

The Meeting commenced at 4.34pm.

IN ATTENDANCE

Administrators Mr Frank Willan (Chairman), Ms Lucy Turnbull, Mr Max Boyd.

Also present were Mr Mike Rayner (General Manager), Mr Michael Chorlton (Acting Director Technology & Corporate Services), Mr Patrick Knight (Director Engineering & Operations), Mr Noel Hodges (Director Planning & Development), Mr Don Buckley (Director Environment & Community Services), Ms Genevieve Slattery (Executive Officer), Mr Neil Baldwin (Governance Officer/Public Officer) and Maree Morgan (Minutes Secretary)

ABORIGINAL STATEMENT

Administrator Willan 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."

PRAYER

The meeting opened with a Prayer by Council's Chaplain, Reverend Ben Richardson.

Eternal God who does govern things in heaven and earth hear our sincere and heartfelt prayers for this country in which we live. For some it is the place of our birth whilst for others we have settled here and it has become our home.

As Your word encourages us we pray for those in authority over us that You might guide them with Divine Wisdom and that they might serve use with true Christian Compassion. Strengthen them in their resolve to care for every member of our community regardless of who they are.

Remove every hindrance to the advancement of our peoples that in love we might find unity in our community we might find tolerance and acceptance. May peace and tranquillity pervade our valley.

All to the glory of our Lord and Saviour Jesus Christ, Amen.

CONFIRMATION OF MINUTES

Minutes of the Ordinary and Confidential Council Meeting held Tuesday 28 November 2006

226 COUNCIL DECISION:

**Administrator Turnbull
Administrator Boyd**

RESOLVED that the Minutes of the Ordinary and Confidential Council Meetings held 28 November 2006 be adopted as a true and accurate record of proceedings of that meeting.

FOR VOTE - Unanimous

APOLOGIES

Nil

DISCLOSURE OF INTEREST

Administrator Turnbull advises that she has an interest in Item O16 of the Operations Committee Agenda being that husband is the Parliamentary Secretary to the Prime Minister with responsibility for water.

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

Nil.

PLANNING COMMITTEE

227 COUNCIL DECISION:

**Administrator Willan
Administrator Boyd**

RESOLVED that Council resolves itself into the Planning Committee under the Chairmanship of Administrator Turnbull.

FOR VOTE - Unanimous

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR PLANNING & DEVELOPMENT

P1 [PD-PC] Development Application DA06/0099 for a Mixed Use Development Comprising Two Commercial Premises and 4 x 2 Bedroom Units at Lot 9 Section 5 DP 4043, No. 35 Beryl Street, Tweed Heads

P 181 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Willan**

RECOMMENDED that Development Application DA06/0099 for a mixed use development comprising two commercial premises and four x 2 bedroom units at Lot 9 Section 5 DP 4043, No. 35 Beryl Street Tweed Heads be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos. DA0.00, DA0.01, DA1.01, DA1.02, DA1.03, DA1.04, DA1.05, DA2.01, DA2.02, DA3.01 & DA4.01, prepared by Lightwave Architects and dated December 2005, except where varied by the conditions of this consent.
[GEN0005]
2. 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.
[GEN0045]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
[GEN0115]
4. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property.
[GEN0135]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. The footings and floor slab are to be designed by a practising Structural Engineer after consideration of a soil report from a NATA accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.
[PCC0945]

6. 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.

[PCC1145]

7. Egress from the basement carpark shall comply with either the deemed-to-satisfy provisions of part D1.2 of the Building Code of Australia or a fire engineering report containing an alternate solution which addresses Performance Requirement DP4 in Volume 1 of the Building Code of Australia. Details of one of the above alternatives shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the construction certificate.

[PCCNS01]

8. Where any existing sewer junctions are to be disused on the site, the connection point shall be capped off by Council staff. Applications shall be made to Tweed Shire Council and include the payment of fees in accordance with Councils adopted fees and charges.

[PCC1235]

9. Prior to the issue of a construction certificate hydraulics plans of the proposed sewerage drainage system, prepared by a suitably qualified consultant, shall be submitted to and approved by Tweed Shire Council.

[PCCNS02]

10. The developer shall provide ten (10) parking spaces including parking for the disabled, plus a loading bay and provision for bicycle parking in accordance with DCP2, AS 2890 and Austroads Part 11.

Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0065]

11. Section 94 Contributions

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.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

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

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

(a) Tweed Road Contribution Plan: S94 Plan No. 4 (Version 4.0) Sector1_4	\$7,624
(b) Open Space (Structured): S94 Plan No. 5	\$1,260
(c) Open Space (Casual): S94 Plan No. 5	\$269
(d) Shirewide Library Facilities: S94 Plan No. 11	\$1,112
(e) Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$229
(f) Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$324
(g) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$2,555.36
(h) Cycleways S94 Plan No. 22	\$568
(i) Regional Open Space (Structured) S94 Plan No. 26	\$3,757
(j) Regional Open Space (Casual) S94 Plan No. 26	\$1,381
(k) Tweed Heads Master Plan:	\$4,188.00

S94 Plan No. 27

[PCC0215]

12. 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:	2.1344 ET @ \$4598	\$9,814
Sewer Banora:	3.1016 ET @ \$2863	\$8,880

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.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED 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.

[PCC0265]

13. 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 maintained wholly within the subject land. Detailed engineering plans of fill levels and perimeter drainage shall be submitted with a S68 stormwater application for Council approval.

[PCC0485]

14. The basement car parking is to be protected against the inflow of water to a level of 500mm above the design flood level of RL 2.6m AHD in accordance with DCP5 - Development of Flood Liable Land. A detailed design of the basement stormwater pump out system is to be provided designed for a storm event with a 10 year average return interval (ARI 10) and the consequences of

pump failure and the 100 year ARI storm event must be addressed and included with the above details prior to the issue of a Construction Certificate.

[PCC0685]

15. A traffic control plan in accordance with AS1742 and RTA publication "Traffic Control at Work Sites" Version 2 shall be prepared by an RTA accredited person shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Safe public access shall be provided at all times.

[PCC0865]

16. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications for the following required works: -

- (a) Reconstruction of the existing vehicular footpath crossing; and
- (b) Provision of concrete path paving for the full site frontage to extend 2.3m from the property boundary towards the kerb.

The above mentioned engineering plan submission must include copies of compliance certificates relied upon and details relevant to but not limited to the following: -

- Road works/furnishings
- Stormwater drainage
- Water and sewerage works
- Sediment and erosion control plans
- Location of all services/conduits
- Traffic control plan

[PCC0895]

17. Prior to the issue of a Construction Certificate the following detail in accordance with Councils adopted Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.

- (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
- 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)

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 and Section 138 of the Roads Act to be certified by an Accredited Certifier.

[PCC0985]

18. Permanent stormwater quality treatment shall be provided in accordance with the following:

- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
- (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 - Stormwater Quality*.
- (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management. Typical water sensitive features include infiltration, maximising permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.

[PCC1105]

19. Disposal of stormwater by means of infiltration devices shall be carried out in accordance with Section D7.9 of Tweed Shire Councils adopted *Development Design and Construction Specification - Stormwater Quality*.

[PCC1125]

20. Stormwater

- (a) Details of the proposed roof water disposal, including surcharge overland flow paths are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. These details shall include likely landscaping within the overland flow paths.
- (b) All roof water is to be directed towards Beryl Street. No roof stormwater is to be directed towards the rear of the site or adjoining properties without a registered easement first being created over the adjoining property.
- (c) Surcharge overflow from any rubble pits or infiltration area to the street gutter, inter-allotment or public drainage system must occur by visible surface flow, not piped.
- (d) Runoff is to be pre-treated to remove contaminants prior to entry into the infiltration areas (to maximise life of infiltration areas between major cleaning/maintenance overhauls).

- (e) If the site is under strata or community title, the community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
 - (f) All rubble pits and infiltration devices are to be designed to allow for cleaning and maintenance overhauls.
 - (g) All rubble pits and infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.
 - (h) Any surcharging/rubble pit system located in the rear yard must only accept stormwater volumes that are equal to or less than the pre-development flows from the relevant portion of the property and will require a level spreader system for dispersal of surcharging stormwater to mimic the original lot's stormwater discharge patten via dispersed sheet flow.
[PCC1135]
21. Erosion and Sediment Control shall be provided in accordance with the following:
- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
 - (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".
[PCC1155]
22. The peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the ARI 100 year design storm, shall be 200 l/s/ha. OSD devices including discharge control pits (DCP) are to comply with standards in *The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook, Third Edition, Revision 2, June 2004"* except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire.
- All stormwater must initially be directed to the DCP.
[PCC1165]
23. The front section of the driveway up to the loading bay will need to be widened to 5.5m (per AS2890.1) to allow two-way traffic movement.
[PCCNS03]

24. A detailed plan of landscaping is to be submitted and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

[PCC0585]

PRIOR TO COMMENCEMENT OF WORK

25. 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
- (c) 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
- (d) 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.

