



AGENDA

ORDINARY COUNCIL MEETING Wednesday 2 November 2005

Chairman:

**Administrators: Mr Ross Woodward
Ms Lucy Turnbull
Mr Max Boyd**

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

ITEMS FOR CONSIDERATION OF COUNCIL:

ITEM	PRECIS	PAGE
ABORIGINAL STATEMENT		5
CONFIRMATION OF MINUTES		5
Minutes of the Ordinary and Confidential Council Meetings held Wednesday 19 October 2005		5
SCHEDULE OF OUTSTANDING RESOLUTIONS		7
Schedule of Outstanding Resolutions		7
RECOMMENDATIONS OF THE OPERATIONS COMMITTEE		9
Recommendations of the Operations Committee Meeting held Wednesday, 2 November 2005 for Council Adoption		9
RECOMMENDATIONS OF THE PLANNING COMMITTEE		11
Recommendations of the Planning Committee Meeting held on Wednesday 19 October 2005 for Council Adoption		11
REPORTS THROUGH THE GENERAL MANAGER		45
REPORTS FROM THE DIRECTOR ENVIRONMENT & COMMUNITY SERVICES		45
1	[EC] Tender HC2005-186 Annual Agreement for Surf Life Saving Patrols	45
2	[EC] EQ2005-118 - Proposed Upgrade of the Dog and Cat Impounding Facility and Waste Staff Facility at Bartletts Road, Eviron	49
ORDERS OF THE DAY		51
[NOM] Review of Parkland Needs at Banora Point		51

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

ABORIGINAL STATEMENT

Administrator Payne acknowledged the Bundjalung Aboriginal Nation with the following statement:

"We wish to recognise the generations of the local Aboriginal people of the Bundjalung Nation who have lived in and derived their physical and spiritual needs from the forests, rivers, lakes and streams of this beautiful valley over many thousands of years as the traditional owners of these lands."

CONFIRMATION OF MINUTES

Minutes of the Ordinary and Confidential Council Meetings held Wednesday 19 October 2005

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Minutes of the Ordinary Council Meeting held Wednesday 19 October 2005 (DW 1284038).
 2. **Confidential Attachment** - Minutes of the Confidential Council Meeting held Wednesday 19 October 2005 (DW 1284018).
-

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

FOR COUNCILLOR'S INFORMATION:

1 JUNE 2005

REPORTS FROM THE DIRECTOR ENGINEERING & OPERATIONS

26 [EO] Letitia Road - Access to Tweed River Sand Bypass System

417 COUNCIL DECISION:

Administrator Boyd
Administrator Turnbull

That staff organises a round table discussion with interested parties to discuss the stabilisation trial of the unsealed pavement of Letitia Road.

Current Status: The Aboriginal Advisory Committee is facilitating a Summit Meeting.

3 AUGUST 2005

QUESTION TIME

[QT] Woodlands and Darlington Drives, Banora Point

Administrator Boyd

Asked :

1. Would Council staff please investigate and report on the traffic problems of long standing associated with the roundabout at the intersection of Woodlands Drive and Darlington Drive?
2. Could the report also include an estimate of cost and possible source of revenue?

The Director Engineering and Operations advised that a report on these matters will be prepared.

Current Status: Report to be prepared

19 OCTOBER 2005

ADMINISTRATOR'S MINUTE

[AM] Kings Forest Draft Local Environmental Plan Amendment No 20

539 COUNCIL DECISION:

**Administrator Turnbull
Administrator Boyd**

RESOLVED that:-

1. Council notes that the development of a Local Environmental Plan for Kings Forest has been contentious and protracted.
2. Council notes that the project has been the subject of significant pressures from external agencies.
3. It is important the planning for Kings Forest proceed forthwith to ensure that orderly and responsible development of the area can proceed in a manner that is consistent with fulfilling the Tweed Shire Council's strategic objectives of developing a community that is environmentally, socially and economically sustainable.
4. The Kings Forest site is subject of much contention concerning ecological issues pertaining to the site. Council notes the Director Planning and Development has put in train a process by which to undertake an independent peer review of all ecological assessments of the Kings Forest site.
5. Council requests the Director Planning and Development to present a planning report on the Kings Forest Local Environmental Plan Amendment in February 2006 with recommendations as to the future zoning and management of the study area.

Current Status: Report to be prepared for February 2006.

RECOMMENDATIONS OF THE OPERATIONS COMMITTEE

Recommendations of the Operations Committee Meeting held Wednesday, 2 November 2005 for Council Adoption

SUMMARY:

The recommendations from the Operations Committee Meeting held Wednesday, 2 November 2005 are reproduced in the body of this report for formal adoption by Council.

RECOMMENDATION:

That Council adopts the recommendations of the Operations Committee Meeting held on Wednesday, 2 November 2005 in relation to the items below.

- 1 [GC] Complaints Handling Policy**
- 2 [EO] Compulsory Acquisition of Easements for Drainage of Sewage - Uki Village Sewerage Scheme**
- 3 [EO] Section 138 Application - Fuel Supply Pipeline for Proposed Marina at Chinderah Bay Drive, Chinderah**
- 4 [EO] Dedication of Land as Road - Bogangar**
- 5 [EO] Work Projects following 30 June 2005 Storm Event**
- 6 [EO] Water Supply and Sewerage Performance Report**
- 7 [EO] EQ2005-174 Manufacture, Supply, Delivery and Unloading of RRJ Class RCP Stormwater Pipes and Box Culvert**
- 8 [EC] Naming of New Clubhouse Facilities at Les Cave Oval - the Joe Iwanuscha Building**
- 9 [EC] Natural Disaster Mitigation Program**
- 10 [EC] Rainwater Tank Policy Adoption**
- 11 [SUB-CCDA] Minutes of the Community Cultural Development Advisory Committee Meeting held Monday 19 September 2005**
- 12 [SUB-TDC] Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 13 October 2005**
- 13 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held Tuesday 18 October 2005**
- 14 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 20 October 2005**

REPORT:

As per summary.

