shall be directed to a constructed wetland to manage water quality prior to discharge to any natural watercourse.
- (d) 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*.
- (e) Specific requirements

Permanent stormwater quality treatment shall be provided and sized in accordance with Development Design Specification D7, in particular section D7.11-2.2 and Table 7.11-WS.

In this regard deficiencies identified on Plan No.A1-111-03 prepared by Richard Harry Engineering dated July 2003 are inadequate. Redesign of devices is required which may result in reserve area requirements in excess of those identified and result in a decrease in area of proposed industrial lots. Design of structured wetlands are to be in accordance with Development Design Specification D7-Stormwater Quality adopted April 2000.

Piped stormwater drainage within Road No 4 is to be maintained within the road reserve linking each piped system from proposed lot 45 to proposed lot 50. The piped sections within easements located on the common boundaries of lots 46 - 47 and 48 - 50 are to be deleted.

Discharge points from each of the proposed wetland ponds are to be defined on engineering plans including outlet detail.

Engineering design detail of any proposed system to convey waters from Wardrop Valley Road into the development site are to be provided in accordance with Development Design Specification D6 - Site Regrading adopted April 2000. In particular clause D6.10.4 is to be addressed.

C. Staging Management Plan:

1. Detailed plans are to identify the whole of the development site both for bulk earthworks and civil works, identifying the extent of stage for each component of construction.
2. The plans shall be such that each stage is complete in itself and will be viable in the event that no further stages are constructed. In this regard plans for each stage must demonstrate:
 - (a) Downstream (to legal point of discharge) drains, waterways, water quality devices and any ancillary works are constructed and title dedicated
 - (b) Internal trunk drainage is completed to the extent that there will be no adverse impact on upstream land
 - (c) Where proposed earthworks levels are inconsistent with existing levels at the interface with future stages any batters (or other encroachments) on future stages must be secured by means of temporary easement which may be surrendered (with Councils approval) when no longer necessary as future stages progress
 - (d) For staged subdivisions the engineering plans and attachments must demonstrate the road network, land forming, drainage systems, water supply and sewerage systems for each stage (as the stages progress) will be viable in their own right in the event that future stages are not constructed.

D. Fire Trail and Asset Protection Zone:

The industrial subdivision shall meet the requirements recommended by Rural Fire Services relating to bush fire protection measures for the site. Specific requirements to be addressed shall include:-

A 20 metre wide Asset Protection Zone (APZ) and perimeter fire trail conforming with the requirements of NSW Government's manual "Planning For Bush Fire Protection" shall be provided on all industrial lots where the boundary adjoins grasslands, farm lands and bush land, other than along the Wardrop Valley Road boundary. The fire trail must be located between the landscaping and the future industrial buildings. Provision shall be made for fire fighters' access to the fire trail.

E. Landscape Management Plan:

This consent does not operate until Council is satisfied that the proposed subdivision, earthworks and potential future buildings on the site will be visually screened and integrated with the surrounding landscape. To satisfy Council in this matter, the applicant must submit to Council a detailed landscaping plan prepared by a suitably qualified landscape architect. The landscaping plan must also contain provisions to re-enforce the biodiversity values of the site, and include provision for salvage, preservation and use of native seedlings and seeds from existing site vegetation, eg *Hovea acutifolia* and *Lophostemon suaveolens*. The landscape plan shall identify all Black Walnut *Endiandra globosa* on the site and include arrangements for their translocation or propagation. The landscaping plan shall also include details of proposed landscape treatment to address the proposed works at the Murwillumbah pistol club.

F. Geotechnical and Landfill Management Plan

This consent does not operate until Council is satisfied that the proposed subdivision, earthworks and landfill operations will be stable and will not generate adverse surface water, groundwater, landform or other environmental impacts. To satisfy Council in this matter, the applicant must submit to Council a Geotechnical and Landfill Management Plan that addresses the following issues and requirements:

- F1. Stability of all filling must be assessed in advance and managed during construction by a qualified and relevantly experienced geotechnical engineer.
- F2. Filling must be staged in plan so that an initial stage in each of "Site A" and "Site B" can operate as a field trial, located remote from the site boundary in an area chosen to minimise impact and maximise the scope for remedial treatment should instability or heave occur. The purpose will be to prove that the filling, monitoring and stability

management procedures adopted are working satisfactorily, prior to filling onto the deeper areas of soft clay closer to the site boundaries.

- F3. Monitoring shall include the establishment and operation of monitoring points beyond the toe of the active filling area, to detect and record any heave due to filling. Monitoring must extend to a distance from the fill toe equal to at least twice the final height of the fill at that location. A minimum of at least 10 monitoring points in each of "Site A" and "Site B" is must be identified and monitored. Levels must be recorded prior to filling and immediately after the addition of each stage of fill height, plus more frequently if significant heave is indicated or suspected. The results of all monitoring are to be provided to Council in writing within 2 working days of each monitoring event.
- F4. Should any heaving or other problem be recognised, all filling on the site must cease immediately and the Council must be notified immediately. A remediation plan must be developed forthwith by a qualified and experienced geotechnical engineer at the applicant's expense and submitted to the Council for approval. After receiving the Council' approval the applicant must immediately implement the approved remediation plan. No further filling shall then occur until the Council gives written notice that it is satisfied that there would be no reoccurrence.
- F5. Acid sulfate drainage works shall be arranged so that all potentially contaminated drainage from the site, including that expelled from up to 5 m beyond the final fill batter toe, is directed to a collection pond for appropriate treatment prior to discharge.

G. Noise Management Plan

This consent does not operate until Council is satisfied that all practical steps will be taken to minimise the impact of construction noise on residents and dwellings in the locality. To satisfy Council in this matter, the applicant must submit to Council a Construction Noise Management Plan that addresses, but is not necessarily limited to, each of the following issues:

- Identification of each work stage, site compound and construction depot.
- Identification of the specific activities that will be carried out and associated noise and vibration sources for each work stage, site compound and construction depot.
- Identification of all potentially affected noise and vibration sensitive receivers.

- The construction noise limits recommended by Tweed Shire Council's Construction Noise Management Guidelines.
- Regular and frequent noise and, where relevant, vibration monitoring, reporting and response procedures.
- Assessment of potential noise and vibration from proposed construction methods, including noise and vibration from all construction, maintenance, transport and delivery activities.
- Detailed evaluation of feasible noise and vibration mitigation measures, including:
 - o Maximising offset distance between plant items and noise sensitive receivers;
 - o Avoiding using noisy plant simultaneously and/ or close together near sensitive receivers;
 - o Orienting equipment away from sensitive receivers;
 - o Loading and unloading close together near sensitive receivers;
 - o Siting and configuration of temporary earth bunds during earthmoving operations;
 - o Use of portable enclosures around mobile and fixed plant where noise impacts are likely to be unacceptable;
 - o Using noise source controls, eg residential class mufflers, to reduce noise from all plant and equipment used on the site. Examples of appropriate controls are provided in Section 5 of the RTA Environmental Noise Management Manual.
 - o Selection of plant and equipment based on noise emission levels;
 - o Use of alternate construction methods;
 - o Alternative arrangements with residents such as temporary relocation or voluntary property purchase;
 - o Selecting site access points and roads as far away as possible from sensitive noise receivers;
 - o Use of spotters, closed circuit TV and "Smart" reversing alarms in place of traditional reversing alarms.
- Description of management methods and procedures that will be used to control noise and vibration during construction.
- Justification for any activities proposed outside the construction hours nominated in this schedule.
- Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency.
- Appointment of a noise impact auditor with qualifications and experience in construction noise evaluation and management.
- Specifying arrangements for regular inspections and reporting to both the developer and Tweed Shire Council by the auditor in respect of compliance with the Construction Noise Management Plan.
- Internal noise audit systems including recording of daily hours of construction, progressive impact assessments as the work proceeds and site inspections by the Auditor.

- Establishment of a liaison group with representation from the developer, local residents and the auditor, and arrangements for prompt reporting to Council on the outcome all meetings of the group.
- Nomination of a Responsible Person who will be on the site and who will be responsible for responding to all noise and vibration related complaints.
- Procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity.
- Contingency plans to be implemented in the event of non-compliance with the Construction Noise Management Plan and/ or noise complaints.
- Education of construction personnel about noise minimisation.
- Limitation of general construction, transport, maintenance and machinery operation times to the hours 7am to 6pm Monday to Friday, 8am to 1pm Saturday, no work on Sundays. No activities that will generate noise levels that do not comply with Tweed Shire Council's Construction Noise Management Guidelines are to be undertaken on Saturdays or Sundays.
- Retro-fitting of affected residences to minimise noise impacts.