[PCW0215]

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

[PCW0225]

27. Residential building work:

- (a) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
- (i) in the case of work for which a principal contractor is required to be appointed:
- * in the name and licence number of the principal contractor, and
 - * the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
- * the name of the owner-builder, and
 - * if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
- (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- [PCW0235]
28. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (15) 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
- [PCW0245]
29. 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.

[PCW0255]

30. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act 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.

[PCW0985]

31. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. Note All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the Principal Certifying Authority prior to commencement of building works.

[PCW1005]

32. 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.

[PCW1065]

33. 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]

34. Where any pumps used for dewatering operations are proposed to be operated on a 24-hour basis, the owners of adjoining premises shall be notified accordingly prior to commencement of such operations.

[PCW0125]

35. Written approval for any application under Section 138 of the Roads Act 1993 is required prior to commencing works within the road reserve.

[PCW0705]

36. The proponent shall provide to the PCA copies of Public Risk Liability Insurance to a minimum value of \$10 Million for the period of commencement of works until the completion of the defects liability period.

[PCW0835]

37. The proponent shall locate and identify all existing underground services prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure including areas external to the development site where works are proposed.

[PCW0005]

38. Prior to commencement of work all actions or prerequisite works required at that stage, as required by other conditions or approved management plans or the like, shall be installed/operated in accordance with those conditions or plans.

[PCW0015]

39. All proposed works to be undertaken are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications.

[DUR0005]

40. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -

Monday to Saturday from 7.00am to 7.00pm

No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

41. The roof cladding is to have low reflectivity where it would otherwise cause nuisance to the occupants of the buildings with direct line of sight to the proposed building.

[DUR0245]

42. 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 was made). [DUR0375]
43. 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. [DUR0395]
44. 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. [DUR0405]
45. 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 in accordance with WorkCover 2000 Regulations. [DUR0415]
46. The finished floor level of the building should finish not less than 225mm above finished ground level. [DUR0445]
47. All work associated with this approval is to be carried out so as not to impact on the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -
- Noise, water or air pollution
 - Minimise impact from dust during filling operations and also from construction vehicles
 - No material is removed from the site by wind
- [DUR1005]
48. 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. [DUR2185]
49. 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.
- [DUR2485]

50. Plumbing
- (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.
- [DUR2495]
51. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
- [DUR2505]
52. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
- [DUR2545]
53. 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.
- [DUR2555]
54. Where two (2) or more premises are connected by means of a single water service pipe, individual water meters shall be installed to each premise beyond the single Council water meter (*unless all the premises are occupied by a single household or firm*).
- [DUR2615]
55. Excavation
- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with WorkCover 2000 Regulations.
 - (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.
- [DUR0425]
56. 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.
- [DUR0645]

57. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead" and the WorkCover guidelines on working with and handling of asbestos.

[DUR0655]

58. Minimum notice of 48 hours shall be given to Tweed Shire Council for the capping of any disused sewer junctions. Tweed Shire Council staff in accordance with the application lodged and upon excavation of the service by the developer shall undertake Works.

[DUR0675]

59. 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.

[DUR1715]

60. 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.

[DUR2535]

DURING CONSTRUCTION

61. During construction, all works required by other conditions or approved management plans or the like shall be installed and operated in accordance with those conditions or plans.

[DUR0015]

62. 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 General Manager or his delegate.

Such to specifically include the following:

- (a) 150 millimetres thick reinforced with F72 Mesh for residential development or F82 mesh for Commercial/Industrial Development

Twenty four (24) hours notice is to be given to Council's Engineering & Operations Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the works and its reconstruction.

Paving bricks are not acceptable unless laid on a 100mm thick concrete base.

[DUR0065]

63. The driveway is to be constructed 5.5 metres wide at the property boundary and 7.5 metres wide at the kerb line with a uniform taper. This will require reconstruction of the existing footpath crossing.
[DUR0075]
64. 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.
[DUR0215]
65. Any pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring residential areas. Such location is to be to the satisfaction of the General Manager or his delegate.
[DUR0225]
66. All pumps used for any onsite dewatering operations shall be acoustically shielded to the satisfaction of the General Manager or his delegate so as to prevent the emission of offensive noise as a result of their operation.
[DUR0235]
67. Pumps used for dewatering operations are to be electrically operated. Diesel pumps are not to be used unless otherwise approved by the General Manager or his delegate.
[DUR0255]
68. Provision to be made for the designation of a durable and pervious car wash-down area. The area must be identified for that specific purpose and be supplied with an adequate water supply for use within the area. Any surface run-off from the area must not discharge directly to the stormwater system. In this regard the disabled parking space shall also be utilised as a car wash bay.
[DUR0975]
69. 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/Occupation Certificate.

[DUR0995]

70. Appropriate measures are to be put in place during the construction period to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up prior to cessation of same days work and/or commencement of any rain event.

[DUR2405]

71. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads.

[DUR2415]

72. All waters that are to be discharged from the site shall have a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/kg. The contractor shall nominate a person responsible for monitoring of the quality of such discharge waters on a daily basis and the results recorded. Such results shall be made available to Council's Environmental Health Officer(s) upon request.

[DUR2435]

All waters pumped from the site in the de-watering process are to be treated with an effective deodoriser to the satisfaction of Council's Director Environment & Community Services to neutralise any offensive odours. The point of discharge shall also be approved by Council's Director Environment & Community Services prior to installation.

73. During construction, a "satisfactory inspection report" is required to be issued by Council for all s68h2 permanent stormwater quality control devices, prior to backfilling. The proponent shall liaise with Council's Engineering and Operations Division to arrange a suitable inspection.

[DUR2445]

74. Dewatering of the site shall be carried out in accordance with the Dewatering Management Plan provided within Section 6.0 of the Acid Sulfate Soil & Dewatering Assessment and Management Report for 35 Beryl Street, Tweed Heads prepared by Border-Tech and dated November 2005 (Job No: BT15266).

[DURNS01]

75. The names and contact details of person's responsible for the appropriate management of dewatering operations shall be supplied to Council prior to the commencement of dewatering operations.

[DURNS02]

76. A visual inspection of discharge waters for suspended sediments shall be carried out daily with corrective action undertaken immediately as required.

[DURNS03]

77. The burning off of trees, associated vegetation felled by clearing operations and builders waste is prohibited.

[DURNS04]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

78. A person must not commence occupation or use of the whole or any part of a new building or structure (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).
[POC0205]
79. 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.
[POC1045]
80. Prior to the issue of a final occupation certificate, all conditions of consent are to be met.
[POC1055]
81. Prior to issue of an occupation certificate, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.
[POC0005]
82. Prior to the issue of an occupation certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all s68h2 permanent stormwater quality control devices.
[POC0985]
83. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
[USE0125]
84. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised, notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive noise.
[USE0175]
85. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light creating a nuisance to neighbouring or adjacent premises.
[USE0225]
86. **GENERAL TERMS OF APPROVAL UNDER SECTION 10 OF THE WATER ACT 1912 (Licence to construct and use a work and to take and use water if any conserved or obtained by the work and to dispose of the water for the use of occupiers of the land)**

- 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.
- 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.
- 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 "Acid Sulfate Soil and Dewatering Assessment and Management" document produced by Border-Tech dated November 2005 for the site, presented as Appendix D in the "Statement of Environmental Effects" produced by Planit Consulting dated January 2006.
- The volume of groundwater extracted as authorised must not exceed 5 megalitres.
- 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

P2 [PD-PC] Development Application DA06/0681 for the Erection of a Detached Dual Occupancy at Lot 8 DP 1070242, No. 8 Saddle Way, Murwillumbah

P 182 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Development Application DA06/0681 for the erection of a detached dual occupancy at Lot 8 DP 1070242, No. 8 Saddle Way, Murwillumbah be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Drawing Nos 702/06 Sheets 1 - 3 of 4 prepared by Trevor White - Building Design and dated 7-06-06 and Drawing No 702/06A Sheet 4 of 4 prepared by Trevor White - Building Design and dated 7-06-06, except where varied by the conditions of this consent.
[GEN0005]
2. 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.
[GEN0045]

3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

4. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications for the following required works: -

(a) Vehicular access in accordance with Council's adopted standards.

The above mentioned engineering plan submission must include copies of compliance certificates relied upon and details relevant to but not limited to the following: -

- Road works/furnishings
- Stormwater drainage
- Water and sewerage works
- Sediment and erosion control plans
- Location of all services/conduits
- Traffic control plan

[PCC0895]

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

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

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

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

[PCC1145]

6. Section 94 Contributions

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.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

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

payment.