RECOMMENDATIONS OF THE PLANNING COMMITTEE

Recommendations of the Planning Committee Meeting held on Wednesday 19 October 2005 for Council Adoption

SUMMARY:

The recommendations from the Planning Committee Meeting held Wednesday 19 October 2005 are reproduced in the body of this report for formal adoption by Council.

RECOMMENDATION:

That Council adopts the recommendations of the Planning Committee Meeting held on 19 October 2005 as reproduced in the body of this report, including the addition of condition 11a contained within Item 2 - DA04/0631 on page 15.

REPORT:

1 [PD] SALT Car Parking

P 1 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Payne**

RECOMMENDED that: -

1. The car parking arrangements for the Resort Precinct at Salt as described in this report be approved. The basement car parking for public usage is to be clearly marked and directional signage provided on the accessways around the precincts.
2. The proponents be advised that upon take up of the uncommitted car parking spaces further approvals for use of the tenancies will be issued on the condition that the use is not to commence until the temporary carpark is operational or the uncommitted public spaces in the Peppers basement are available.
3. The proponents be advised that the proposed development for lot 930 is to include an additional 26 car parking spaces for public use.

FOR VOTE - Unanimous

2 [PD] DA04/0631 for the Demolition of Existing Structures & Erection of a 12 Storey Mixed Used Development Comprising Administration, Meeting & Function Rooms & 30 Residential Units at Lots 13, 14, 15 & 16 DP 224382, No. 11-17 Frances Street Tweed Heads

P 2 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that, subject to the clarification that details to finishes to be provided and approved by Director Planning & Development in consultation with the Chair of the Planning Committee Meeting, that: -

1. Council utilises its assumed concurrence for Clause 51 – Tall Buildings of the North Coast Regional Environmental Plan in accordance with its delegation.
2. Council supports the application and refers it to the Director Planning & Development to negotiate a contribution of \$2,000 per unit under a voluntary

agreement for public infrastructure identified in the Tweed Heads Master Plan.

3. Approval for DA04/0631 for the demolition of existing structures and erection of a 12 storey mixed used development comprising administration, meeting and function rooms and 30 residential units at Lots 13, 14, 15 & 16 DP 224382, No. 11-17 Frances Street Tweed Heads be issued by the Director Planning & Development under Delegation in accordance with the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan No's:
 - 2002/DA/11 prepared by Pat Twohill Designs Pty Ltd and dated Feb 2004;
 - 2002/DA/12 prepared by Pat Twohill Designs Pty Ltd and dated Feb 2004;
 - 2002/DA/13 prepared by Pat Twohill Designs Pty Ltd and dated Feb 2004;
 - 2002/DA/14 prepared by Pat Twohill Designs Pty Ltd and dated Feb 2004;
 - 2002/DA/15 prepared by Pat Twohill Designs Pty Ltd and dated Feb 2004;
 - 2002/DA/16 prepared by Pat Twohill Designs Pty Ltd and dated Feb 2004;
 - 2002/DA/20 prepared by Pat Twohill Designs Pty Ltd and dated Feb 2004;
 - 2002/DA/21 prepared by Pat Twohill Designs Pty Ltd and dated Feb 2004;
 - 2002/DA/22 prepared by Pat Twohill Designs Pty Ltd and dated Feb 2004;
 - 2002/DA/23 prepared by Pat Twohill Designs Pty Ltd and dated Feb 2004;
 - 2002/DA/23a prepared by Pat Twohill Designs Pty Ltd and dated Feb 2004;
 - 2002/DA/23b prepared by Pat Twohill Designs Pty Ltd and dated Feb 2004;
 - 2002/DA/23c prepared by Pat Twohill Designs Pty Ltd and dated Feb 2004;
 - 2002/DA/24 prepared by Pat Twohill Designs Pty Ltd and dated Feb 2004;
 - 2002/DA/25 prepared by Pat Twohill Designs Pty Ltd and dated Feb 2004;

except where varied by these conditions.

[GEN0010]

2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.

[GEN0030]
3. The development is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual and Council's adopted Development Design & Construction Specifications.

[GEN0040]
4. Advertising structures/signs to be the subject of a separate development application, where statutorily required.

[GEN0070]
5. No retaining walls or similar structures are to be constructed over Council's sewer main.

[GEN0090]
6. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0120]
7. The erection of a building in accordance with a development consent must not be commenced until:
 - (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - (b1) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - (b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:

- (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
- (ii) notified the principal certifying authority of any such appointment, and
- (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[GEN0150]

8. All excavation works shall comply with the Acid Sulfate Soil Management Plan for Lot 13-16 DP 224382 Cnr Frances & Enid Streets, Tweed Heads NSW prepared by Blueland Engineers dated 14 March 2005 (Ref No: 203064 V2).

[GENNS01]

9. The garbage collection point is to be built to the satisfaction of Council's Waste Management Co-ordinator and in accordance with the faxed Pat Twohill Plan dated 10 December 2004.

[GENNS02]

10. Any use of a crane or other equipment that may exceed a top RL of 49.5 metres AHD would intrude into the prescribed airspace of Gold Coast Airport, and therefore represent a "controlled activity" under the Airports (Protection of Airspace) Regulations. The proponent must obtain the approval of the Secretary, Department of Transport and Regional Services. An application for the Secretary's approval must be given to the airport lessee company (ie Gold Coast Airport Limited) at least 28 days before the intended commencement of the controlled activity.