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 development shall be completed in general accordance with the following documents, except where varied by these conditions:
 - Statement of Environmental Effects, Darryl Anderson Consulting Pty Ltd, dated October 2002.
 - Letter from Darryl Anderson Consulting Pty Ltd dated 9 September 2003 seeking amendment of the application in accordance with the attached documentation.
 - Letter from Richard Harry engineering Services dated 22 August 2003 and accompanying Traffic Report Addendum and Erosion and Sediment Control plan and Stormwater management Plan.
 - TTM Consulting Traffic Engineering Report dated 4 September 2003.
 - TTM Consulting Addendum Traffic Report dated 29 November 2003.
 - TTM Consulting Environmental Noise Impact Report dated 19 February 2004.
 - Len and Kay Ball Vegetation Strategy prepared July 2003; and subsequent Len and Kay Ball "Vegetation Strategy, Proposed

Industrial Area, Wardrop Valley Road, South Murwillumbah” and accompanying Vegetation Strategy Plan approved 8.03 (Richard Harry Engineering Services) and 11 sheets of Sections, photographs and drawings.

- Amended subdivision plan NC White and Associates in 2 Sheets, dated 04/09/2003.
- Amended concept engineering drawings Richard Harry Engineering Services Pty Ltd, drawings A1-111 Sheets 1 to 19 dated 05.03 (Sheets 2, 3, 8, 9, 12, 16, 17), 08/03 (Sheets 4, 15), 02/04 (Sheets 5, 6), 07/03 (Sheets 7, 13, 14), 12/03 (Sheet 10), 01/04 (Sheet 11), 08/02 (Sheets 18, 19).
- Maiden Geotechnics Geotechnical Investigation Report update, July 2003.
- Maiden Geotechnics Acid Sulfate Soils and Groundwater Management Plan, November 2003.
- Maiden Geotechnics Response to Geotechnical Peer review dated February 2004.
- Letter from Darryl Anderson Consulting Pty Ltd dated 15 January 2004 and accompanying Road Intersection plan No. A1-111-01 (Richard Harry Engineering Services Sheet 1 of 1 dated 01/04), indicative Section, Cross Section and 4 colour photographs showing proposed works on and adjoining the pistol club site.
- Letter from Darryl Anderson Consulting Pty Ltd dated 23 February 2004 addressing requested Social Impact Statement.

[GEN0010]

2. Pursuant to the concurrence of DIPNR pursuant to SEPP 1, proposed Lots 47 to 50 inclusive must be deleted from the subdivision.
3. Any disturbance of acid sulfate soil must be managed in accordance with the “*Acid Sulfate Soils and Groundwater Management Plan Proposed Industrial Park Development Lot 31 DP 133404 Wardrop Valley Road Wardrop Valley – NSW*” dated November 2003 and prepared by Maiden Geotechnics, as amended in accordance with conditions of this consent.
4. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.

[GEN0030]

5. The applicant shall be responsible for payment of all costs associated with dedication of the public roads.
6. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual and Councils adopted Design and Construction Specifications applicable at the time of lodgement.

[GEN0040]

7. Advertising structures/signs to be the subject of a separate development application, where statutorily required. [GEN0070]
8. No retaining walls or similar structures are to be constructed over Council's sewer main. [GEN0090]
9. No direct access to Wardrop Valley Road is permitted from adjoining industrial lots
10. The erection or use of any habitable dwelling on all proposed new industrial Lots is prohibited.
11. Prior to commencement of work pursuant to this consent a **Construction Certificate** shall be obtained for the works proposed and required by this consent.
 - a) copies of compliance certificates relied upon
 - b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
 - earthworks
 - roadworks
 - road pavement
 - road furnishings
 - stormwater drainage
 - water supply works
 - sewerage works
 - landscaping works
 - 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

12. Notwithstanding any other condition of this consent, separate construction certificates for bulk earthworks and civil works may be issued. The carrying out of bulk earthworks may be commenced and undertaken in accordance with the construction certificate for bulk

earthworks but prior to the issue of a construction certificate for civil works where it can be demonstrated all works are compatible.

13. The applicant is to provide to Council written evidence from DIPNR that all necessary approvals have been obtained under the Soil Conservation Act 1939 to remove vegetation from areas mapped as protected land
14. An Environmental Management Plan must be submitted to and approved by Council addressing the following issues:
 - Investigation and reporting of water quality in watercourses downstream of the site;
 - A water monitoring plan, including a sampling regime that includes pre, during and post-construction monitoring of watercourses downstream of the proposal;
 - A reporting mechanism, with identified threshold and triggering levels, for reporting changes in water quality parameters to DIPNR.
15. The acid sulfate soil management plan is to be amended to include a monitoring and contingency schedule which includes the following details
 - Sampling locations
 - Parameters to be tested
 - Sampling frequency
 - Action thresholds
 - Remediation techniques
 - Responsible person(s)
 - Reporting

This schedule to be to the satisfaction of the Director of Environment and Community Services.

16. 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]

17. Submission and approval of an air quality management plan addressing all dust suppression issues including:
 - Methods to control dust creation
 - Water application methods including water trucks and/or sprinklers
 - Water sources

- Complaint protocol
- Monitoring

18. **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.

[PCC0080]

19. 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.

[PCC0090]

20. The site is to be filled to a minimum of RL 6.7m AHD. The filling is to be constructed to a design submitted to and approved by the Director of Engineering Services prior to the release of the Construction Certificate. The filling plan of the site is to address the drainage on the site as well as any existing stormwater flows onto or through the site and the likely impact on stormwater drainage in the locality from the proposed filling.

[PCC0100]

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

- i. Construction along the full length of the proposed subdivision vertical face kerb and gutter on an approved alignment along with associated sub-surface and over-land stormwater drainage systems.
- ii. The roads in the subdivision shall be generally in accordance with drawings A1-111 Sheets 1 to 19 dated 05.03 (Sheets 2, 3, 8, 9, 12, 16, 17), 08/03 (Sheets 4, 15), 02/04 (Sheets 5, 6), 07/03 (Sheets 7, 13, 14), 12/03 (Sheet 10), 01/04 (Sheet 11), 08/02 (Sheets 18, 19) prepared by Richard Harry Engineering Services Pty Ltd and shall be as follows:-

Reconstruction of Wardrop Valley Road to provide a rural formation of 11.0m incorporating a sealed pavement of 10.0m and gravel

shoulders of 1.2m from the end of Lundberg Drive to the access road of the proposed subdivision.

Construction of a Type C intersection at the at the junction of proposed road 1 and Wardrop Valley Road in accordance with Austroads Pt 5 - Intersections at Grade. The intersection shall incorporate concrete median islands and pavement markings generally in accordance with Plan No. A1-111-11 prepared by Richard Harry Engineers dated August 03.

The eastern leg of the intersection shall incorporate a bitumen sealed bus bay in accordance with Austroads Part 11 - Parking, Figure 7.8

Any existing vehicular access points shall be reconstructed in accordance Councils Vehicular Access Pamphlet.

The intersection alignment shall provide a minimum dimension of 10m measured from the face of kerb to the proposed bund /wall along Murwillumbah Pistol Club (range) in accordance with Plan No A1-111-01 prepared by Richard Harry Engineers dated January 04.

Construction of internal roads comprising of a 13m wide pavement between kerbs, minimum 3.5m wide nature strip area on each side and associated drainage structures in accordance with DCP 16, Clause 6.4.5 and Table 6.2.

Construction of an intersection with proposed road 1, road 2 and road 3 incorporating a raised concrete roundabout in accordance with Austroads Part 6 having a minimum radius capable of accepting B-double vehicles maintaining a travel path within the designated travel lane. Travel paths are to be in accordance with Austroads, Design Vehicles and Turning Path Templates for a design travel speed of 5-15km/h.

Construction of an intersection with proposed road 1, road 3 and road 4 incorporating a raised concrete roundabout in accordance with Austroads Part 6 having a minimum radius capable of accepting B-double vehicles maintaining a travel path within the designated travel lane. Travel paths are to be in accordance with Austroads, Design Vehicles and Turning Path Templates for a design travel speed of 5-15km/h.

Reconstruction of the intersection of Quarry Road and Lundberg Drive to provide turning paths suitable for B-double (25m) trucks maintaining a travel path wholly within the designated travel lane. Travel paths are to be in accordance with Austroads, Design

Vehicles and Turning Path Templates for a design travel speed of 5-15km/h.

Provide Armco safety barrier along Wardrop Valley Road adjacent to any proposed cutting fronting the development site. Alternative measures of constructing a landscaped earth bund may be adopted in lieu of an Armco barrier.

- 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.