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

(a) Tweed Road Contribution Plan: S94 Plan No. 4 (Version 4.0) Sector9_4	\$1,936
(b) Open Space (Structured): S94 Plan No. 5	\$240
(c) Open Space (Casual): S94 Plan No. 5	\$51
(d) Shirewide Library Facilities: S94 Plan No. 11	\$212
(e) Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$49
(f) Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$62
(g) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$390.28
(h) Cycleways S94 Plan No. 22	\$108
(i) Regional Open Space (Structured) S94 Plan No. 26	\$715
(j) Regional Open Space (Casual) S94 Plan No. 26	\$263

[PCC0215]

7. 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 DSP2:	1 ET @ \$4598	\$4,598
Sewer Murwillumbah:	1 ET @ \$2863	\$2,863

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.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED 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.

[PCC0265]

PRIOR TO COMMENCEMENT OF WORK

8. 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
 - (c) 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
 - (d) 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.
9. 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. [PCW0215]
10. Residential building work:
 - (a) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for[PCW0225]
-

the development to which the work relates (not being the council) has given the council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - * in the name and licence number of the principal contractor, and
 - * the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - * the name of the owner-builder, and
 - * if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
- (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0235]

11. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (15) 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

[PCW0245]

12. 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.

[PCW0255]

13. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
- (a) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
 - (b) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and

- (c) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (i) the method of protection; and
 - (ii) the date of installation of the system; and
 - (iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (iv) the need to maintain and inspect the system on a regular basis.

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

[PCW0775]

- 14. Sewer main, stormwater line or other underground infrastructure within or adjacent to the site is to be accurately located and the Principal Certifying Authority advised of its location and depth prior to start of any building works.

[PCW0965]

- 15. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act 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.

[PCW0985]

- 16. 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.

[PCW1065]

DURING CONSTRUCTION

- 17. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -
Monday to Saturday from 7.00am to 7.00pm

No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

18. 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 was made). [DUR0375]
19. 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. [DUR0395]
20. 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. [DUR0405]
21. The finished floor level of the building should finish not less than 225mm above finished ground level. [DUR0445]
22. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Councils adopted Design and Construction Specifications, DCP16 and DCP47 to the satisfaction of the Principal Certifying Authority.
Please note timber retaining walls are not permitted. [DUR0835]
23. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent. [DUR0905]
24. All roofwaters are to be disposed of through properly jointed pipes to the street gutter, inter allotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. Note - All roofwater must be connected to an inter allotment drainage system where applicable. [DUR2335]
25. 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. [DUR2485]
26. Plumbing
(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. [DUR2495]
27. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position. [DUR2505]
28. 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. [DUR2535]
29. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level. [DUR2545]
30. 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. [DUR2555]
31. Where two (2) or more premises are connected by means of a single water service pipe, individual water meters shall be installed to each premise beyond the single Council water meter (*unless all the premises are occupied by a single household or firm*). [DUR2615]
32. A Sewer manhole is present on this site. This manhole is not to be covered with soil or other material.
Should additional fill be proposed in the area of the sewer manhole application shall be made to Council's Engineering & Operations Division for the raising of the manhole. [DUR2655]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

33. A person must not commence occupation or use of the whole or any part of a new building or structure (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). [POC0205]
34. Prior to the issue of an occupation certificate,

- (a) Certification of termite protection methods performed by the person carrying out the works is to be submitted to the PCA; and
 - (b) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (i) the method of protection; and
 - (ii) the date of installation of the system; and
 - (iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (iv) the need to maintain and inspect the system on a regular basis.
35. Prior to occupation of the building the property street number is to be clearly identified on the site by way of painted numbering on the street gutter within 1 metre of the access point to the property.
The street number is to be on a white reflective background professional painted in black numbers 100mm high.

[POC0235]

On rural properties or where street guttering is not provided the street number is to be readily identifiable on or near the front entrance to the site.

For multiple allotments having single access points, or other difficult to identify properties, specific arrangements should first be made with Council and emergency services before street number identification is provided.

The above requirement is to assist in property identification by emergency services and the like. Any variations to the above are to be approved by Council prior to the carrying out of the work.

36. 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.

[POC0265]

[POC1045]

USE

37. All externally mounted air conditioning units, swimming pool pumps, water tank pumps and any other mechanical plant and equipment shall be acoustically treated so as to avoid the creation of intrusive or unreasonable noise to any occupant of neighbouring or adjacent premises.

[USE0235]

FOR VOTE - Unanimous

P3 [PD-PC] Development Application DA06/0398 for a Tennis Court at Lot 801 DP 1090130, No. 1-25 Bells Boulevard, Kingscliff

P 183 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Development Application DA06/0398 for a tennis court at Lot 801 DP 1090130, No. 1-25 Bells Boulevard Kingscliff be approved subject to the following conditions: -

GENERAL

1. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0115]
2. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos PP 304 and LP 204 prepared by EDAW Gillespies and dated December 2005, except where varied by the conditions of this consent. [GEN0005]
3. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property. [GEN0135]
4. No lighting of the tennis court is approved by this application.
5. No commercial or competition play of tennis is permitted by this consent.
6. The boundary fencing proposed by the application is to have a total height no greater than 2.0 metres. [GENNS01]

PRIOR TO COMMENCEMENT OF WORK

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
 - (c) 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

- (d) the person having the benefit of the development consent, if not carrying out the work as an owner-building, has:
- (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.
- [PCW0215]
8. 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.
- [PCW0225]
9. 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.

[PCW0255]

DURING CONSTRUCTION

10. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -

Monday to Saturday from 7.00am to 7.00pm
No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

11. 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 was made).

[DUR0375]

12. 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.

[DUR0405]

13. Landscaping of the site shall be carried out in accordance with the approved landscape and planting plans, prepared by EDAW Gillespies and dated December 2005. Proposed larger trees are to consist of semi-matured plantings greater than 1.0 metre in height.

[DUR1045]

14. Except as varied by the conditions of this consent, the tennis court is to be developed in an order that will achieve compliance with the recommendations of the acoustic assessment prepared by Ron Rumble Pty Ltd for Peppers Resort at Salt dated July 2006.

[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

15. A person must not commence occupation or use of the whole or any part of a new building or structure (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).

[POC0205]

16. All landscaping work, including adequate vegetation screening of the tennis court from adjoining residences, is to be carried out to the satisfaction of the General Manager, or their delegate, prior to the issue of an occupation certificate.

[POC0475]

USE

17. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.

[USE0125]

18. Use of the tennis court is restricted to the following hours: -

- * 7.00am to 7.00pm - Mondays to Fridays
- * 9.00am to 7.00pm - Saturdays and Sundays

[USE0185]

19. Except as varied by the conditions of this consent, the development shall be carried out in accordance with the recommendations of the acoustic assessment prepared by Ron Rumble Pty Ltd for Peppers Resort at Salt dated July 2006.

[USE0305]

20. The tennis court is to be used by resort guests only.

21. No more than five (5) people are permitted on the tennis court at any one time.
22. The tennis court is to be used for recreational tennis purposes only. No use of the court for functions or any other use is permitted.

[USENS01]

FOR VOTE - Unanimous

P4 [PD-PC] Development Application DA06/0282 for a Child Care Centre at Lot 12 DP 830659, Chinderah Road, Chinderah

This item was deferred pending the provision of further information and additional conditions.

ADJOURNMENT OF MEETING

The meeting adjourned to deal with the Community Access Session of Council at 5.35pm.

RESUMPTION OF MEETING

The Meeting resumed at 5.55pm

P5 [PD-PC] Development Application DA04/0099.06 for an amendment to Development Consent DA04/0099 for childcare facility at Lot 110 DP 728119, Carraboi Terrace Tyalgum

The following person(s) addressed the Planning Committee on this matter;

Ms Dharma Flamingo
Ms Kate Binder

P 184 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Willan**

RECOMMENDED that Development Application DA04/0099.06 for an amendment to Development Consent DA04/0099 for childcare facility at Lot 110 DP 728119, be approved, and the development consent modified as follows:

1. Condition No.1, which currently reads;
 1. *The development shall be completed in accordance with the Statement of Environmental Effects prepared by Chillingham & Tyalgum Community*

Preschool Inc. and the approved development plans, as prepared by E. P. Hopkins (Architect) dated October 2003, except where varied by these conditions.