[GENNS03]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

11a. Prior to the issue of a Construction Certificate the applicant shall provide the following details for approval by the Director Planning & Development in consultation with the Chair of the Planning Committee:

- **Details of all external materials and finishes to be used on the building exterior, including glazing material; and**
- **Details at a scale of 1:100 illustrating the design of all decorative elements and details, windows, louvers and any other detail.**

- 11b.** A detailed plan of landscaping is to be submitted and approved by Council's Director, Planning and Environment prior to the issue of a Construction Certificate. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.

[PCC0010]

12. Any carparking floodlighting shall not spill beyond the boundaries of the site. A plan of the lighting shall be approved by the Director Planning and Environment PRIOR to the issue of a Construction Certificate.

[PCC0030]

13. 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]

14. Section 94 Contributions

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

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

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

- | | |
|---|----------|
| a. Open Space (Structured):
S94 Plan No. 5 | \$12,179 |
| b. Open Space (Casual):
S94 Plan No. 5 | \$2,602 |

c.	Shirewide Library Facilities: S94 Plan No. 11	\$10,749
d.	Bus Shelters: S94 Plan No. 12	\$376
e.	Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$2,176
f.	Emergency Facilities (Surf Lifesaving) (REMSHIRE) S94 Plan No. 16	\$3,252
g.	Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$24,129
h.	Cycleways S94 Plan No. 22	\$5,492
i.	Regional Open Space (Structured) S94 Plan No. 26	\$18,364
j.	Regional Open Space (Casual) S94 Plan No. 26	\$3,436

[PCC0050/PSC0005]

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

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

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

Water DSP4:	14.229 ET @ \$4230	\$60,189
Sewer Banora:	20.7932 ET @ \$2634	\$54,769

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]

16. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted and approved by the PCA prior to the issue of a construction certificate. Drainage must be installed and operational prior to commencement of any building work.

All fill and cut batters shall be obtained wholly within the subject land.

[PCC0090]

17. 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]

18. The Engineering Plans shall include details of settling ponds and the method of discharging the return water from the site. The design shall comply with the requirements of "*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", 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".

[PCC0220]

19. Permanent Stormwater Quality Treatment

- (a) Permanent stormwater quality treatment shall comply with "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development". New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the "deemed to comply" provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.

- (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.
- (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
- (d) Specific requirements:
- (i) Runoff from all driveway and carparking hardstand areas (ground level and undercover basement) shall be treated to remove oil and sediment pollutants prior to discharge to the public realm. Treatment devices must be sized in accordance with Section D7.12 of Councils adopted Development Design and Construction Specification D& - Stormwater Quality, with full engineering details, including maintenance schedules, to be provided with s68 Stormwater Application for approval prior to the issue of a construction certificate.
 - (ii) The dedicated car wash bay(s) must be graded to direct contaminated runoff to grassed filter areas and pervious landscaping to maximize pollutant removal and filtration. Car wash runoff must not be discharged to the public stormwater system.
 - (iii) Surcharge flows from the rainwater storage / reuse tanks shall not be discharged to Councils drain west of the site. This surcharge pipe must be redirected to the Frances Street / Enid Street drainage system.

[PCC0230]

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

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

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

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

[PCC0240]

21. A detailed site contamination report is to be provided which is prepared in strict accordance with the provisions of the NSW EPA's Contaminated Site "Guidelines for Consultants Reporting on Contaminated Sites" November 1997 and Council Contaminated Land Policy.

Note:-

1. It is a requirement of these Guidelines that all contamination reports include a clear statement from the consultant as to the suitability or otherwise of the subject site for the proposed use, together with a statement detailing all limitations and constraints that are applicable in relation to the use of the site.
2. Any contamination report that does not provide and follow the recommended report sections and information requirements as specified within the Guidelines will be returned on the basis of insufficient information provided.
3. Other relevant or applicable EPA Guidelines are to be used as appropriate.

[PCC0270]

22. Any premises proposing to discharge into Councils sewerage system a waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by Councils Manager Water and concurrence received from the Department of Land and Water Conservation, if required, PRIOR to the issuing of a Construction Certificate to discharge to Councils sewerage system.

[PCC0280]

23. Pursuant to Section 68 of the Local Government Act, 1993 to ensure there is no unacceptable discharge to Councils sewerage system an approved pre-treatment device (eg. Oil/grease traps, separators, etc) shall be installed to details approved prior to the issuing of a Construction Certificate. The development will be required to meet discharge standards in accordance with Councils Trade Waste Policy.

[PCC0290]

24. 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]

25. The basement car parking is to be protected against the inflow of water from Francis Street for storm events up to the ARI 100 year storm event. The basement pump out system must be designed and installed in accordance with section 9 of AS/NZS 3500.3.2 (Stormwater Drainage - Acceptable Solutions).

[PCCNS01]

26. Upgrading of the intersection of Francis and Enid Street is required as a result of this development. Works associated with the development include the realignment of the kerb return, pavement construction, relocation of the pedestrian crossing and splinter island, signage, relocation of utilities/drainage and footpath construction.

Council requires a contribution of \$18,345.00 prior to the issue of a construction certificate towards the works which shall be undertaken by Council as full intersection construction.

[PCCNS01]

27. Upgrading of the pedestrian crossing lighting to flood lights at the intersection of Francis and Enid Street is required as a result of this development.

Council requires a contribution of \$6,000 prior to the issue of a construction certificate towards the works which shall be undertaken by Council.