[PCC0180]

22. Engineering detail of proposed bund/ impenetrable walls along the Murwillumbah Pistol Club (range) in accordance with Plan No A1-111-01 prepared by Richard Harry Engineers dated January 04.
23. 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]

24. 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]

25. 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]

26. All future roof waters are to be disposed of through properly jointed pipes to the street gutter, inter-allotment drainage, or elsewhere if so directed in the conditions of consent. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZ3500.3.2. Note: A detailed stormwater and drainage plan is to be submitted to and approved by the PCA prior to commencement of building works.

[PCC0350]

PRIOR TO COMMENCEMENT OF WORK

27. 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]

28. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor, Subdivision works accredited certifier (if Council not nominated) 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]
29. 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]
30. 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]
31. Prior to start of building works provide a certificate of adequacy, signed by a practising Structural Engineer on the completed rock retaining wall. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall.
[PCW0100]
32. Installation of a suitable perimeter drainage system, utilising lined drains and subsoil drains where required to a design submitted and approved by the Director, Engineering Services. The drainage system is to be installed and functioning prior to the placement of any fill hydraulically.
[PCW0130]
33. 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 haul route for the transportation of filling to the site is to be identified and submitted to Council for written approval prior to commencing works.

[PCW0140]

34. 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 in accordance with the approved Erosion and Sediment Control Plan and Section 68 approval.

[PCW0190]

35. An application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.

[PCW0210]

36. 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]

37. **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]

38. The written consent of the registered proprietors of adjoining land, to the works where the said works encroach thereon.

DURING CONSTRUCTION

39. One copy of the plans stamped with Council's approval is enclosed herewith. Council will require seven (7) days' notice of intention to commence works in accordance with the requirement of DCP 16 Clause 12.3.6. and submission of a completed Form 7 - Notice Of

Commencement of Building or Subdivision Work and Appointment of Private Certifying Authority, a copy of which is attached to this certificate.

40. Council must be given 24 hours notice of all inspections as per subdivision manual requirements.
41. You are required to comply with the provisions of the Occupational Health and Safety Act and the Australian Standards AS 1742; particularly in respect of works being conducted on a public road, traffic control, RTA form 121 and ensuring safe public access at all times.
42. All engineering works required to be approved prior to the issue of a construction certificate, S138 and S68 applications are to be constructed in accordance with the approval.
[DUR0020]
43. All demolition works associated with the proposed development shall comply with Australian Standard AS 2601 "The Demolition of Structures" and the relevant requirements of the WorkCover Authority.
44. All work shall comply with the approved acid sulfate soil management plan. Any disturbance of acid sulfate soil to be managed in accordance with the "*Acid Sulfate Soils and Groundwater Management Plan Proposed Industrial Park Development Lot 31 DP 133404 Wardrop Valley Road Wardrop Valley – NSW*" dated November 2003 and prepared by Maiden Geotechnics, as amended by conditions of this consent.

Any disturbed acid sulfate soil to be tested at a minimum rate of one (1) test per 1000m³ of excavated material to determine the appropriate lime application rate. The testing method to be approved by the Director of Environment and Community Services prior to the commencement of any excavation below 5m AHD.

Bunds shall be free of acid sulfate soil material

45. No soil, sand, gravel, clay or other material shall be disposed of off the site.
[DUR0030]
46. 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]

47. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction. [DUR0060]
48. 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]
49. It is the responsibility of the applicant to restrict public access to the construction site, building works or materials or equipment on the site when work is not in progress or the site is otherwise unoccupied. [DUR0200]
50. 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]

- 51. 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]

- 52. All lots must be graded and trimmed to prevent the ponding of surface water. Additionally, all lots must be adequately vegetated and action must be taken to prevent erosion from wind and/or water to the satisfaction of the Director, Development Services.

[DUR0380]

- 53. 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, adopted Design and Construction Specifications applicable at the time of lodgement except where varied by the conditions of this consent.

[DUR0400]

- 54. Provision of temporary turning areas for refuse vehicles at the end of roads which will be extended in subsequent stages until such time as the road is extended or a dedicated turning area is provided at the end of the road. These temporary turning areas shall be constructed with a minimum 150mm pavement (CBR 45) and shall have a right of carriageway registered over the turning area until such time as the road is extended.

[DUR0420]

- 55. 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]

- 56. 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]

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

[DUR0510]

- 58. A concrete ribbon footpath 1.2 metres wide and 75 millimetres thick is to be constructed on a compacted base along one side of each new road

within the development site. 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.

[DUR0520]

59. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped.

[DUR0550]

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

[DUR0580]

61. i. Dedication of the proposed drainage reserve at no cost to Council.
- ii. An accurate plan of the proposed drainage reserve shall be submitted to Council 60 days prior to lodgement of Application for Subdivision Certificate (form 13) to allow the land to be classified.

Failure to comply with this condition may result in delays in the issue of the Subdivision Certificate.

[DUR0600]

62. A reticulated water supply shall be provided to the industrial lots to meet the requirements of the relevant Australian Standard for fire fighting purposes. Written certification of compliance with this condition from a practising civil engineer must be provided to Council.

63. The land within the industrial subdivision to be filled to the minimum design levels of RL 6.7m AHD as defined by the Construction Certificate.

[DUR0610]

64. 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]

65. 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]

66. Internal stormwater lines are to be connected directly into road drainage pits if available along the frontage of the site.

[DUR0710]

67. All stormwater discharged from the site including dewatering discharge is to be directed to a sediment pond prior to final discharge into any waterway. The sediment ponds or other approved devices are to be maintained in good condition until the maintenance bond is released.

[DUR0720]

68. 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]

69. The water quality control ponds shall be fully fenced in accordance with the requirements of AS1926 for children less than five (5) years of age.

[DUR0810]

70. i. The site of the sewage pumping station shall be transferred to Council in fee simple, at no cost to Council within 28 days of the date of registration of the plan of subdivision.

ii. An accurate plan of the sewage pumping station site shall be submitted to Council 60 days prior to lodgement of the Application for Subdivision Certificate (form 13) to allow the land to be classified.

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.

[DUR0820]

71. 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]
72. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed / cutting adjacent to neighbouring properties.
[DUR0860]
73. 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]
74. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
[DUR0880]
75. 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]
76. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
[DUR0920]
77. 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]
78. 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]
79. Landscaping of the site shall be carried out in accordance with the approved landscaping plans. The landscaping to be completed prior to release of the subdivision certificate, to the satisfaction of the Director, Development Services.
[DUR1230]
80. Stage construction activities to minimise unvegetated area and seed fill areas immediately on completion. No area is to remain exposed (unvegetated) for more than 2 weeks unless construction work is being undertaken on that area.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

81. 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 1	
Water:	\$189,060.00
Sewer:	\$151,340.00
Stage 2	
Water:	\$32,880.00
Sewer:	\$26,320.00
Stage 3	
Water:	\$20,550.00
Sewer:	\$16,450.00
Stage 4	
Water:	\$24,660.00
Sewer:	\$19,740.00
Stage 5	
Water:	\$24,660.00
Sewer:	\$19,740.00
Stage 6	
Water:	\$24,660.00
Sewer:	\$19,740.00
Stage 7	
Water:	\$24,660.00
Sewer:	\$19,740.00
Stage 8	
Water:	\$20,550.00

Sewer: \$16,450.00

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

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

[PCC0070/PSC0004]

82. (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 1

- a. Tweed Road Contribution Plan: \$110,124.00
S94 Plan No. 4 (Version 4.0)
(Sector 10_4 - Keilvale)

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:

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

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)

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

Admin. Administration component - 5% - see Section 6.5

- b. Extensions to Council Administration Offices & Technical Support Facilities \$15,861.26
S94 Plan No. 18

Stage 2

- a. Tweed Road Contribution Plan: \$19,152.00
S94 Plan No. 4 (Version 4.0)
(Sector 10_4 - Keilvale)

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:-

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

where:

$\$Con_{TRCP - Heavy}$ 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)

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

Admin. Administration component - 5% - see Section 6.5

- b. Extensions to Council Administration Offices & Technical Support Facilities \$2,758.48
S94 Plan No. 18

Stage 3

- a. Tweed Road Contribution Plan: \$11,970.00
S94 Plan No. 4 (Version 4.0)
(Sector 10_4 - Keilvale)

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:

\$Con_{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)

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

Admin. Administration component - 5% - see Section 6.5

- b. Extensions to Council Administration Offices & Technical Support Facilities \$1,724.05
S94 Plan No. 18

Stage 4

- a. Tweed Road Contribution Plan: \$14,364.00
 S94 Plan No. 4 (Version 4.0)
 (Sector 10_4 - Keilvale)

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. Extensions to Council Administration Offices & Technical Support Facilities \$2,068.86
 S94 Plan No. 18