Is to be DELETED and a NEW Condition 1.1 be INSERTED to read:

- 1.1. The development shall be completed in accordance with the Statement of Environmental Effects prepared by Chillingham & Tyalgum Community Preschool Inc. and Plan titled Site Plan, Floor Plan, Sub Floor Plan (as amended in red) , as prepared Chillingham & Tyalgum Community Preschool dated 8/12/06, except where varied by these conditions.
2. A NEW Condition 10A be INSERTED to read:
 - 10A. The maintenance access track is not permitted within the vegetative buffer area to the north of the land parcel unless it can be adequately demonstrated within the landscaping plan that the vegetative screen will not be compromised. This detail is to be provided prior to the issue of a Construction Certificate.
3. Condition No. 40, which currently reads;
 40. *Adequate landscaping shall be undertaken to the northern boundary of the land to the satisfaction of Council's Director Environment and Community Services so as to minimise the visual impact to the adjoining residence.*

Is to be DELETED and a NEW Condition 40.1 be INSERTED to read:

- 40.1 Adequate landscaping shall be undertaken to the northern boundary of the land to the satisfaction of Council's Director Environment and Community Services and the Director of Planning & Development so as to minimise the visual impact to the adjoining residence.
4. A NEW Condition 45A be INSERTED to read;
 - 45A. The timber screen fence erected around the perimeter of the Play Areas shall be of solid construction, butt jointed or overlapped, ensuring no gaps are evident.
5. A NEW Condition 45B be INSERTED to read;
 - 45B. The doors and walls or the outside storage shed, adjoining the play areas, shall be wooden, or other suitable material, to the satisfaction of the Environment & Health Services Unit, and so constructed to minimise the potential of sound nuisance generated by children banging on the surface.
6. A NEW Condition 45C be INSERTED to read;

- 45C. A Drinking Water Management Plan shall be compiled and implemented to the satisfaction of the Environment and Health Services Unit.
7. A NEW Condition 45D be INSERTED to read;
- 45D. A locked gate, 1.5m in height, is to be provided at the entrance of the maintenance access as shown on the approved Site Plan in red. Appropriate signage is also to be fitted to the gate to ensure the maintenance track is not used for purposes other than detailed by the applicant within it's letter to Council dated 20 November 2006.
8. A NEW Condition 54A be INSERTED to read;
- 54A. In the event that untreated or untested water is supplied a warning sign shall be displayed at all fixtures. Such signs shall state the source of raw water and method of treatment, if any.
9. A NEW Condition 54B be INSERTED to read;
- 54B. Any roof catchment water supply utilised for drinking water shall be fitted with a first flush device.
10. A NEW Condition 54C is to be INSERTED to read;
- 54C The maintenance access is not used for purposes other than detailed by the applicant within it's letter to Council dated 20 November 2006.

FOR VOTE - Unanimous

- P6 [PD-PC] Section 96 Application D96/0519.04 for an Amendment to Development Consent D96/0519 for an Integrated Tourist Resort at Lot 5 DP 789875 No. 191-217 Cobaki Road, Cobaki; Lot 5 DP 822786 Marana Street; Lot 31 DP 850230, Conmurra Avenue, Bilambil

P 185 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Willan**

RECOMMENDED that Section 96 Application D96/0519.04 for an amendment to Development Consent D96/0519 (as amended) for an integrated tourist resort at Lot 5 DP 789875 No. 191-217 Cobaki Road; Cobaki; Lot 5 DP 822786 Marana Street; Lot 31 DP 850230, Conmurra Avenue, Bilambil be approved subject to the following amendments: -

Delete Condition 72 and replace it with Condition 72A which reads as follows:

72A. The commencement of Stage 3 of the development is prohibited until the Cobaki Parkway and its connection to Piggabeen Road and the Tugan Bypass has been constructed.

FOR VOTE - Unanimous

P7 [PD-PC] Development Application DA05/1351 for a 76 Lot Subdivision at Lot 32 DP 1085109, Marana Street, Bilambil Heights

The following person(s) addressed the Planning Committee on this matter:

Mr Colin Davies

P 186 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Willan**

RECOMMENDED that:

- A. Council's Traffic and Transport Engineer provide an options report for Kennedy Drive Catchment given that existing figures indicate that Kennedy Drive is nearing capacity.
- B. Development Application DA05/1351 for a 76 lot subdivision at Lot 32 DP 1085109, Marana Street Bilambil Heights be approved subject to the following conditions: -

"DEFERRED COMMENCEMENT"

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "A". Such evidence is to be provided within one year 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 submission of documentary evidence demonstrating that the easement for drainage within Lot 1444 DP 31968 has been registered at the Land and Property Information Division of the Department of Lands.
- B. The applicant shall submit a Water Reticulation Strategy ("the plan") that complies with the design criteria nominated in Council's letter dated 11 October 2006 and also addresses the following matters:

- (a) The plan must show the location and dimensions of the new allotment for the proposed high level reservoir.
- (b) The plan must identify the alignment of the right of carriageway (ROC) providing access to the new high level reservoir.
- (c) The plan must show the location and dimensions of the new allotment for the low level reservoir adjacent to the proposed 76 lot subdivision.
- (d) The plan must indicate that the applicant will construct the all weather vehicular access to the high level reservoir within the ROC.
- (e) The plan must indicate that the 250mm diameter water main servicing the high level reservoir will be constructed by Council.
- (f) The 450mm diameter water main servicing the low level reservoir will be constructed by the applicant. Council will pay the marginal cost difference. Option B as shown on drawing SK5F prepared by Terranova Consulting Pty Ltd and dated 8/06 is the preferred route for this water main.

Payment by Council for the high level reservoir site will be based on the Valuer General's valuation for the allotment.

This Water Reticulation Strategy shall be approved by Council before Schedule B becomes operable.

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 accordance with the Statement of Environmental Effects and Plan Nos 8715-12 Revision A prepared by Michel Group Services and dated 7/09/2006, except where varied by the conditions of this consent.
[GEN0005]
2. 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.
[GEN0045]
3. The subdivision is to be carried out in accordance with Development Control Plan No. 16 - Subdivisions Manual and Councils adopted Development Design and Construction Specifications.
[GEN0125]
4. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property.
[GEN0135]

5. The development shall be carried out in accordance with the amelioration measures as outlined in Section 6 of the Flora and Fauna Assessment prepared by James Warren & Associates Pty Ltd dated September 2005.

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. Prior to the issue of a construction certificate, the applicant shall modify condition No. 72 of development consent 96/519 so that stage 3 of this proposed development cannot proceed until the construction of Cobaki Parkway linking Cobaki Road and Boyd Street is complete.

[PCCNS01]

7. Prior to the issue of a construction certificate, 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.
- (c) WorkCover Regulations 2000

[PCC0015]

8. Any works to be carried out within the adjoining road reserve is subject to application and approval being issued by Tweed Shire Council as the road authority.

Application for these works and receipt of approval is to be obtained prior to the issue of a construction certificate for works within the development site.

[PCC0075]

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

The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the General Manager or his delegate.

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

[PCC0275]

10. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

11. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17^o or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.

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

- (a) Contours and terraces where the height exceeds 1m.
- (b) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
- (c) Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
- (d) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.

[PCC0455]

12. All imported fill material shall be from an approved source. Prior to the issue of a construction certificate details of the source of fill, documentary evidence that the fill material is free of any contaminants and haul route shall be submitted to Tweed Shire Council for approval.

[PCC0465]

13. 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 maintained wholly within the subject land. Detailed engineering plans of fill levels and perimeter drainage shall be submitted with a S68 stormwater application for Council approval.

[PCC0485]

14. Notwithstanding any other condition of this consent separate construction certificates for bulk earthworks and civil works may be issued and the carrying out of bulk earthworks may be commenced prior to the issue of a Construction Certificate for civil works where it can be demonstrated all works are compatible.

[PCC0495]

15. A detailed plan of landscaping is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate.

[PCC0585]

16. A traffic control plan in accordance with AS1742 and RTA publication "Traffic Control at Work Sites" Version 2 shall be prepared by an RTA accredited person shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Safe public access shall be provided at all times.

[PCC0865]

17. The proponent shall submit plans and specifications with an application for construction certificate for the following roadworks with associated subsurface overland flow and piped stormwater drainage structures designed in accordance with Councils adopted Design and Construction specifications.

URBAN ROAD

- (a) Construction of roads 1 and 2 within the proposed development generally in accordance with Drawing No. 1355/05/SK1D prepared by Terranova Consulting Pty Ltd and dated 8/06.
- (b) Construction of a kerb and gutter and associated pavement widening from the face of the new kerb to the edge of the existing bitumen, for the full frontage of proposed Lots 4, 5 and 6 fronting Marana Street.

INTERSECTIONS

- (a) Construction of an intersection at the intersection of Marana Street and proposed Road 1 in accordance with AUSTRROADS Pt 5 "Intersections at Grade" giving particular attention to sight distance and approach/departure tapers.

[PCC0875]

18. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications for the following required works: -

- (a) Construction of kerb and gutter and associated pavement widening within Marana Street.