[PCCNS02]

PRIOR TO COMMENCEMENT OF WORK

28. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.
- [PCW0010]
29. Work in accordance with a development consent must not be commenced until:-
- (a) a construction certificate for the 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 work.
- [PCW0020]
30. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
- (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council, or
 - (c) if that is not practicable, any other sewage management facility approved by the council.
- [PCW0060]
31. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.

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

[PCW0070]

32. 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]

33. 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]

34. Sewer main within site is to be accurately located and the Principal Certifying Authority advised of its location and depth prior to start of any building works.

[PCW0180]

35. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "*Tweed Shire Council Aus-Spec D7 - Stormwater Quality*" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond has been released.

[PCW0190]

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

[PCW0210]

37. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by Council prior to any discharge to sewer being commenced. [PCW0220]
38. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures. [PCW0230]
39. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority. In addition to these measures an appropriate sign is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.
- Please note that this sign is to remain in position for the duration of the project. [PCW0280]
40. Prior to commencement of any demolition works, drainage is to be disconnected from Council's Sewerage reticulation at the building's connection point. This work is to be carried out by Council staff at developers cost as per Council's current Fees and Charges. [PCW0300]

DURING CONSTRUCTION

41. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made). [DUR0010]
42. All engineering works required to be approved prior to the issue of a construction certificate are to be constructed in accordance with the approval. [DUR0020]
43. 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 1742.3-2202 (Manual of 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]

44. The provision of 60 off street car parking spaces, with the 11 residential visitor spaces to be signposted and depicted on any subsequent strata application as common property areas. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.
[DUR0050]
45. 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]
46. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:
- a. A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.
 - b. The chute shall be located in a position approved by the Principal Certifying Authority.
 - c. A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.
[DUR0070]
47. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.
[DUR0080]
48. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste". The proposed storage area shall be located so as not to restrict the sight lines of existing vehicles as detailed in AS2890.
[DUR0090]
49. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.
[DUR0130]
50. 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 Occupation Certificate.
[DUR0150]
51. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover Authority.
[DUR0160]

52. The principal certifying authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the principal certifying authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.
[DUR0170]
53. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
[DUR0200]
54. a. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- b. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
[DUR0210]
55. If the work involved in the erection or demolition of a building:
- a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
- b. building involves the enclosure of a public place,
- a hoarding or fence in accordance with approval issued under S138 of the Roads Act must be erected between the work site and the public place.
- If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- Any such hoarding, fence or awning is to be removed when the work has been completed.
[DUR0220]
56. Provision to be made for the designation of a durable and pervious car wash-down area/s. The area/s must be identified for that specific purpose and be supplied with an adequate water supply for use within the area/s. Any surface run-off from the area must not discharge directly to the stormwater system.
[DUR0240]
57. All fire service connections are to be compatible with those of the NSW Fire Brigade.
[DUR0250]

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

- (i) Compliance Certificate - Water Reticulation
- (ii) Compliance Certificate - Sewerage Reticulation
- (iii) 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, Council's adopted Development Design and Construction Specifications and good Engineering Practice.

2. Where Council is requested to issue the construction certificate all compliance certificates and a Occupation 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:-

Water Reticulation, Sewer Reticulation, Drainage

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

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

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

[DUR0360]

59. The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering & Operations 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]

60. Provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet. Such to specifically include the following:

[DUR0460]

61. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the Director, Engineering Services. Twenty four (24) hours notice is to be given to Council's Engineering Services Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction. Paving bricks are not acceptable unless laid on a 100mm thick concrete base.

Such to specifically include the following:

- The driveway is to be constructed 6 metres wide at the property boundary and 9 metres wide at the kerb line with a uniform taper if a splay is specified.
- The proposed waste storage area shall be located so as not to restrict the minimum sight lines for pedestrian safety as detailed in as2890.1 - Off Street Carparking figure 3.3.
- Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.

[DUR0470]

62. A concrete ribbon footpath 1.2 metres wide and 100 millimetres thick is to be constructed on a compacted base along the entire frontage of the site to Enid Street. 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 2.5% 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 & Operations Division prior to concrete being placed.

[DUR0520]

63. The concrete footpath is to be saw cut and removed to facilitate the construction of the concrete driveway access.

[DUR0530]

64. 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]

65. A Sewer manhole is present on this site. This manhole is not to be covered with soil or other material or concealed below ground level.

Should additional fill be proposed in the area of the sewer manhole Council's Engineering & Operations Division must be consulted and suitable arrangements made for the raising of the manhole to the satisfaction of Council's Manager Water.

[DUR0840]

66. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.

[DUR0850]

67. 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]

68. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays.

[DUR0900]

69. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

- A. Short Term Period - 4 weeks.
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
- B. Long term period - the duration.
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0910]

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

[DUR0920]

71. 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, Engineering & Operations.

[DUR0930]

72. The burning of builders waste on site by open fire is prohibited.

[DUR0940]

73. Any proposed cooling tower installation must also include details on the proposed means of back flow prevention to the water supply prior to installation.

[DUR0970]

74. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

- a. internal drainage, prior to slab preparation;
- b. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
- c. external drainage prior to backfilling.
- d. completion of work and prior to occupation of the building.

[DUR1020]

75. A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.

- B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.