Stage 5

- a. Tweed Road Contribution Plan: \$14,364.00
 S94 Plan No. 4 (Version 4.0)
 (Sector 10_4 - Keilvale)

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. Extensions to Council Administration Offices & Technical Support Facilities \$2,068.86
S94 Plan No. 18

Stage 6

- a. Tweed Road Contribution Plan: \$14,364.00
S94 Plan No. 4 (Version 4.0)
(Sector 10_4 - Keilvale)

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)
- \$Unit the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)
- Admin. Administration component - 5% - see Section 6.5

- b. Extensions to Council Administration Offices & Technical Support Facilities \$2,068.86
S94 Plan No. 18

Stage 7

- a. Tweed Road Contribution Plan: \$14,364.00
S94 Plan No. 4 (Version 4.0)
(Sector 10_4 - Keilvale)

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)

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

Admin. Administration component - 5% - see Section 6.5

- b. Extensions to Council Administration Offices & Technical Support Facilities \$2,068.86
S94 Plan No. 18

Stage 8

- a. Tweed Road Contribution Plan: \$11,970.00
S94 Plan No. 4 (Version 4.0)
(Sector 10_4 - Keilvale)

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:

\$Con_{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)

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

Admin. Administration component - 5% - see Section 6.5

- b. Extensions to Council Administration Offices & Technical Support Facilities \$1,724.05
S94 Plan No. 18

PCC0050/PSC0005J

83. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of this Development Consent have been complied with.

[PSC0010]

84. Completion of all works identified by the letter to Council from Darryl Anderson Consulting Pty Ltd dated 15 January 2004 and accompanying Road Intersection plan No. A1-111-01 (Richard Harry Engineering Services Sheet 1 of 1 dated 01/04), indicative Section, Cross Section and 4 colour photographs showing proposed works on and adjoining the pistol club site, as amended by conditions of this consent.

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

1. Easements for sewer, water supply and drainage over **ALL** services on private property.
2. Drainage easements shall be provided in accordance with Development Design Specification D6 adopted June 20020, clause D6.10.5.3. Drainage easements shall be created over toe drains in favour of all upstream lands where batters are greater than 1m in height and wholly located within private land.
3. Easements are to be created over the discharge paths from wetlands to the legal point of discharge.

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]

86. Submit to Council's property officer an appropriate plan indicating the rural address number to both new and existing lots for verbal approval. Prior to the issue of a Subdivision Certificate, each lot shall have its' rural address number displayed in accordance with Council's "Rural Addressing Policy".

[PSC0030]

87. 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]
88. Where new state survey marks and/or permanent marks are placed, a copy of the locality sketch relating to the marks shall be submitted with the final subdivision certificate application.
[PSC0060]
89. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the Director, Development Services **PRIOR** to the issue of a Subdivision Certificate. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.
[PSC0070]
90. 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]

91. 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]

92. 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]

93. Prior to the issue of a Subdivision Certificate, a properly dimensioned plan shall be lodged with Council showing the relative position of existing fences, road formation and boundaries. Any encroaching road boundary fence is to be relocated to the correct alignment prior to issuing a Subdivision Certificate. Any road widening deemed necessary following submission of the plan shall be dedicated at no cost to Council.

[PSC0120]

94. i. In accordance with Development Control Plan No. 16 a 1.2m wide footpath constructed of concrete or paving blocks shall be provided for the full length of each road within the development site. The design and construction standard shall comply with AUSPEC (TSC Version).
- ii. Alternatively, the developer may pay a cash contribution to the value of the works plus 25% in lieu of construction and Council will construct the footpath when the subdivision is substantially built out. The cost of these works shall be validated by a schedule of rates.

- iii. If the developer elects to construct the footpath prior to the issue of a Subdivision Certificate, a cash maintenance bond equal to 25% of the contract value of the footpath shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths are built on. The maintenance bond shall be lodged prior to release of the subdivision certificate.

[PSC0130]

95. 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]

96. 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]

97. Prior to issuing a Subdivision Certificate, Town Water shall be provided to each lot including a minimum size 25mm outside diameter water service terminated 1.0m inside the property boundary of each lot in accordance engineering with plans to accompany the Construction

Certificate application. The reticulation shall be designed and constructed in accordance with DCP16 - Subdivisions Manual.

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

[PSC0160]

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

[PSC0170]

99. i. The production of written evidence from Country Energy certifying that reticulation of underground electricity 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]

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

[PSC0220]

101. 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.

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

(ii) To avoid confusion resulting from duplication of private driveway/accessway name and public road/street names, the applicant shall submit to Council for approval the proposed name(s) of any private driveway/accessways.

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

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

[PSC0230]

103. A Restriction as to User shall be entered on the Title of all industrial lots, prohibiting the erection or use of any habitable dwelling thereon. The necessary Section 88B documentation is to be lodged with Council prior to release of the subdivision certificate
 104. The development shall be completed to the satisfaction of the Director, Development Services (or his delegate), including variation to the approved plans required as a result of insufficient detail on the plans or to ensure that Council Policies and/or good engineering practices are achieved.
2. That the Director Development Services submit a report to Council addressing the applicant's request for rezoning to industrial of those lands identified on the applicant's subdivision plan as proposed industrial lots which are located outside the Industrial 4(a) Zone.

118 RESOLUTION:

Councillor P C P Youngblutt
Councillor G J Lawrie

RESOLVED that an extension of 5 minutes be granted to Councillor M R Boyd.

Voting - Unanimous

AMENDMENT

Councillor H James
Councillor B M Luff

PROPOSED that the applicant be informed that the application is likely to be refused unless detailed plans are submitted that:

1. Demonstrate the proposal complies with D6 - Site Regrading (June 2002 edition).
2. Demonstrate compliance with the Tweed Urban Stormwater Quality Management Plan.
3. Demonstrate the adoption of water sensitive design practices.
4. Demonstrate that all stormwater will be directed to a constructed wetlands to manage water quality prior to discharge to any natural watercourse.
5. Demonstrate compliance with the relevant sections of Development Design Specification D7.

7. Clearly describe the staging of the proposal including: bulk earthworks, drainage, infrastructure and road network.
8. Demonstrate that adverse impacts will be properly mitigated.
9. Demonstrate the stability of earthworks.
10. Demonstrate adequate mitigation of noise impacts.

The Amendment was **Lost**

Voting For

Cr Carroll
Cr James
Cr Luff
Cr Marshall

Voting Against

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

The Motion was **Carried**

Voting For

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

Voting Against

Cr James
Cr Luff

A RESCISSION MOTION HAS BEEN RECEIVED ON THIS ITEM FROM COUNCILLORS BECK, JAMES AND LUFF.

RESUMPTION OF STANDING ORDERS

119 RESOLUTION:

Councillor B M Luff
Councillor G J Lawrie

RESOLVED that Standing Orders be resumed.

Voting - Unanimous

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

1 [DS] Development Application DA02/2087 for the Erection of a Dwelling for Purposes of Bed and Breakfast at Lot 4 Section 1 DP 14895, Lorna Street, Kingscliff

Councillor L F Beck
Councillor P C P Youngblutt

PROPOSED the item be deferred.

120 AMENDMENT

Councillor M R Boyd
Councillor B M Luff

RESOLVED that the previous determination of Development Application DA02/2087 for the erection of a dwelling for purposes of bed and breakfast at Lot 4 Section 1 DP 14895, Lorna Street, Kingscliff be upheld and the application be refused for the following reasons: -

1. That after consideration of the application pursuant to Section 79C(a)(i) of the Environmental Planning and Assessment Act 1979, it is concluded the development is prohibited under the provisions of Tweed Local Environmental Plan 2000.
2. That after consideration of the application pursuant to 79C(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposal is inconsistent with the objectives of the 7(f) zone under Tweed Local Environmental Plan 2000.

The Amendment was **Carried**

Voting For

Voting Against

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

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

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

2 [DS] Development Application DA03/1774 for the Establishment of a 346 Room Tourist Resort Hotel (Peppers) including Function Centre, Gymnasium, Spa, Restaurant & On Site Parking at Lot 194 DP 755701, Lot 301 DP 755701, Lot 312 DP 755701, Tweed Coast Road

Councillor H James
Councillor B M Luff

PROPOSED that the Minister be advised that Condition 82 as previously advised remain the same.

The Motion was **Lost**

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

121 RESOLUTION:

Councillor L F Beck
Councillor R D Brinsmead

RESOLVED that:

1. A copy of this report be sent to the Minister for Infrastructure, Planning and Natural Resources.
2. The Minister be advised that draft condition 82 be amended to read as follows:-
 82. The development shall be carried out in accordance with the definition of tourist resort contained in Tweed LEP 2000.