The above mentioned engineering plan submission must include copies of compliance certificates relied upon and details relevant to but not limited to the following: -

- Road works/furnishings
- Stormwater drainage
- Water and sewerage works
- Sediment and erosion control plans
- Location of all services/conduits
- Traffic control plan

[PCC0895]

19. Prior to the issue of a Construction Certificate the following detail in accordance with Councils adopted Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.

- (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/pavement design/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)

• Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 and Section 138 of the Roads Act to be certified by an Accredited Certifier.

- [PCC0985]
20. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be submitted to and approved by the Principal Certifying Authority PRIOR to the issue of a construction certificate.
The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of.

- [PCC1065]
21. Permanent stormwater quality treatment shall be provided in accordance with the following:
- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
 - (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils Development Design Specification D7 - Stormwater Quality.
 - (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management. Typical water sensitive features include infiltration, maximising permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.
 - (d) Stormwater treatment measures shall be provided in accordance with Development Design Specification D7 - Stormwater Quality to remove oil, sediment and nutrient pollutants from road runoff within

the subdivision. Water sensitive urban design (WSUD) measures such as swales and biofiltration may be used subject to satisfactory engineering design based on land slope, geotechnical conditions, and Council's stormwater quality objectives. All proprietary treatment devices must be sized in accordance with Clause D7.12. Full engineering details of the stormwater treatment train, including maintenance schedules, shall to be submitted with a separate s68 Stormwater Application, for approval prior to the issue of a Construction Certificate for the subdivision works.

[PCC1105]

22. 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.

[PCC1145]

23. Erosion and Sediment Control shall be provided in accordance with the following:
- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
 - (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

24. An application shall be lodged and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage or drainage works prior to the issue of a construction certificate.

[PCC1195]

25. Where water is to be drawn from Council's reticulated system, the proponent shall: -
- Make application for the hire of a Tweed Shire Council metered standpipe including Council's nomination of point of extraction.
 - Where a current standpipe approval has been issued application must be made for Council's nomination of a point of extraction specific to the development.
 - Payment of relevant fees in accordance with Council's adopted fees and charges.

- [PCC1205]
26. In accordance with Section 68 of the Local Government Act, application shall be made to Council for any proposed sewerage drainage system. Detail shall include hydraulic drawings, pipe sizes, details of materials and discharge temperatures.

[PCC1225]

PRIOR TO COMMENCEMENT OF WORK

27. The proponent shall locate and identify all existing underground services prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure including areas external to the development site where works are proposed.

[PCW0005]

28. Prior to commencement of work all actions or prerequisite works required at that stage, as required by other conditions or approved management plans or the like, shall be installed/operated in accordance with those conditions or plans.

[PCW0015]

29. 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.

[PCW0225]

30. Written approval for any application under Section 138 of the Roads Act 1993 is required prior to commencing works within the road reserve.

[PCW0705]

31. Subdivision work in accordance with a development consent must not be commenced until:-

- (a) a construction certificate for the subdivision work has been issued in accordance with Councils adopted Development Design and Construction Specification C101 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,
 - (ii) has appointed a Subdivision Works Accredited Certifier in accordance with Development Control Plan No. 16, Appendix C, and
 - (iii) 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.

[PCW0815]

32. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Subdivision Works Accredited Certifier shall be erected and maintained in a prominent position entry to the site in accordance with Councils adopted Development Design and Construction Specifications. The sign is to remain in place until the Subdivision Certificate is issued.

[PCW0825]

33. The proponent shall provide to the PCA copies of Public Risk Liability Insurance to a minimum value of \$10 Million for the period of commencement of works until the completion of the defects liability period.

[PCW0835]

34. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act 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.

[PCW0985]

35. Prior to the commencement of work on the stormwater system a site inspection is to be arranged with the Principal Certifying Authority to discuss site drainage.

[PCW0995]

36. The proponent shall notify Councils Engineering & Operations Division of intention to commence drawing water in accordance with the requirements of the approval to draw water.

[PCW1045]

37. 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.

[PCW1055]

38. It is the responsibility of the contractor to identify and locate all underground utility services prior to commencing works.

[PCW1165]

DURING CONSTRUCTION

39. All proposed works to be undertaken are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications.

[DUR0005]

40. During construction, all works required by other conditions or approved management plans or the like shall be installed and operated in accordance with those conditions or plans.

[DUR0015]

41. Construction of the right of carriageway serving both the low level and high level reservoirs to a 3.5m wide bitumen sealed standard, in accordance with the provision of DCP16 - Subdivision Manual and Councils Development Design and Construction Specification.

[DUR0055]

42. 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 General Manager or his delegate.
Such to specifically include the following:

- (a) 150 millimetres thick reinforced with F72 Mesh for residential development

Twenty four (24) hours notice is to be given to Council's Engineering & Operations Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the works and its reconstruction.

Paving bricks are not acceptable unless laid on a 100mm thick concrete base.

[DUR0065]

43. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -
Monday to Saturday from 7.00am to 7.00pm

No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

44. 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.

[DUR0215]

45. 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 General Manager or his delegate. Once the approved haul route has been identified, payment of the Heavy Haulage Contribution calculated in accordance with Section 94 Plan No 4 will be required prior to commencement of works. The haul route for the transportation of filling to the site shall be approved by Council prior to the commencement of filling operations.

[DUR0725]

46. All lots must be graded to prevent the ponding of surface water and be adequately vegetated to prevent erosion from wind and/or water to the satisfaction of the General Manager or his delegate. [DUR0745]
47. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped. [DUR0755]
48. Proposed earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments". [DUR0785]
49. The proposed earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with AS 3798. A certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798 shall be submitted to the Principal Certifying Authority upon completion. [DUR0795]
50. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties. [DUR0805]
51. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited. [DUR0815]
52. All fill and cut batters shall be obtained wholly within the subject land. [DUR0825]
53. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Councils adopted Design and Construction Specifications, DCP16 and DCP47 to the satisfaction of the Principal Certifying Authority.
Please note timber retaining walls are not permitted. [DUR0835]
54. All retaining walls proposed are to be constructed in accordance with the construction Certificate approval issued by the Principal Certifying Authority. [DUR0845]
55. 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. [DUR0865]
56. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council. [DUR0985]

57. 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. [DUR0995]
58. All work associated with this approval is to be carried out so as not to impact on the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -
- Noise, water or air pollution
 - Minimise impact from dust during filling operations and also from construction vehicles
 - No material is removed from the site by wind
- [DUR1005]
59. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. All such materials should be chipped on site and used in landscaping unless it is not possible due to size, non suitability of the material or some other limitation, in which case the material will be disposed of at Council's Stotts Creek depot. [DUR1015]
60. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development. [DUR1025]
61. Landscaping of the site shall be carried out in accordance with the submitted/approved landscaping plans. [DUR1045]
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 Marana Sreet in accordance with Councils adopted Development Design and Construction Specification. Twenty four (24) hours notice is to be given to Council's Engineering & Operations Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the works and its reconstruction. [DUR1735]
63. 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. [DUR1795]

64. 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 Tweed Shire Councils adopted Construction and Design Specification, D2.
 - (b) That the pavement materials to be used comply with the specifications tabled in Tweed Shire Councils adopted Design and Construction Specifications, C242-C245, C247, C248 and C255.
 - (c) That site fill areas have been compacted to the specified standard.
 - (d) 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.
- [DUR1805]
65. All proposed road/streets, drainage and associated works within the development shall be designed and constructed in accordance with the development consent plans AND the relevant provision of DCP No. 16 - Subdivisions Manual and Development Design and Construction Specifications, except where varied by the conditions of this consent.
- [DUR1815]
66. During the relevant stages of road construction, reports shall be submitted to the PCA by a Registered NATA Geotechnical firm demonstrating.
- (a) That the pavement layers have been compacted in accordance with Councils adopted Design and Construction Specifications.
 - (b) That pavement testing has been completed in accordance with Table 8.1 of AS 3798 including the provision of a core profile for the full depth of the pavement.
- [DUR1825]
67. The proponent 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.
- [DUR1845]
68. Pram ramps are to be constructed at road intersections in accordance with Council's Standard Drawing No. SD 014 within all kerb types including roll top kerb.
- [DUR1855]
69. The footpath area is to be graded to the kerb and turfed for the full frontage of the site.
- [DUR1865]
70. 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 in accordance with Councils adopted Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1875]

71. The proponent shall comply with all requirements tabled within any approval issued under Section 138 of the Roads Act.

[DUR1885]

72. Tweed Shire Council shall be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with Appendix D, DCP16 - Subdivisions Manual based on the rates contained in Council's current Fees and Charges:-

Roadworks

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

Water Reticulation, Sewer Reticulation, Drainage

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

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

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".

[DUR1895]

73. The written consent of the registered proprietors of adjoining land, where the said works encroach thereon is to be submitted to Council prior to works commencing.