[DUR1030]

76. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position. [DUR1040]
77. Where two (2) or more premises are connected by means of a single house service pipe, the owner of each premises must (*unless all the premises are occupied by a single household or firm as a residence or place of business*) ensure that a separate water meter, of a class and size approved by Council, is installed on each of those premises. [DUR1070]
78. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993. [DUR1090]
79. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard. [DUR1110]
80. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.
- A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works. [DUR1160]
81. Pre-treatment devices must be serviced by a Council approved waste contractor. The applicant will be required to enter into a service agreement with this waste contractor. Pre-treatment device service frequency will be approved by Councils Manager Water. [DUR1170]
82. A trade waste agreement will be issued and a permit number allocated once the device has been installed, inspected and Council has received a copy of the Waste Contractor's Service Agreement [DUR1190]
83. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:

- i. All required erosion and sedimentation control devices have been installed and are operational.
- ii. Required toilet facilities have been provided on the site.
- iii. A sign has been erected on the site identifying:
 - Lot number
 - Builder
 - Phone number of builder or person responsible for site.
- iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
- v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.

[DUR1200]

84. 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, Engineering & Operations prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1210]

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

[DUR1230]

86. No ground anchors supporting shoring are to be installed under Council's road reserve in Enid Street and Francis Street unless approval is issued by Tweed Shire Council under Section 138 of the Roads Act and appropriate fees paid

[DURNS01]

87. Any pumps used for the purpose of dewatering operations are to be electrically operated only.

[DURNS02]

88. All pumps used for dewatering operations are to be installed on the site in a location that will minimize any noise disturbance to neighbouring residential premises. Such location shall be to the satisfaction of Council's Director Environment & Community Services.

[DURNS02]

89. Practical measures to the satisfaction of Council's Director Environment & Community Services are to be taken to acoustically shield all pumps used for dewatering operations.

[DURNS02]

90. Where any pumps used for dewatering operations are proposed to operate on a 24 hour basis then the owners of adjoining residential premises shall be notified accordingly.

[DURNS02]

91. Dust control measures and water quality monitoring shall be carried out in accordance with the Soil & Water Management Plan prepared by Blueland Engineers and dated 20 January 2004.

[DURNS03]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

92. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications and conditions of Consent.

[POC0020]

93. A person must not commence occupation or use of the whole or any part of a new building (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0030]

94. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.

[POC0050]

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

[POC0080]

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

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

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

[POC0120]

97. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate, a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

[POC0170]

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

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

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

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

[POCNS01]

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

[POCNS01]

100. The lots are to be consolidated into one (1) lot under one (1) title. The plan of consolidation shall be registered with the Lands Titles Office prior to issue of the occupation certificate.

[POCNS01]

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

[POCNS01]

102. Prior to the issue of an Occupation Certificate, a "satisfactory inspection report" issued by Council must be produced for s68h2 permanent stormwater quality control devices. This inspection report must be obtained from Council prior to backfilling of any of the s68h2 approved devices.

[POCNS01]

USE

103. The premises shall be suitably identified by Unit No. (where appropriate) and Street Number displayed in a prominent position on the facade of the building facing the primary street frontage, and is to be of sufficient size to be clearly identifiable from the street.
[USE0040]
104. All loading/unloading to take place within the boundary of the subject property.
[USE0130]
105. Owners of buildings served by plant involving the operation of "cooling towers", "evaporative condensers" or "tepid water systems" must submit to Council, half yearly, a report detailing the maintenance, cleansing and chemical treatment of such plant every three (3) months in accordance with Part 6 of the NSW Public Health Act.
[USE0180]
106. The LA10 noise level emitted from the premises shall not exceed the background noise level (LA90) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.
[USE0220]
107. A backflow containment device will be installed adjacent to Councils water meter installation at the property boundary in accordance with AS3500. The device is to be maintained in accordance with the provisions of AS3500 by the owner of the property at the owners expense.
[USE0240]
108. All mechanical plant and machinery including any air handling equipment shall be acoustically shielded or otherwise treated to prevent the emission of loud and/or offensive noise caused by the operation of such plant or equipment causing a nuisance to the occupants of any neighbouring or adjacent residential premises. Any such required acoustic shielding or treatment shall be to the satisfaction of Council's Director Environment & Community Services.
[USENS01]
109. All artificial lighting including security lighting shall be shielded where necessary to prevent the spill of light causing a nuisance to any neighbouring residential premises. Any such shielding so provided shall be to the satisfaction of Council's Director Environment & Community Services.
[USENS01]

110. Any premise used for storage, preparation or sale of food are to comply with the relevant provisions of the Food Act 2003 Food safety Standards and AS 4674 - 2004.

[USENS01]

GENERAL TERMS OF APPROVAL UNDER SECTION 116 OF THE WATER ACT 1912 (Licence to commence sinking a bore to enlarge, deepen or alter a bore)

General Conditions

The purposes of these conditions are to -

- define certain terms used in other conditions
- specify the need to obtain a license, permit or authority before commencing any works
- specify that, in most cases an approval will only be issued to the occupier of the lands where the works are to be located (as required by the Water Act)
- require existing approvals to be cancelled or let lapse when a license is issued (if applicable)
- require the safe construction and operation of all works
- require the use of appropriate soil conservation measures
- limit vegetation destruction or removal to the minimum necessary
- require the separate authorisation of clearing under the NVC Act
- allow conditions to be imposed for management of fuel (petroleum)
- require the payment of fees on the issuing of an approval

In the following conditions relating to an approval under the Water Act 1912:

“the Department” means the Department administering the Water Act 1912;

“approval” means a license, permit, authority or approval under that Act;

“river” has the same meaning as in Section 5 of the Water Act 1912;

“work” means any structure, earthwork, plant or equipment authorised under the approval to be granted, as defined in Section 5 and 105 of the Water Act 1912;

“controlled work” means any earthwork, embankment or levee as defined in Section 165 of the Water Act 1912.

- Before commencing any works or using any existing works for the purpose of Temporary Dewatering for Construction Purposes, an approval under Part 5 of the Water Act 1912 must be obtained from the Department. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.
- An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the Water Act 1912.