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff
Cr Marshall

- 3 **[DS] Development Application DA03/1423 for the Erection of a Sign - Request for Refund of Development Application Fees at Lot 2 DP 1006776, Tweed Coast Road Pottsville**

122 RESOLUTION:

Councillor L F Beck
Councillor G J Lawrie

RESOLVED that Council agrees to the request to provide a donation of \$215.00 for development application fees to the Pottsville Beach Primary School.

Voting For

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

Voting Against

Cr Luff

- 4 **[DS] Draft Tweed Local Environmental Plan 2000, Amendment No 46 - Height of Buildings**

Councillor M R Boyd

Councillor G J Lawrie

PROPOSED that Council: -

1. Approves the Local Environmental Plan Amendment with amendments to the exhibited document as follows: -
 - Under Clause 4(b)(c) the following words in italics have been added:

Amending the definition of 'storey' by omitting the term 'natural ground level' and inserting the following:

 - o Foundation areas, garages, workshops, storerooms and the like, *excluding access paths to basement areas*, where the height between finished ground level and the top of the floor immediately above them is 1.5 metres or more
 - Under Clause 4(c)(b) (definition of finished ground level) delete the words in ~~strikeout~~ and replace them with the words in italics:
 - o ~~Where land is not within such an area, the level of land (after earthworks) as approved by Council, or where no earthworks are proposed, the natural ground level of the land~~ *the existing ground level of the land, or the level of the land (after earthworks) as first having been approved by Council excluding any basement excavations.*
 - *Notwithstanding the provision of Clause 2, when considering applications for alterations or additions to developments approved prior to the gazettal of Amendment No.46 to Tweed LEP 2000, the consent authority shall have regard to the definition of 'height in relation to a building' and 'storey' as they were defined immediately prior to the coming into effect of Amendment No. 46; and*
 - *If an application for development consent has been made but not fully determined prior to the gazettal of Amendment No. 46 to the Tweed LEP No. 46, the amendment made by LEP No. 46 does not apply to the determination of the application.*
2. Forwards the draft Local Environmental Plan 2000, Amendment No. 46, to the Department of Infrastructure, Planning and Natural Resources and requests the Minister to make the Plan in accordance with Section 70 of the Environmental Planning and Assessment Act 1979.

123 AMENDMENT

Councillor R D Brinsmead
Councillor W M Marshall

RESOLVED that Council: -

1. Approves the Local Environmental Plan Amendment with amendments to the exhibited document as follows: -
 - Under Clause 4(b)(c) the following words in italics have been added:

Amending the definition of 'storey' by omitting the term 'natural ground level' and inserting the following:

 - o Foundation areas, garages, workshops, storerooms and the like, *excluding access paths to basement areas*, where the height between finished ground level and the top of the floor immediately above them is 1.5 metres or more
 - Under Clause 4(c)(b) (definition of finished ground level) delete the words in strikeout and replace them with the words in italics:

~~o Where land is not within such an area, the level of land (after earthworks) as approved by Council, or where no earthworks are proposed, the natural ground level of the land~~ *the existing ground level of the land, or the level of the land (after earthworks) as first having been approved by Council excluding any basement excavations.*
 - *Notwithstanding the provision of Clause 2, when considering applications for alterations or additions to developments approved prior to the gazettal of Amendment No.46 to Tweed LEP 2000, the consent authority shall have regard to the definition of 'height in relation to a building' and 'storey' as they were defined immediately prior to the coming into effect of Amendment No. 46; and*
 - *If an application for development consent has been made but not fully determined prior to the gazettal of Amendment No. 46 to the Tweed LEP No. 46, the amendment made by LEP No. 46 does not apply to the determination of the application.*
 - A storey which exceeds 4.5 metres *for residential buildings* is counted as two storeys.
 - *A storey which exceeds 5 metres for commercial buildings is counted as two storeys.*
2. Forwards the draft Local Environmental Plan 2000, Amendment No. 46, to the Department of Infrastructure, Planning and Natural Resources and requests

the Minister to make the Plan in accordance with Section 70 of the Environmental Planning and Assessment Act 1979.

The Amendment was **Carried**

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

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

Voting For

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

Voting Against

Cr Carroll
Cr James
Cr Luff

5 [DS] Development Control Plan No. 48 - Tweed Coast Building Heights

124 RESOLUTION:

Councillor W M Marshall
Councillor B M Luff

RESOLVED that Council, subject to the amendments marked by italics in the attached copy of the Plan, publicly re-exhibits Draft Development Control Plan No. 48 - Tweed Coast Building Heights in accordance with Clause 18 of the Environmental Planning and Assessment Regulation 2000.

Voting For

Cr Polglase

Cr Beck

Cr Boyd

Cr Brinsmead

Cr Carroll

Cr Davidson

Cr Lawrie

Cr Luff

Cr Marshall

Cr Youngblutt

Voting Against

Cr James

6 [DS] Tweed Heads West Potential Industrial Area - Draft Local Environmental Plan Amendment No. 37

125 RESOLUTION:

Councillor W M Marshall

Councillor L F Beck

RESOLVED that Council: -

1. Takes no further action with the draft Local Environmental Plan 2000 amendment (No. 37) for Tweed Heads West until all relevant approval authorities have approved the final route for the Tugun Bypass.
2. Endorses the General Manager discussing the situation of this LEP amendment and the current position of the Tugun Bypass with the executors of Lot 2, DP 589967, Gray Street, Tweed Heads West.
3. Returns all receipted monies from landowners that has been contributed towards the preparation of the draft Tweed Local Environmental Plan Amendment 2000 and Environmental Study for the Tweed Heads West area,
4. Will no longer contribute 50% towards the cost of the preparation of the draft Tweed Local Environmental Plan Amendment 2000 and Environmental Study for the Tweed Heads West area.
5. Advises GeoLink, planning consultants engaged to undertake the draft Tweed Local Environmental Plan Amendment 2000 and Environmental Study, of Council's position on this amendment.

Voting - Unanimous

7 [DS] Draft Tweed Local Environmental Plan 2000, Amendment No 14 - Kingscliff Sewerage Treatment Plant

126 RESOLUTION:

Councillor M R Boyd
Councillor G Davidson

RESOLVED that Council:

1. Endorses the following amendments to the exhibited draft Tweed Local Environmental Plan Amendment (No 14), Kingscliff Sewerage Treatment Plant, Kingscliff as follows;
 - a. Within the written instrument delete in Clause 2 (a) *“Commerce and Trade”* and insert *“Industrial”*
 - b. Within the written instrument delete all of Clause 2(b)

“amend the primary objectives of the 7(l) Environmental protection (Habitat) Zone to add a provision for environmental rehabilitation;”
 - c. Within the written instrument delete all of Clause 2(c)

“amend the Development Table for the 7(l) Environmental Protection (Habitat) Zone by including ‘remediation’ as a use allowed only with consent; and”
 - d. Within the written instrument delete in Clause 3 *“land zoned 7(l) Environmental Protection (Habitat) zone and”*
 - e. Within the written instrument delete all of Clause 4(b)
 - f. inserting under the primary objectives of the 7(l) zone in Clause 11 the following words:

“to identify land for environmental remediation.”
 - g. Within the written instrument delete all of Clause 4(c)

*“inserting under Item 2 – allowed only with consent within the land use table for the 7(l) zone in Clause 11 the following:

remediation.”*
 - h. Within the written instrument delete the following from 4(d)(c) *“the appropriate density of future development, particularly in relation to the*

provision of a floodway through the site” and insert “the appropriate density of future development, particularly in relation to addressing the provisions of DCP 5 – Development of Flood Liable Land”

- i. On the Local Environmental Plan amendment map all vegetated areas adjoining the Kingscliff drain zoned 7(l) Environmental Protection
 - j. On the Local Environmental Plan amendment map all other areas exhibited as 7(l) Environmental Protection changed to 4(a) Industrial
 - k. Any other inconsequential grammatical, numbering and formatting amendments.
2. Forwards all necessary material to the Department of Infrastructure, Planning and Natural Resources so that the Director General may prepare a report in accordance with Section 69 of the Environmental Planning and Assessment Act for the amendment of Tweed Local Environmental Plan 2000 (No. 14) Kingscliff Sewerage Treatment Plant, Kingscliff.

Voting For

Cr Polglase

Cr Boyd

Cr Carroll

Cr Davidson

Cr James

Cr Lawrie

Cr Luff

Cr Marshall

Cr Youngblutt

Voting Against

Cr Beck

Cr Brinsmead

REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER

8 [OGM] Tweed and Coolangatta Tourism Inc (TACTIC) - Request for Payment of Marketing Campaign

127 RESOLUTION:

Councillor M R Boyd

Councillor W M Marshall

RESOLVED that:

1. Council makes a contribution of \$36,000 to Tweed and Coolangatta Tourism Inc. towards the Tweed Destination Marketing Campaign.