[DUR2005]

74. The contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times.

[DUR2015]

75. The works are to be completed in accordance with Council's Development Control Plans and Design & Construction Specifications, including variations to the approved drawings as may be required due to

insufficient detail shown on the drawings or to ensure that Council policy and/or good engineering practices are achieved.

[DUR2025]

76. 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.

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.

[DUR2035]

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

[DUR2285]

78. All stormwater from roofed and paved areas are to be connected directly into road drainage pits where available kerb and gutter or inter allotment drainage line where provided.

All drainage systems shall comply with AS 3500.

[DUR2305]

79. 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. Drainage must be installed and operational prior to commencement of any building work.

[DUR2325]

80. 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 in accordance with Councils adopted Design and Construction Specification.

[DUR2355]

81. All stormwater discharged from the site including dewatering discharge is to be directed to a sediment pond prior to final discharge into any waterway in accordance with Council adopted Design and Construction Specifications.

[DUR2365]

82. 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.

[DUR2375]

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

[DUR2395]

84. Prior to any works commencing, appropriate measures are to be put in place to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up prior to cessation of same days work and/or commencement of any rain event.

[DUR2405]

85. During construction, a "satisfactory inspection report" is required to be issued by Council for all s68h2 permanent stormwater quality control devices, prior to backfilling. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection.

[DUR2445]

86. All water drawn from Councils reticulated system 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.

[DUR2575]

87. No filling is to be placed hydraulically within twenty metres (20m) of any boundary that adjoins private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically. No filling of any description is to be deposited, or remain deposited, within adjacent properties.

[DUR0765]

88. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads.

[DUR2415]

89. The burning off of trees, associated vegetation felled by clearing operations, and building waste is prohibited.

[DURNS01]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

90. Prior to issue of a subdivision certificate, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

[PSC0005]

91. 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 (minimum \$1,000) which will be held by Council for a period of 6 months from the date on which the Subdivision Certificate is issued. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

[PSC0215]

92. Prior to the issue of a Subdivision Certificate, a maintenance bond equal to 25% of the contract value of the footpath construction works shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths are built on.

Alternatively, the developer may elect to pay a cash contribution to the value of the footpath construction 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.

[PSC0225]

93. 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.

[PSC0235]

94. All landscaping requirements shall be completed to the satisfaction of the General Manager or his delegate PRIOR to the issue of a Subdivision Certificate.

[PSC0485]

95. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the General Manager or his delegate PRIOR to the issue of a Subdivision Certificate. 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.

[PSC0725]

96. Prior to the issue of a Subdivision Certificate, Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual and Councils adopted Design and Construction Specification.

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

- (a) all drainage lines, sewer lines and structures are wholly contained within the drainage easement created by the subdivision;
- (b) 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.

[PSC0735]

97. 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.

[PSC0825]

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:

- (a) Easements for sewer, water supply and drainage over ALL services on private property.
- (b) No building or buildings shall be erected on each lot burdened unless a 10,000L rainwater storage tank is installed providing 5,000L capacity for water reuse and 5,000L for peak stormwater flow mitigation where a slow release pipe outlet is to be installed at a depth equivalent to 5,000L from the top of the tank.

Water collected in the rainwater tank is to be used for toilet flushing, outdoor water use, including the watering of gardens, lawns and washing of motor vehicles. If the water is used for drinking purposes then a first flush bypass device must be installed.

The water tank must be mosquito proof and fitted with screens and access hatches to prevent the entry of children, animals or sediment.

Tanks must comply with Council's Rainwater Tank Policy and the NSW Department of Planning BASIX requirements.

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.

[PSC0835]

99. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council with the application for Subdivision Certificate.

[PSC0855]

100. 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 Council within three months of registration of the Subdivision Certificate in accordance with the Survey Practices Regulation.

[PSC0865]

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

The following information must accompany an application:

- (a) 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 in accordance with the current Fees and Charges applicable at the time of lodgement.
- (b) all detail as tabled within DCP16, CL 7.6 and Councils Application for Subdivision Certificate including the attached notes.

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.

[PSC0885]

102. 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:-

- (a) Compliance Certificate - Roads
- (b) Compliance Certificate - Water Reticulation
- (c) Compliance Certificate - Sewerage Reticulation
- (d) Compliance Certificate - Drainage

Note:

- 1. All compliance certificate applications must be accompanied by documentary evidence from the developers Subdivision Works Accredited Certifier (SWAC) 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 Councils adopted Design and Construction Specifications.
- 2. 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".

[PSC0915]

103. The six (6) months Defects Liability Period commences upon the registration of the Subdivision Certificate.

[PSC0925]

104. Compliance with the conditions of the development consent and the construction certificate is required prior to the issue of a subdivision certificate.

[PSC0935]

105. 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 and sewerage system including joints and junctions 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 in accordance with Councils adopted Development Design and Construction Specification.

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

[PSC1065]

106. Prior to issuing a Subdivision Certificate, reticulated water supply and outfall sewerage reticulation shall be provided to all lots within the subdivision in accordance with DCP16 - Subdivisions Manual, Councils adopted Development Design and Construction Specifications and the Construction Certificate approval.

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.

[PSC1115]

107. The production of written evidence from the local telecommunications supply authority certifying that satisfactory arrangements have been made for the provision of underground telephone supply.

[PSC1165]

108. Electricity

- (a) The production of written evidence from the local electricity supply authority certifying that reticulation of underground electricity (residential and rural residential) has been completed; and
- (b) 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.

[PSC1185]

109. 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.

A Subdivision Certificate shall NOT be issued unless the Certifying Authority is satisfied provisions pursuant to Section 109J of the EP&A Act, 1979 have been complied with and the Certifying Authority has sighted Councils contributions sheet and 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:	Stage 1	5 lots @ \$10,864	\$54,320
	Stage 2	69 lots @ \$10,864	\$749,616
Sewer:	Stage 1	5 lots @ \$2863	\$14,315
	Stage 2	69 lots @ \$2863	\$197,547

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.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED 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.

[PSC0165]

110. Section 94 Contributions

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.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT

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: S94 Plan No. 4 (Version 4.0) Sector 4 - Bilambil Heights	\$21,965
(b) Open Space (Structured): S94 Plan No. 5	\$3,900
(c) Street Trees: S94 Plan No. 6	\$1,485
(d) Shirewide Library Facilities: S94 Plan No. 11	\$3,440
(e) Bus Shelters: S94 Plan No. 12	\$130
(f) Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$655
(g) Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$1,000
(h) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$6,344
(i) Cycleways S94 Plan No. 22	\$1,760

(j) Regional Open Space (Structured) S94 Plan No. 26	\$11,635
(k) Regional Open Space (Casual) S94 Plan No. 26	\$4,275
<u>Stage 2</u>	
(a) Tweed Road Contribution Plan: S94 Plan No. 4 (Version 4.0) Sector 4 - Bilambil Heights	\$303,119
(b) Open Space (Structured): S94 Plan No. 5	\$53,820
(c) Street Trees: S94 Plan No. 6	\$20,493
(d) Shirewide Library Facilities: S94 Plan No. 11	\$47,472
(e) Bus Shelters: S94 Plan No. 12	\$1,794
(f) Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$9,039
(g) Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$13,800
(h) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$87,547.20
(i) Cycleways S94 Plan No. 22	\$24,288
(j) Regional Open Space (Structured) S94 Plan No. 26	\$160,563
(k) Regional Open Space (Casual) S94 Plan No. 26	\$58,995

[PSC0175]

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

1. A restriction as to user shall be placed on all lots within each stage of the subdivision that the lots cannot be released for sale until they are hazard reduced so that all proposed lots have the vegetation managed as an "Outer Protection Area" (OPA) as outlined within Section 4.2.2 in Planning for Bushfire Protection, 2001. The restriction to user shall also require that the land be maintained as an OPA until development occurs.
2. As staging of the development is proposed it is advised that each stage is to be provided with an APZ in accordance with "Planning for Bushfire

Protection, 2001" and a temporary turning circle until the next stage is developed. In particular as the area to the west contains vegetation and will be developed at a later date, the proposed lots adjoining this area to the west shall be provided with an Asset Protection Zone appropriate to the vegetation and slope as outlined within "Planning for Bushfire Protection 2001".

3. Hydrants shall be located and installed as per AS2419, so that any proposed dwelling is not located greater than 90 metres from the nearest hydrant. Locations of fire hydrants are to be delineated by blue pavement markers offset 100mm from the centre of the road. The direction of offset shall indicate on which side of the road the hydrant is located.
4. The proposed public access road shall have a minimum pavement width of 8m and services should be located outside of parking reserves to ensure accessibility to reticulated water for fire suppression. All provisions for public access roads, other than where modified by the above provisions, detailed within Section 4.3.1 of "Planning for Bushfire Protection 2001" shall be complied with.