- When the Department grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or to let lapse.
- All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.
- All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.
- The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.
- All vegetation clearing must be authorised under the Native Vegetation Conservation Act 1997, if applicable.
- The approval to be granted may specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.
- A license fee calculated in accordance with the Water Act 1912 must be paid before a license can be granted.
- Any license so issued, from the date of issue, will be subject to Annual Cost Recovery Water Management Charges as set by the Independent Pricing and Regulatory Tribunal.

Conditions relating to water entitlements

The purposes of these conditions are to -

- allow rules for water transfers to be applied
- specify an annual entitlement (regulated and unregulated streams)
- allow the placement of limitations as to when water may be taken to ensure a flow remains for other users and the environment (unregulated streams)
- A transfer of an entitlement shall be subject to the provisions of the Water Act 1912 the regulations made thereunder and the transfer rules applying at the time of application as determined by the Department
- The authorised annual entitlement will not exceed 10 mega litres.

- Extraction of water under the approval to be issued shall be subject to conditions with regard to availability of supply and such restrictions as are deemed necessary by the Department from time to time to ensure an adequate flow remains for other water users and the environment.

Conditions for water use

The purposes of these conditions are to -

- allow the department obtain an accurate measure of water use where necessary
 - specify the purpose(s) for which the water may be used
 - specify conditions to protect water quality and the environment
 - ensure proper management of tailwater drainage
 - ensure accessions to groundwater systems are restricted.
- If and when required by the Department, suitable devices must be installed to accurately measure the quantity of water extracted or diverted by the works.
 - All water measuring equipment must be adequately maintained. It must be tested as and when required by the Department to ensure its accuracy.
 - The use of water shall be conditional on no tailwater drainage being discharged into or onto -
 - any adjoining public or crown road
 - any crown land
 - any river, creek or watercourse
 - any groundwater aquifer
 - any area of native vegetation
 - any wetlands

Conditions for Bores and Wells

See also "general conditions" and "conditions for water use"

The purpose of these conditions are to -

- set a limited time for bore construction
 - allow DIPNR access for inspection and testing
 - specify procedures if saline or polluted water found
 - specify procedures if the bore is abandoned
 - require advice if water found
 - specify the volumetric allocation for each purpose of the entitlement
 - identify lands that may be irrigated
 - specify the volumetric allocation for the works purpose
 - allow DIPNR to alter the volumetric allocation at any time
- Works for construction of bores must be completed within such period as specified by the Department.

- Within 2 months after the works are completed the Department must be provided with an accurate plan of the location of the works and notified of the results of any pumping tests, water analysis and other details as are notified in the approval.
- Officers of the Department or other authorised persons must be allowed full and free access to the works for the purpose of inspection and testing.
- Water shall not be pumped from the works for any purpose other than dewatering for construction purposes.
- The use of water shall be conditional on no tailwater drainage being discharged into or onto -
 - any adjoining public or crown road
 - any crown land
 - any river, creek or watercourse
 - any groundwater aquifer
 - any area of native vegetation
 - any wetlands
- The work shall be managed in accordance with the constraints set out in the “Soil and Water Management Plan” and “Acid Sulfate Soil Management Plan” produced by blueLAND engineers dated March 2005.
- The volume of groundwater extracted as authorised must not exceed 10 mega litres.
- The Department has the right to vary the volumetric allocation or the rate at which the allocation is taken in order to prevent the overuse of an aquifer.
- The licence shall lapse within six (6) months of the date of issue of the licence.

FOR VOTE - Unanimous

3 [PD] Tweed Retail Strategy

P 3 COMMITTEE DECISION:

Administrator Boyd

Administrator Payne

RECOMMENDED that in view of the fact that Council has had the benefit of a substantial amount of data from Consultants over a period of some two years, it is now time for a decision to be made to end the speculation which inevitably surrounds this issue, it is moved that the Planning Committee proposes to recommend adoption of the following strategy at the Council Meeting of 16 November 2005:-

1. The character of existing towns and villages and the retail facilities they already have be protected.
2. Where appropriate, Council will support the incremental expansion of existing retail centres in such a way as not to threaten or fracture those existing centres, rather than building new ones.
3. Reinforce Tweed Heads south as the major district retail centre by encouraging the expansion and when Tweed's population demands that increased range and level of shopping.
4. Maintain and wherever possible enhance the special appeal of the retail centre of Murwillumbah and those village centres of similar style.
5. Limit the scale of new retail centres in the coastal region to a level which caters for the majority of localised daily needs. This concept to reflect the need to reduce fuel consumption and to support sustainability within each centre.
6. Council does not support the establishment of another district retail shopping centre.

FOR VOTE - Unanimous

Current Status: This report will be recommended for adoption at the Council Meeting of 16 November 2005:-

4 [PD] Draft Tweed Local Environmental Plan 2000, Amendment No 10 - Urban Release Area E

This item was deferred to a Workshop to be held on 2 November 2005 commencing at 10.00am.

Current Status: Due to time constraints, this item will be deferred to a Workshop to be held on **16 November 2005 commencing at 10am.**

5 [PD] Amendment to Section 94 Contribution Plan No 19 - Kings Beach/Kings Forest

P 4 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council:

1. Adopts the amended exhibited Section 94 Contribution Plan No.19 – Casuarina Beach/Kings Forest.
2. Gives public notice in the Tweed Link of its decision in accordance with the Environmental Planning and Assessment Regulations 2000, specifying that the amended Section 94 Contribution Plan comes into effect on the date of the notice.