2. Tweed and Coolangatta Tourism Inc. presents to Council a written report and an audited financial statement on completion of the Marketing Campaign.

Voting For

Cr Polglase

Cr Beck

Cr Boyd

Cr Brinsmead

Cr Carroll

Cr Lawrie

Cr Luff

Cr Marshall

Cr Youngblutt

Voting Against

Cr Davidson

Cr James

Councillor G J Lawrie left the meeting.

9 [OGM] Mayoral Elections

128 RESOLUTION:

Councillor M R Boyd

Councillor P C P Youngblutt

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM DIRECTOR ENGINEERING SERVICES

10 [ES] Extinguishment of Various Easements - Koala Beach - Stage 5

129 RESOLUTION:

Councillor W M Marshall

Councillor M R Boyd

RESOLVED that:-

1. Council approves the extinguishment of the following easements:-
 - (a) Easement to Drain Water & Right of Access – 10 wide & variable created in DP 1040725;

- (b) Easement to Drain Water variable width created in DP 1052079;
 - (c) Easement to Drain Water to be marked "S" and Right of Access to be marked "T" in Stage 5A
 - (d) Rights of Carriageway 10 wide and 12 wide & variable created in DP 864092;
 - (e) Easement to Drain Water 3 wide created in DP 864092
 - (f) Easement to Drain Water variable width and Right of Access variable width created in DP 1040725; and
 - (g) Right of Carriageway to be marked "D" in Stage 5A
2. All necessary documentation be endorsed and executed under the Common Seal of Council.

Voting - Unanimous

Councillor G J Lawrie returned to the meeting.

11 [ES] Leases to Chillingham Community Association & Chillingham CTC, Numinbah Road, Chillingham

130 RESOLUTION:

Councillor W M Marshall
Councillor B J Carroll

RESOLVED that:-

- 1. Council approves to be bound by the terms and conditions a Lease Agreement with the Chillingham Community Association for a term of 2 years.u
- 2. Council approves to be bound by the terms and conditions of a Lease with the Community Technology Centre for a term of 1 year.
- 3. All necessary documentation is executed and endorsed under the Common Seal of Council.

Voting - Unanimous

12 [ES] Release of a Restriction as to User Created in DP 595031 at Round Mountain

131 RESOLUTION:

Councillor M R Boyd
Councillor G Davidson

RESOLVED that Council:-

1. Approves the release of the Restriction as to User created in DP 595031 as it is no longer necessary following road works on Reserve Creek Road;
2. Signs and endorses all necessary documentation under the common seal of Council.

Voting - Unanimous

13 [ES] Re-Naming of Roads at Koala Beach, Pottsville

132 RESOLUTION:

Councillor M R Boyd
Councillor B M Luff

RESOLVED that Council:-

1. Adopts the names "***Hovea Drive, Hibbertia Court, Euodia Avenue and Endiandra Close***" in lieu of the current name of "Robina Drive, Hollyhock Court, Bluebell Avenue and Frangipani Close" at the Koala Beach Estate at Pottsville;
2. Publicises its intention allowing one month for objections to the proposal; and
3. Notifies the relevant authorities under the provisions of the Roads (General) Regulation 1994.

Voting - Unanimous

14 [ES] Resubdivision of Lots 954 and 956 in DP 864092, Parish of Cudgen, into Two (2) Lots and Reclassification of the Subdivided Lot

133 RESOLUTION:

Councillor H James
Councillor B M Luff

RESOLVED that a report be prepared which describes:

1. The environmental and visual consequences of the proposed reservoir construction.
2. Consideration that has been given to alternative proposals to supply Koala Beach and the wider Pottsville area.

Voting - Unanimous

15 [ES] Tweed Heads - Banora Point Effluent Disposal Strategy Community Consultation Outcomes

134 RESOLUTION:

Councillor B M Luff
Councillor W M Marshall

RESOLVED that Council:-

1. Receives and notes the community consultation report for the Tweed Heads - Banora Point Effluent Disposal Strategy.
2. Continues with current strategy and undertakes an EIS on the proposed strategy options and include as part of the EIS a forum which would allow for contributions and presentations from a wide cross section of sources including representatives from the Tweed community, universities, private consultants, public companies, CSIRO and any other persons or organisations which can contribute relevant information.

135 RESOLUTION:

Councillor B M Luff
Councillor P C P Youngblutt

RESOLVED that an extension of 2 minutes be granted to Councillor H James

Voting - Unanimous

Voting For

Voting Against

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

Cr James

16 [ES] School Bus Routes on Gravel Roads

Councillor L F Beck
Councillor W M Marshall

PROPOSED that following the report from the Engineering Services Division \$7.8 million be included in the draft budget for the sealing of gravel roads that are school bus routes.

AMENDMENT

Councillor B M Luff
Councillor H James

PROPOSED that Council requests that staff continue to make recommendations to Council regarding allocations for improvements to rural roads including those with school bus routes.

The Amendment was **Lost**

Voting For
Cr Boyd
Cr Carroll
Cr James
Cr Luff

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

The Motion was **Lost**

Voting For

Cr Beck
Cr Brinsmead
Cr Lawrie
Cr Marshall
Cr Youngblutt

Voting Against

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

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.37 pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.40 pm

Councillor Luff was not present at the recommencement of the Meeting.

17 [ES] Cudgen Creek Dredging Proposal

136 RESOLUTION:

Councillor P C P Youngblutt
Councillor L F Beck

RESOLVED that:-

1. This report be received and noted.
2. Council notes that in accordance with Council's resolution of the 18 February 2004 the amount of \$117,000 has been included in the draft budget for 2004/2005 for consideration by the newly elected Council.

Voting - Unanimous

18 [ES] Amended Licence Agreement 317922 for Waterfront Facilities within Tweed Shire

137 RESOLUTION:

Councillor W M Marshall
Councillor M R Boyd

RESOLVED that:-

1. Council approves to be bound by the terms and conditions of Licence Agreement 317922; and
2. All necessary documentation be executed and endorsed under the Common Seal of Council.

Voting - Unanimous

RETURN TO MEETING

Councillor B M Luff returned to the meeting.

19 [ES] Lease & Licence Agreements - Southern Boatharbour, Tweed Heads

138 RESOLUTION:

Councillor M R Boyd
Councillor W M Marshall

RESOLVED that:-

1. Council approves to be bound by the terms and conditions of:
 - (a) A Lease with the Department of Lands for the Southern Boatharbour, Tweed Heads;
 - (b) Licence Agreements with individual commercial operators for berths at the Southern Boatharbour, Tweed Heads;
 - (c) A Licence Agreement with the Tweed Charter Boat Operators Association Incorporated for the communal booking office on the road reserve adjacent to the wharf at the Southern Boatharbour, Tweed Heads; and
2. All necessary documentation be executed and endorsed under the Common Seal of Council.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

20 [EC] Financial Assistance - Tweed Coast Bitou Control

139 RESOLUTION:

Councillor M R Boyd
Councillor P C P Youngblutt

RESOLVED that Council accepts the funding of \$15,000.00 under the joint Department of Lands and NSW Agriculture Weed Control Program for Crown Land for the control of bitou bush on the Tweed Coast and votes its expenditure.

Voting - Unanimous

21 [EC] Policy Amendment - Sale of Dog to New Owner

140 RESOLUTION:

Councillor P C P Youngblutt
Councillor G J Lawrie

RESOLVED that Council:-

1. Publicly exhibits for a period of 28 days the fee of \$160 for the purchase of a dog, \$110 for the purchase of a cat from Council's impounding facility and micro-chipping fee of \$30.00 for animals released back into the care of their owners.
2. Includes the supply of veterinarian services as part of formalised arrangements with the Friends of the Pound.
3. Charges the fees in the interim to assist in the rehoming of animals.

Voting - Unanimous

DECLARATION OF INTEREST

Councillor B J Carroll declared an interest in Item 22, left the chamber and took no part in the discussion or voting.

The nature of the interest is that Councillor B J Carroll is Executive Officer of the subject organisation.

22 [EC] Tweed Valley Respite Service Inc. - Proposed New Building

141 RESOLUTION:

Councillor B M Luff

Councillor L F Beck

RESOLVED that Council advises Tweed Valley Respite Service that it supports the further planning by the Service to develop the site at Kingscliff adjacent to the existing respite cottage for the construction of a new building for delivery of disability services.

Voting - Unanimous

RETURN TO MEETING

Councillor B J Carroll returned to the meeting.

23 [EC] Request to Install Unregistrable Moveable Dwelling

142 RESOLUTION:

Councillor W M Marshall
Councillor L F Beck

RESOLVED that Council notwithstanding its current policy in view of the previous unit being destroyed by fire approves of the installation of an unregistrable moveable dwelling by the applicant subject to any requirements of the Environment & Community Services Division.