FOR VOTE - Unanimous

P8 [PD-PC] Section 96 Application DA05/0308.01 for Amendment to Development Consent DA05/0308 for Staged Residential Subdivision (3 Stages) Comprising 89 Single Dwelling Lots, 7 Duplex Blocks, 1 Drainage Reserve, 1 Residue Lot & 2 Public Reserves at Lot 13

P 187 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Section 96 Application DA05/0308.01 for Amendment to Development Consent DA05/0308 for Staged Residential Subdivision (3 Stages) Comprising 89 Single Dwelling Lots, 7 Duplex Blocks, 1 Drainage Reserve, 1 Residue Lot & 2 Public Reserves at Lot 13 DP 793985; Lot B DP 368706; Lot 1 DP 392245, Barnby Street, Murwillumbah be amended as follows: -

Delete Condition 1 and replace with Condition1A that reads as follows:

- 1A. The development shall be completed in accordance with the Statement of Environmental Effects and the following Plan Nos: -
 - Drawing Number 7214/6/1 DA Figure 3 Revision H prepared by Cardno MBK and dated 19 September 2006;
 - Drawing Number 7214/6/1 DA Figure 4 Revision E prepared by Cardno MBK and dated May 2006;
 - Drawing Number 7214/06/1 DA Figure 10 Revision B prepared by Cardno MBK and dated August 2004;

- Drawing Number 7214/06 DA Figure 13 Revision B prepared by Cardno MBK and dated January 2005;
- Drawing Number 7214/06 DA Figure 14 Revision A prepared by Cardno MBK and dated November 2003;
- Drawing Number 7214/06/01 DA Figure 17 Revision B prepared by Cardno MBK and dated January 2005;
- Drawing Number 7214/06 DA Figure 18 Revision B prepared by Cardno MBK and dated August 2004;

except where varied by the conditions of this consent.

[GEN0005]

Delete Condition 22 and replace with Condition 22A that reads as follows:

22A. Construction of the connection road linking Joshua Street to Road 2, as part of the Stage 1 works. The proposal to construct this link to a rural road standard in accordance with the requirements of DCP16, and to have this section of road created as a dedicated temporary road, is acceptable as a temporary measure (until further development and/or a rezoning occurs over the residual portion of the site), however this is a permanent link and is required for immediate and permanent use by the public. This section of road must be designed to cater use as a bus route, make provision for a cycleway, and must also provide traffic control devices to ensure traffic speeds reflect the 50 kph speed limit.

[PCCNS01]

Delete Condition 23 and replace with Condition 23A that reads as follows:

23A. The Subdivision Certificate for Stage 3 (Phase 2) will not be issued until satisfactory arrangements have been made with Council regarding construction of the new road connection between Francis Street and Road 2, generally as shown on Plan 7214/6/1-DA FIG 3.
This condition will be deemed to be satisfied upon payment by the applicant to Council of 50% of the construction cost of the above-mentioned road connection. Construction costs shall be fully itemised and based on engineering design plans for a two lane rural road standard of construction. The road shall be designed for use as a bus route, with provisions for a cycleway and traffic control devices to ensure traffic speeds reflect the 50 kph speed limit

[PCCNS01]

Delete Condition 25 and replace with Condition 25A that reads as follows:

25A. A bus route through the site shall be established as part of the Stage 1 works. The engineering plans will need to demonstrate that buses can negotiate all relevant intersections along the designated bus route”

[PCCNS01]

Delete Condition 30 and replace with Condition 30A that reads as follows:

30A. The section of Road 3 shown as Temporary Public Road shall be fully

constructed to urban road standards and dedicated as public road, up to the intersection with Road 2, as part of the Stage 3 works.

[PCCNS01]

Delete Condition 31

Delete Condition 32 and replace with Condition 32A that reads as follows:

32A. All roads and lots are to be filled to a minimum of RL 5.1m AHD. This is exclusive of roads created as "Temporary public Road", however such roads will need to be raised to the minimum level of RL 5.1m AHD prior to them being dedicated as public road."

[PCCNS01]

Delete Condition 34 and replace with Condition 34A that reads as follows:

34A. The removal and subsequent reconstruction of access driveways to house numbers 45 and 49 Barnby Street as follows: -

- (a) Provision of a new concrete driveway to Number 45 generally as per Plan 7214/06.
- (b) Provision of a new concrete driveway to Number 49 to come off Road 4, in the vicinity of chainage 40 or relocated to the south of the existing access point on Barnby Street
- (c) Access to both above-mentioned dwellings shall be maintained at all times, even during the construction phase.

[PCCNS01]

Delete Condition 37 and replace with Condition 37A that reads as follows:

37A. The sediment pond(s) for Stage 1 and/or a bulk earthworks approval, may be located within the proposed Drainage Reserve area. This is on the proviso that prior to completion of the relevant works, an additional sediment pond(s) shall be constructed so as to ensure adequate treatment of construction site runoff prior to discharge to receiving waters.

[PCCNS01]

Delete the first Condition 49 and replace with Condition 49A that reads as follows:

49A. Prior to issue of a Construction Certificate the applicant is to provide evidence to Council that Lot 229 can achieve a 20m Inner Protection Area while still accommodating a dual occupancy. Failure to satisfy this condition will result in Lot 229 not being a nominated dual occupancy allotment.

[PCCNS02]

Delete the first Condition 75 and replace with Condition 75A that reads as follows:

75A. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. All such materials should be either;

- a) Chipped on site and used in landscaping unless it is not possible due to size, non suitability of the material or some other limitation, in which case

the material will be disposed of at Council's Stotts Creek depot, or

- b) Milling of tree logs is permissible, provided that the mill is only a temporary mill used during the relevant stage of construction, and that the mill is only used for timber won from the development site. Should the activity be deemed a noise nuisance, as determined by the Environment & health Services Unit, the activity will cease immediately until rectified.

[DUR1015]

Delete the first Condition 103 and replace with Condition 103A that reads as follows:

- 103A. Implementation of the Stormwater Management Plan by Gilbert and Sutherland dated October 2004 and/or including any amendments subsequently approved by Council.

[DURNS01]

Delete Conditions 105 & 106 and replace with the following new conditions 105A and 106A as follows:

- 105AA 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 DSP2:	25.4 ET @ \$4230	\$107,442
Sewer Murwillumbah:	26 ET @ \$2634	\$68,484

Stage 2

Water DSP2:	36 ET @ \$4230	\$152,280
Sewer Murwillumbah:	36 ET @ \$2634	\$94,824

Stage 3

Water DSP2:	31 ET @ \$4230	\$131,130
Sewer Murwillumbah:	31 ET @ \$2634	\$81,654

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.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED 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.

[PCC0265/PSC0165]

106A Section 94 Contributions

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.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

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: S94 Plan No. 4 (Version 4.0) Sector9_4	\$56,145
b. Open Space (Structured): S94 Plan No. 5	\$20,280
c. Street Trees: S94 Plan No. 6	\$7,722.00
d. Shirewide Library Facilities: S94 Plan No. 11	\$17,888
e. Bus Shelters: S94 Plan No. 12	\$676

f.	Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$3,406
g.	Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$5,200
h.	Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$32,988.80
i.	Cycleways S94 Plan No. 22	\$9,152
j.	Regional Open Space (Structured) S94 Plan No. 26	\$60,502
k.	Regional Open Space (Casual) S94 Plan No. 26	\$22,230

Stage 2

a.	Tweed Road Contribution Plan: S94 Plan No. 4 (Version 4.0) Sector9_4	\$69,697
b.	Open Space (Structured): S94 Plan No. 5	\$28,080
c.	Street Trees: S94 Plan No. 6	\$10,692.00
d.	Shirewide Library Facilities: S94 Plan No. 11	\$24,768
e.	Bus Shelters: S94 Plan No. 12	\$936
f.	Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$4,716
g.	Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$7,200
h.	Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$45,676.80
i.	Cycleways S94 Plan No. 22	\$12,672
j.	Regional Open Space (Structured) S94 Plan No. 26	\$83,772
k.	Regional Open Space (Casual) S94 Plan No. 26	\$30,780

Stage 3

a.	Tweed Road Contribution Plan: S94 Plan No. 4 (Version 4.0) Sector9_4	\$60,017
b.	Open Space (Structured): S94 Plan No. 5	\$24,180
c.	Street Trees: S94 Plan No. 6	\$9,207.00
d.	Shirewide Library Facilities: S94 Plan No. 11	\$21,328
e.	Bus Shelters: S94 Plan No. 12	\$806
f.	Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$4,061
g.	Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$6,200
h.	Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$39,332.80
i.	Cycleways S94 Plan No. 22	\$10,912
j.	Regional Open Space (Structured) S94 Plan No. 26	\$72,137
k.	Regional Open Space (Casual) S94 Plan No. 26	\$26,505

[PCC0215/PSC0175]

FOR VOTE - Unanimous

P9 [PD-PC] Section 96 Application T4/2470.07 for Amendment to Development Consent T4/2470 for the Erection of 40 Townhouses at Lot 1 DP 781638, Seaview Road, Banora Point

P 188 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Willan**

RECOMMENDED that Section 96 Application T4/2470.07 for amendment to Development Consent T4/2470 for the erection of 40 townhouses at Lot 1 DP

781638, Seaview Road, Banora Point be approved subject to the following amendments to T4/2470 as originally issued by the Court: -

1. Create a new condition 1A (to appear before condition 1) to read as follows:
 - 1A. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos:
 - 0024 WD.01 prepared by Peter Hollamby Architect and dated May 2006 and
 - 0024 SK.02 through to 0024 SK.23 prepared by Peter Hollamby and dated March 2006,

except where varied by the conditions of this consent.