FOR VOTE - Unanimous

6 [PD] Liveable Communities Action Plan - A Work Programme for Strategic Planning (2005/2008)

P 5 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Payne**

RECOMMENDED that :

1. To ensure that strategic objectives of environmental, social and economic sustainability are fulfilled in the Tweed Shire Council will:
 - Review Tweed Futures to ensure that its strategic objectives are sufficiently concise as to be able to form the basis of future planning and the Council's overall Management Plan so that Council has as the basis of future operations, in particular to provide:
 - A comprehensive review of the housing and employment capacity of the urban release areas in the Tweed.
 - A comprehensive statement of intent to enable integration of all of its efforts in a long term agenda, and the agenda of the NSW Government as expressed in the Far North Coast Strategy;
 - Greater emphasis on the three elements of sustainability – environmental, economic and social;

- Access and Equity statements to meet the Department of Local Government reporting requirements;
 - Greater integration within Council and with other government agencies to secure its implementation;
 - Ensure that social, community and economic infrastructure is planned in the light of that capacity and likely development.
 - Review Tweed Local Environmental Plan (TLEP) 2000 and prepare clear and consistent locality plans, which reinforce Council's strategic objectives.
 - Prepare an Integrated Land Use Strategy based on current strategic planning projects to provide the basis for the review of the Tweed Local Environmental Plan and the preparation of Locality Plans.
 - Review the style, presentation and language of Development Control Plans.
2. Council will investigate the resources required to undertake the following priorities for the Strategic Town Planning Unit for the next 3 years (2005-2008) and a report be submitted to Council as soon as possible:
- Complete by December 2006 a review of Tweed Local Environmental Plan 2000 based on Tweed Futures, the Council's Strategic Plan, the NSW Far North Coast Strategy and the requirements of Planning NSW in developing a new Local Environmental Plan;
 - Prepare, as an immediate priority, options for amendments to existing Development Control Plans to ensure greater consistency with strategic objectives and detailed controls, particularly Development Control Plan No 6 and Development Control Plan No 16.
 - Complete by February 2007 a single Development Control Plan (including Locality Plans) for the Tweed which incorporates all the Development Control Plans now in force so that there is greater coherence and consistency across the planning policy spectrum, and consistency between Tweed Futures, Council's Strategic Objectives, the Local Environmental Plan, the Far North Coast Strategy and the proposed Development Control Plans;
 - Urban Design Charter to provide the basis for:
 - Locality Plans;
 - LEP review;
 - Development Control Plan review, in particular Development Control Plan No 6 and Development Control Plan No 16.

- Locality Plans for key urban areas (Tweed Heads, Kingscliff, Kings Forest, Cabarita, Pottsville, Murwillumbah);
 - Complete major Local Environment Plan Amendments already commenced (Kings Forest, Seaside City, Seabreeze).
3. To ensure the most effective strategic planning framework Council operations shall provide for:-
- An internal Policy Review Committee; and
 - Inter-divisional activity groups, in particular a Strategic Planning Group to coordinate strategic planning matters for Council as a whole (eg Infrastructure Coordination; Social Planning; Asset Management; and Environmental Management).
4. Council will maintain a policy structure to create and manage liveable communities based on the framework for the management of growth in the Shire set out in Tweed Futures.
5. Council will use Tweed Futures as the basis for ensuring that the Management Plan clearly states Council's objectives.

FOR VOTE - Unanimous

a6 [PD] Minor Rezoning Amendments

P 6 COMMITTEE DECISION:

Administrator Turnbull

Administrator Boyd

RECOMMENDED that Council: -

1. Adopts the draft Plan with regard to Lot 7 DP 565198 Tree Street, Bray Park as exhibited as a part of Tweed Local Environmental Plan 2000, Amendment No 21.
2. Adopts the draft Plan with regard to part Lot 4 DP 835954 and part Lot 1 DP 814412 North Arm Road, Murwillumbah as exhibited as a part of Tweed Local Environmental Plan 2000, Amendment No 21.

3. Forwards the draft Plan with regard to Lot 7 DP 565198 Tree Street, Bray Park, and part Lot 4 DP 835954 and part Lot 1 DP 814412 North Arm Road, Murwillumbah to the Minister for Planning to make the Plan in accordance with section 70 of the Environmental Planning and Assessment Act 1979.

FOR VOTE - Unanimous

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

1 [EC] Tender HC2005-186 Annual Agreement for Surf Life Saving Patrols

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

Council has provided surf life saving patrols on certain Tweed Coast beaches at Easter and Christmas each year. On 7 September 2005 Council resolved to seek tenders for 2005/06 Christmas and Easter beach patrols by the open tender method.

A number of submissions have been received supporting the need for beach patrols at Casuarina Beach.

RECOMMENDATION:

That :-

1. Council accepts the tender provided by Surf Life Saving Services Pty Ltd for the provision of beach life saving services on 'standard' beaches, as outlined in this report, over Christmas 2005/06 and Easter 2006 at the tender price of \$122,343.39 (GST exclusive).
2. Council determines whether to accept the tender provided by Surf Life Saving Services Pty Ltd for the provision of beach life saving services at Casuarina Beach over Christmas 2005/06 and Easter 2006 at the tender price of \$28,084.50 (GST exclusive).
3. All necessary documentation be executed under the common seal of Council.

REPORT:

Council has provided surf life saving patrols on certain Tweed Coast beaches at Easter and Christmas each year. On 7 September 2005 Council resolved to seek tenders for 2005/06 Christmas and Easter surf life saving patrols by the open tender method.

Council amended the patrol service in the 2004/05 season to provide two life savers at each patrol site. This is consistent with Department of Local Government *Practice Note 15 Water Safety*. This change significantly increased the patrol service cost in 2004/05 to \$139,931 (GST exclusive).