Voting - Unanimous

24 [EC] Nominations for National Parks & Wildlife Service Regional Advisory Committee

Councillor L F Beck
Councillor G J Lawrie

PROPOSED that the decision on the nominations to the National Parks & Wildlife Service be decided at the meeting of the newly elected Council and that the Department be notified with the reason for non-compliance with their request to have the application in by 28 March 2004.

143 AMENDMENT

Councillor W M Marshall
Councillor P C P Youngblutt

RESOLVED that this report be received and noted.

The Amendment was **Carried**

Voting For

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

Voting Against

Cr Beck
Cr Brinsmead

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

Voting For

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

Voting Against

Cr Beck

25 [EC] Art Gallery - Establishment Costs

144 RESOLUTION:

Councillor B M Luff
Councillor G Davidson

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

1 Minutes of the Sports Advisory Committee Meeting held Tuesday 17 February 2004

145 RESOLUTION:

Councillor B M Luff
Councillor P C P Youngblutt

RESOLVED that the Minutes of the Sports Advisory Committee be adopted with the exception of those items which were considered individually hereunder.

Voting - Unanimous

3. Sports Advisory Committee Members

146 RESOLUTION:

Councillor B M Luff
Councillor W M Marshall

RESOLVED that the current Sports Advisory Committee representative members (5) be invited to serve another term and Council to invite applications for community representatives to fill the remaining positions to take the total to eight (8).

Voting - Unanimous

2 Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 19 February 2004

147 RESOLUTION:

Councillor M R Boyd
Councillor B M Luff

RESOLVED that the Minutes of the Tweed Dune Care Committee be adopted with the exception of those items which were considered individually hereunder.

Voting - Unanimous

7. Weeds Forum

148 RESOLUTION:

Councillor M R Boyd
Councillor B M Luff

RESOLVED that Council gives the Director Environment & Community Services delegated authority to arrange for eight (8) Dune Care Representatives to attend the Far North Coast Weeds Forum from the Dune Care Support budget.

Voting - Unanimous

10. Duranbah Dune Management Plan

149 RESOLUTION:

Councillor M R Boyd
Councillor B M Luff

RESOLVED that Council requests the sand bypass operator to deliver the allocation of sand due to Duranbah Beach in April be brought forward to March.

Voting - Unanimous

1. Kingscliff Signs

150 RESOLUTION:

Councillor M R Boyd
Councillor B M Luff

RESOLVED that Council removes the tree vegetation vandalism sign fronting the dunes at North Kingscliff. Signs to be reinstated should any further instances of vandalism occur.

Voting - Unanimous

3 Minutes of the Tweed River Committee Meeting held Wednesday 11 February 2004

151 RESOLUTION:

Councillor W M Marshall
Councillor M R Boyd

RESOLVED that the Minutes of the Tweed River Committee be adopted with the exception of those items which were considered individually hereunder.

Voting - Unanimous

1. Chinderah Marina Development Application

152 RESOLUTION:

Councillor W M Marshall
Councillor M R Boyd

RESOLVED that Council is advised that this Committee strongly opposes the amended application for the Chinderah Marina on the grounds that it is a gross overuse of the Tweed River at that location.

Voting - Unanimous

4. Camphor Laurel Toxicity Research Proposal - Dr Alison Specht, Southern Cross University

153 RESOLUTION:

Councillor W M Marshall
Councillor M R Boyd

RESOLVED that Council provides information and expertise as contribution to the Camphor Laurel Research ARC Grant proposal by Southern Cross University.

Voting - Unanimous

4 Minutes of the Tweed Coastal Committee Meeting held Wednesday 11 February 2004

154 RESOLUTION:

Councillor W M Marshall
Councillor M R Boyd

RESOLVED that the Minutes of the Tweed Coastal Committee be adopted with the exception of those items which were considered individually hereunder.

Voting - Unanimous

2. Cudgen Creek Bridge - Removal of Fill Abutments

155 RESOLUTION:

Councillor W M Marshall
Councillor M R Boyd

RESOLVED that Council reopens negotiations with the Ray Group at the highest possible level with a view to negotiating a major contribution from the Developer towards the cost of building a new bridge over Cudgen Creek.

Voting - Unanimous

7. Duranbah Beach

156 RESOLUTION:

Councillor W M Marshall
Councillor M R Boyd

RESOLVED that Council:

1. Officers coordinate a workshop to discuss the Duranbah Beach Dune Management Plan with Tweed River Entrance Sand Bypass Project officers, Tweed Coastal Committee members, the Tweed Heads Task Force and the community stakeholders.
2. Be requested to inform the relevant State Government Ministers and Agencies that Council has strong reservations about the underlying assumptions with regard to the degree of recession of Duranbah Beach and consequent loss of beach, parkland, surfing quality and public safety issues.

Voting - Unanimous

5 Minutes of the Local Traffic Committee Meeting held Thursday 19 February 2004

157 RESOLUTION:

Councillor B M Luff
Councillor M R Boyd

RESOLVED that the Minutes of the Local Traffic Committee be adopted with the exception of those items which were considered individually hereunder.

Voting - Unanimous

6. Dry Dock Road, Tweed Heads

R1680 Pt3: Fire Services; Traffic - Signals; Directional Signage.

158 RESOLUTION:

Councillor B M Luff
Councillor M R Boyd

RESOLVED that "Keep Clear" pavement markings on the east bound lanes be provided at the Dry Dock Road entrance to the Fire Station as per RTA Technical Direction 99/26.

Voting - Unanimous

8. Sugar Cane - Transport - Application for Height Increase to 4.6m

Agriculture - General; Weight of Vehicles; DW689080

159 RESOLUTION:

Councillor B M Luff
Councillor M R Boyd

RESOLVED that Mills Transport be advised that the 4.6 metre height bins will not be approved until the company has demonstrated that the bins can be adequately covered in accordance with current NSW legislation and in accordance with undertakings already given to Police.

Voting - Unanimous

6. Lundberg Drive and Quarry Road

R3120 Pt2, R4490 Pt1; DW1000837; Traffic - Linemarking, Speed Zones

160 RESOLUTION:

Councillor B M Luff
Councillor M R Boyd

RESOLVED that double centre lines and holding lines be provided at the intersection of Lundberg Drive and Quarry Road and that vegetation overhanging the footpath to the north of Lundberg Drive be removed or trimmed.

Voting - Unanimous

3. Shallow Bay Drive, Tweed Heads South

161 RESOLUTION:

Councillor B M Luff
Councillor M R Boyd

RESOLVED that a "No Stopping" zone be extended on the southern side of Shallow Bay Drive to Trident Street.

Voting - Unanimous

4. Access Road to Hastings Point Headland (Tweed Coast Road, Hastings Point)

R1181 Pt13; TCHP - Hastings Point Headland Camping Area;
Traffic - Directional Signage

162 RESOLUTION:

Councillor B M Luff
Councillor M R Boyd

RESOLVED that :-

1. "No Stopping" signage between the toilet block and camping area car park be provide on the access road to Hastings Point Headland.
2. Three (3) speed humps be installed with appropriate advisory speed signage on the access road to Hastings Point Headland.

Voting - Unanimous

8. Heffron Street, Tweed Heads South

R2340 Pt2; DW998686; DW998506; Traffic - School Zones

163 RESOLUTION:

Councillor B M Luff
Councillor M R Boyd

RESOLVED that the school bus zone for the full frontage of Tweed River High School to the "No Stopping" zone - an increase of about 50 metres - will remain in place until the new Banora Point High School is completed.

Voting - Unanimous

9. Ibis Court, Kingscliff

R2618 Pt1; DW997907; Traffic - Parking Zones; Parking - Illegal

164 RESOLUTION:

Councillor B M Luff
Councillor M R Boyd

RESOLVED that a "No Parking" sign be installed in Ibis Court, Kingscliff in the turn around area.

Voting - Unanimous

11. Coolman Street, Tyalgum

165 RESOLUTION:

Councillor B M Luff
Councillor M R Boyd

RESOLVED that "No Parking" signs across the driveway and the applicant be advised to erect appropriate signage showing the name of the Fire Brigade.

Voting - Unanimous

Minutes Circulated with this Agenda not requiring Council Resolution

166 RESOLUTION:

Councillor G Davidson
Councillor M R Boyd

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

Nil.

WORKSHOPS

Nil.

QUESTION TIME

Sponsor the Self - Build Program

Councillor B J Carroll

Asked will Council investigate the possibility of applying to Sponsor the Self - Build Program through the Centre of Affordable Housing? The scheme is designed to help people on low to moderate incomes to buy or build their own homes and applications from Councils to sponsor the scheme locally are encouraged. Applications close on 23 April 2004.

The General Manager advised that Council will investigate and bring forward a report to Council.

Banora Point Caravan Park - Illegal Parking on Access Road

Councillor W M Marshall

Asked what action is Council taking to ensure the immediate removal of the illegally parked caravans on the main access road of Banora Point Caravan Park. Taking into consideration that there are at present at least 6 vans on the road and at least 6 vacant sites at the park where the vans can be moved to?

The Director Environment & Community Services advised that Council officers have carried out a detailed recent inspection and have submitted the information of the inspection to Council's solicitors for the issue of notice of intention to issue orders as

expeditiously as possible. This was confirmed with Council's solicitors again at a meeting today.

Banora Point Caravan Park - Leasing of Vans

Councillor W M Marshall

Asked what action is Council taking with regard to the fifteen cabins being leased for public housing without Council approval of the installations on the Banora Point Caravan Park? Which has been going on for over twelve months with the Council having been made aware of this irregularity?

The Director Environment & Community Services advised that the previous answer applies as it is intended to deal with the outstanding issues.

Banora Point Caravan Park - Adjacent SEPP 44 Wetlands

Councillor W M Marshall

Asked is Council the leasing authority of the Crown Land currently leased for recreation/open space which abuts SEPP 14 wetlands at Banora Point Caravan Park? If so, then is Council aware that this land is being used as a Public Road and what action is being taken to prevent damage to this protected wetland?

The Director Environment & Community Services advised that this matter requires further investigation and advice will be prepared for Councillors information.

Parking Space - Queen Street Medical Centre

Councillor M R Boyd

Asked could Council suitably signpost the four parking places set aside for the doctors from the Queen Street Medical Centre?

Councillor Beck responded that she has had discussions with Council officers who are arranging for "Doctor's Only" to be painted on the pavement at this location.

Solomons Road Bridge

Councillor M R Boyd

Asked what action is being taken to properly repair the approaches to the bridge provided access to four properties on Solomons Road.

The Director Engineering Services will investigate this matter and report back to Council.

COMMITTEE OF THE WHOLE

167 RESOLUTION:

Councillor G Davidson
Councillor W M Marshall

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

Voting - Unanimous

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

CONFIDENTIAL MATTERS

MAYORAL MINUTE IN COMMITTEE

Nil.

ITEMS DEFERRED IN COMMITTEE

Nil.

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES IN COMMITTEE

1 [DS] Consultant Brief - Ecologist/Conservation 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 28 RESOLUTION:

That : -

1. Council commissions the Australian Koala Foundation (John Callaghan as principal ecologist/team leader) to undertake the Consultant Brief for Ecologist-Conservation Planner for Kings Forest.
2. The Australian Koala Foundation be advised that the commission is subject to their agreement with and signing the 'Terms of Engagement' for the consultancy.

Voting For

Cr Polglase

Cr Boyd

Cr Carroll

Cr Davidson

Cr James

Cr Lawrie

Cr Luff

Cr Marshall

Cr Youngblutt

Voting Against

Cr Beck

Cr Brinsmead

2 [DS] Surf Life Saving Strategy

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 29 RESOLUTION:

That Council engages GeoLINK to prepare a draft Surf Life Saving Strategy for the Tweed at a cost of \$11,370.

Voting - Unanimous

3 [DS] Tweed Futures

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 30 RESOLUTION:

That Council engages L & B Group to a maximum of \$20,000 to assist the Manager, Strategic Planning to prepare a specialised land use Structure Plan as part of Tweed Futures.

Voting - Unanimous

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

REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

4 [ES] Hospital Hill Reservoir - Design & Construction

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 31 RESOLUTION:

That:-

1. Contract EC2003-190 be awarded to Australian Prestressing Services for the lump sum price of \$1,201,787.00 including GST.
2. The Director Engineering Services be given delegated authority to approve variations up to 20% of the contract sum.
3. All documentation be completed under the Common Seal of Council.
4. Council votes the expenditure.

Voting - Unanimous

5 [ES] Quotations for Supply, Fabrication and Erection of Structural Steel and Roofing - West Pottsville Reservoirs

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 32 RESOLUTION:

That:-

1. The updated quotation from Stewart and Sons Steel, of Bundaberg, in the amount of \$209,960.00 exclusive of GST, for the structural steel and metalwork be accepted.
2. Council undertakes the roof sheeting with Council's own day labour staff.
3. All documentation is to be completed under the Common Seal of Council.
4. The Director Engineering Services be given delegated authority to approve variations up to 20% of the initial contract price.

Voting - Unanimous

6 [ES] EQ2004-007 Manufacture, Supply, Delivery and Unloading of 200mm and 375mm Pressure Pipe and Fittings

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 33 RESOLUTION:

That:

1. Iplex Pipelines be awarded the supply contract for the 200mm diameter pressure pipe listed in Schedule A with a GST exclusive price of \$6,393.60.
2. Iplex Pipelines be awarded the supply contract for the 375mm diameter pressure pipe listed in Schedule B with a GST exclusive price of \$206,550.00.
3. Tyco Water be awarded the supply contract for the 375mm diameter pressure pipe listed in Schedule C with a GST exclusive price of \$35,131.26.
4. Mallet Foundry be awarded the supply contract for the DICL fittings listed in Schedule D with a GST exclusive price of \$8,204.00.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

7 [EC] Tender - Construction of a Skate Facility at Cabarita

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 34 RESOLUTION:

That Council:

1. Accepts the tender amount of \$119,350.00 (GST exclusive) by Convic Skate Parks Aust.
2. Executes the necessary documentation under the Common Seal of Council.
3. Authorises commencement of the project at the earliest opportunity.
4. Authorises the Director of Environment and Community Services to approve any modifications or variations to the project as may become necessary.

Voting - Unanimous

8 [EC] Road Traffic Authority Depot No. 204 Byangum Road Murwillumbah - Proposed Purchase for an SES/RFS Depot

REASON FOR CONFIDENTIALITY:

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

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

C 35 RESOLUTION:

That this report be received and noted.

Voting - Unanimous

9 [EC] Contract to Construct the New Art Gallery

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 36 RESOLUTION:

Councillor B M Luff
Councillor G Davidson

RESOLVED that Council approves of the increase of the contract with Multispan Australia Pty Ltd to a maximum of \$2,900,534.74 to be paid upon certification of the Quantity Surveyor and agreed to by the Director Environment & Community Services.

Voting For

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

Voting Against

Cr Beck
Cr Youngblutt

10 [EC] Construction of Driveway at Lot 2 DP 807725 No. 16 Murraba Crescent Tweed Heads

REASON FOR CONFIDENTIALITY:

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

- (b) the personal hardship of any resident or ratepayer

PROPOSED this report be received and noted.

C 37 AMENDMENT

That Council advises Mr V Rouse that while the driveway was not constructed exactly as approved, the driveway as constructed is acceptable in terms of Council's Access to Property Policy and design requirements; that the batter is considered stable; that a retaining wall is not considered necessary in these circumstances, and that Council proposes to take no further action in this matter at this stage.

The Amendment was **Carried**

Voting For

Cr Polglase

Cr Beck

Cr Boyd

Cr Brinsmead

Cr Carroll

Cr Davidson

Cr Lawrie

Cr Marshall

Cr Youngblutt

Voting Against

Cr James

Cr Luff

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

Voting - Unanimous

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS IN COMMITTEE

Nil.

ORDERS OF THE DAY IN COMMITTEE

DECLARATION OF INTEREST

Councillor W J Polglase declared an interest in Confidential Orders of the Day Item 1, left the chamber and took no part in the discussion or voting.

The nature of the interest is that Councillor W J Polglase is an owner of the subject land.

- 1 [NOR] Bellevue Heights Estate - Breach of Protection of the Environment Operations Act 1997**

NOTICE OF RESCISSION:

Councillor L F Beck
Councillor P C P Youngblutt

PROPOSED that Council's resolution at Minute C22 in relation to Confidential Item 4 of the meeting held on 18 February 2004 being:

"...that Council undertakes legal proceedings against Greenview Developments Pty Ltd and/or South East Excavations Pty Ltd under the provisions of the Protection of the Environment Operations Act 1997 for breaches occurring in January 2004."

be rescinded.

The Motion was **Lost**

Voting For

Cr Beck
Cr Brinsmead
Cr Youngblutt

Voting Against

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

RETURN TO MEETING

Councillor W J Polglase returned to the meeting.

168 RESOLUTION:

Councillor M R Boyd
Councillor G J Lawrie

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

Voting - Unanimous

There being no further business the Meeting terminated at 8.50 pm.



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 84 of these Minutes**

Chairman