Council has historically provided surf life saving patrols on certain 'standard' Tweed Coast beaches at Easter and Christmas each year.

'Standard' Beach Patrols

Christmas Patrols

Patrols would be provided between 22 December 2005 and 27 January 2006 at the following beaches:

- Cudgen Beach
- Cabarita Beach
- Fingal Beach
- Durabah Beach
- Hastings Beach
- Pottsville Beach

Easter Patrols

Patrols would be provided between 14 April 2006 and 17 April 2006 at the 'non surf club beaches':

- Durabah Beach
- Hastings Beach
- Pottsville Beach

Note that those beaches with surf clubs are patrolled over the Easter weekend in any event by surf club members.

Casuarina Beach Option

During 2004/05 Council provided patrols at Casuarina Beach also, with the 'developer' contributing \$10,000 towards the cost of these patrols. The developer has declined to provide such a contribution this season.

If Council accepts the tender amount of \$28,084.50 (GST excl.) for Casuarina Beach patrol, then patrols would be provided during the periods listed above.

Beach Attendance

The beach attendance total for all 'standard' Tweed Beaches during the 2004/05 season, as reported by Surf Life Saving Services, are as follows:

-	Flagstaff	15,986
-	Cudgen	6,433
-	Fingal	6,728
-	Cabarita	4,604
-	Hastings Point	18,610
-	Pottsville	8,511

Note : Fingal, Cudgen and Cabarita are patrolled by volunteers on weekends and public holidays and attendance at these times are not included in these statistics.

Casuarina total of full days beach attendance was 4,784.

Tender submissions

Tenders closed on 13 October 2005 with one tender only being received from Surf Life Saving Services Pty Ltd.

Council's 2005/06 budget allocation is \$130,000. If Council were to approve beach patrols at both the 'standard' beaches and Casuarina Beach, this budget amount would be exceeded by \$20,427.89.

Clause 11(1)(b) of the Local Government (Tendering) Regulation, 1999 also requires that Council specify the criteria on which assessment of tenders will be based. Part 10 of Council's Procurement Policy states that tenders will be evaluated on certain criteria, not all of which are applicable in this case. In this instance tenders are to be evaluated on the following criteria:

- Price
- Capability of organisation, including experience and 'track record'
- Compliance with Council's OHS & R Policy
- Ability to train and supervise patrol staff
- Willingness to accept Council's contract requirements
- Payment terms
- General; suitability of tender submission

Surf Life Saving Services Pty Ltd are considered to have satisfied all of these criteria and have satisfactorily provided beach patrols in Tweed Shire in previous years.

Community Submissions - Casuarina Beach Service

In excess of 50 submissions have been received supporting the need for beach patrols at Casuarina Beach.

All submissions are included in a separate document which forms an attachment to this report.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

An additional budget allocation of \$20,500.00 is required if services are to be provided at Casuarina.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. [Submissions received.](#)
 2. **Confidential Attachment** - Confidential Supplementary Information (DW 1286798)
-

2 [EC] EQ2005-118 - Proposed Upgrade of the Dog and Cat Impounding Facility and Waste Staff Facility at Bartletts Road, Eviron

ORIGIN:

Environment & Health Services

SUMMARY OF REPORT:

Tenders for the construction of an office, lunchroom and additional kennels at Councils Dog and Cat impounding facility Bartletts Road, Eviron have been received in accordance with the Local Government Tendering Regulation 1999.

RECOMMENDATION:

That:

- 1. Council awards the contract EQ2005-118 to Haigh's Construction for the lump sum tender amount of \$136,108.06 for the proposed upgrade of the Dog and Cat Impounding Facility at Bartletts Road Eviron.**
- 2. The Director of Environment and Community Services is given delegated authority to approve variations up to 20% of the initial contract price.**
- 3. Council votes the additional expenditure from the Waste Budget.**

REPORT:

Council resolved in 2004 to retain management of the dog and cat impounding facility after receiving and assessing tenders from various organisations to provide management services for the facility. Included in this resolution was the allocation of \$90,000 to upgrade the current facility. The planning and preparation for the upgrade has been in motion for some time with initial expenditure for the upgrade expected to be approximately \$90,000, however, an increase in building costs and the inclusion of a lunchroom and disabled toilet facilities in accordance with Occupational Health and Safety policies, as requested by union delegates, has increased costs associated with the works required.

The works under this contract also include an additional 10 kennels, fenced dog exercise areas and a main office area to accommodate both Council employees and the volunteers at the pound.

At the time of tenders closing two tenders were received to the tender box, as follows:

- ◇ Haigh's Construction Pty Ltd.
- ◇ Walker Constructions Pty Ltd.

Tenders received to undertake the work necessary exceed the allocated funding.

It has been established that Council staff located at the garbage depot, employed under waste management, are required to be provided with a lunchroom and toilet facilities for similar occupational health and safety issues. It is proposed to incorporate these facilities in the extensions to the pound, which is situated in close proximity to the waste managements staff work area. This joint venture would provide suitable facilities for all employees, therefore, it is anticipated the additional funding would be provided from the waste management budget.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Current budget \$90,000 allocated.
Additional funds from Waste Budget.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. **Confidential Attachment** - Confidential Supplementary Information (DW 1286921).
-

ORDERS OF THE DAY

[NOM] Review of Parkland Needs at Banora Point

NOTICE OF MOTION:

Administrator Boyd moves:

That Council staff be requested to review the parkland needs and plans prepared some time ago which proposed a number of improvements to the open space areas in the space bounded by Clonakilty Close, Glen Ayr Drive and Darlington Drive, Banora Point.

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