[GEN0005]

2. Delete condition 7 regarding headwork's charges and replace with a new condition 7A to read as follows:
 - 7A. 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:	35 ET @ \$4598	\$160,930
Sewer Banora:	35 ET @ \$2863	\$100,205

NOTE: Only 35 ET's have been charged as the applicant has already paid for Units 1-5 inclusive.

These charges are valid for the date of issue of this S96 Amendments and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED 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.

[PCC0265/PSC0165]

3. Delete condition 9 regarding the need for a Building Application and replace with a new condition 9A to read as follows:

9A. Prior to the issue of a Construction Certificate the following detail in accordance with Councils adopted Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.

- copies of compliance certificates relied upon
- four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
 - earthworks
 - roadworks/pavement design/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)

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 and Section 138 of the Roads Act to be certified by an Accredited Certifier.

[PCC0985

FOR VOTE - Unanimous

P10 [PD-PC] Cabarita Beach/Bogangar Locality Plan and Pandanus Parade Master Plan

The following person(s) addressed the Planning Committee on this matter:

Mr Terry Kane

P 189 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Willan**

RECOMMENDED that Council:

1. Pursuant to Clause 18 of the Environmental Planning and Assessment Regulation 2000, exhibits the draft Cabarita Beach/Bogangar Locality Plan as prepared by City Plan Services for a period of no less than 90 days.
2. Exhibits the two (2) identified draft Master Plan options for Pandanus Parade prepared by City Plan Services for a period of no less than 90 days.
3. Prepares a summary outline of the options for Pandanus Parade and key points of the Locality Plan which are to be provided together with the Draft Locality Plan and Master Plan at the time they are placed on exhibition.

FOR VOTE - Unanimous

P11 [PD-PC] Review of Determination of Development Application DA04/1024 for Multi Dwelling Housing Comprising Four Dwellings at Lot 1 DP 1058988, No. 70 Adelaide Street, Tweed Heads

The following person(s) addressed the Planning Committee on this issue:

Mr Ian Manwaring
Ms Teresa Lavendar on behalf of Mr John Kayser

P 190 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Willan**

RECOMMENDED that:

- A. State Environmental Planning Policy No. 1 objections to Clause 16 of the Tweed Local Environmental Plan 2000 regarding the height of the building be supported and the concurrence of the Director-General of the Department of Planning be assumed for the following reasons: -
 - The development presents predominantly as two storey to Adelaide Street;
 - The building retains as far as practical, view sharing with neighbouring properties;
 - The density of the building is compatible with the existing urban environment;
 - The development attains the objectives of the Residential 2(a) land use zoning under the Tweed Local Environmental Plan 2000; and
 - The development achieves the relevant performance objectives of Development Control Plan No. 6 - Multi-Dwelling Housing and Development Control Plan No. 18 - Tweed Heads.

- B. Review of Determination of Development Application DA04/1024 for multi dwelling housing comprising four dwellings at Lot 1 DP 1058988, No. 70 Adelaide Street, Tweed Heads be approved subject to the following conditions: -

"DEFERRED COMMENCEMENT"

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "A". Such evidence is to be provided within twelve (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. All remediation works shall be carried out in accordance with the *Site Remediation & Validation - Removal of Lead-Impacted Soil prepared by HMC Environmental Services dated April 2005 (Report No. 2003.53b)* or to the written satisfaction of a NSW EPA Accredited Site Auditor.

On completion of remediation works and prior to any other works commencing on the site, a Validation Report prepared by a suitably qualified consultant shall be submitted to a NSW EPA Accredited Site Auditor for review prior to a Site Audit Statement being issued. A copy of the report must be made available to Council at this time.

On completion of remediation works and validation testing, and prior to any other works commencing on the site, a Site Audit Statement shall be prepared by a NSW EPA Accredited Site Auditor confirming that the site has been remediated and made suitable for the intended use. A copy of the statement must be made available to Council at this time.

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 accordance with the Statement of Environmental Effects and Plan Nos:
 - 20Ade04 - Site 01 (Issue a) '*Site Plan*' prepared by Will Collins Design and dated 11 April 2006;
 - 20Ade04 - Site 02 (Issue a) prepared by Will Collins Design and

dated 11 April 2006;

- 20Ade04 - Site 03 (Issue a) 'Driveway Section' prepared by Will Collins Design and dated 11 April 2006;
- 20Ade04 - Site 04 (Issue a) 'Sth West Site Elevation' prepared by Will Collins Design and dated 11 April 2006;
- 20Ade04 - Site 01 'Lot 1 Ground Floor Plan' prepared by Will Collins Design and dated 1 June 2005;
- 20Ade04 - Site 02 'Lot 1 First Floor Plan' prepared by Will Collins Design and dated 1 June 2005;
- 20Ade04 - Site 03 'Lot 1 Second Floor Plan' prepared by Will Collins Design and dated 1 June 2005;
- 20Ade04 - Site 04 'Lot 1 Elevations 1 & 2' prepared by Will Collins Design and dated 1 June 2005;
- 20Ade04 - Site 05 'Lot 1 Elevations 3 & 4' prepared by Will Collins Design and dated 1 June 2005;
- 20Ade04 – Lots 2&3 (Issue 01a) 'Lots 2 & 3 Ground Floor Plan' prepared by Will Collins Design and dated 11 April 2006;
- 20Ade04 – Lots 2&3 (Issue 02a) 'Lots 2 & 3 First Floor Plan' prepared by Will Collins Design and dated 11 April 2006;
- 20Ade04 – Lots 2&3 (Issue 03a) 'Lots 2 & 3 Elevations 1 & 2' prepared by Will Collins Design and dated 11 April 2006;
- 20Ade04 – Lots 2&3 (Issue 04a) 'Lots 2 & 3 Elevations 3 & 4' prepared by Will Collins Design and dated 11 April 2006;
- 20Ade04 – Lot 4 (Issue 01a) 'Lot 4 Ground & Lower Floor Plan' prepared by Will Collins Design and dated 10 March 2006;
- 20Ade04 – Lot 4 (Issue 02a) 'Lot 4 Elevations 1 & 4' prepared by Will Collins Design and dated 10 March 2006;
- 20Ade04 – Lot 4 (Issue 03a) 'Lot 4 Elevation 2' prepared by Will Collins Design and dated 10 March 2006;
- SLI_01_Ver.C (Sheet 1 of 1) 'Landscape Plan' prepared by Planit Consulting and dated May 2006;

except where varied by the conditions of this consent.

[GEN0005]

2. 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.

[GEN0045]

3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]

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

[GEN0135]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. Any car parking floodlighting shall not spill beyond the boundaries of the site. Lighting shall comply with AS 4282 and other relevant Australian Standards. A plan of the lighting shall be approved by the Principal Certifying Authority PRIOR to the issue of a Construction Certificate.

[PCC0055]

6. Section 94 Contributions

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.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT

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

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

(a) Tweed Road Contribution Plan: S94 Plan No. 4 (Version 4.0) Sector1_4	\$1,803
(b) Open Space (Structured): S94 Plan No. 5	\$1,260
(c) Open Space (Casual): S94 Plan No. 5	\$269
(d) Shirewide Library Facilities: S94 Plan No. 11	\$1,112
(e) Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$229

(f) Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$324
(g) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$2,049.37
(h) Cycleways S94 Plan No. 22	\$568
(i) Regional Open Space (Structured) S94 Plan No. 26	\$3,757
(j) Regional Open Space (Casual) S94 Plan No. 26	\$1,381

[PCC0215]

7. 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:	2.2 ET @ \$4598	\$10,116
Sewer Tweed Heads:	3 ET @ \$6688	\$20,064

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT

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.

[PCC0265]

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

The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the General Manager or his delegate.

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

[PCC0275]

9. All imported fill material shall be from an approved source. Prior to the issue of a construction certificate details of the source of fill, documentary evidence that the fill material is free of any contaminants and haul route shall be submitted to Tweed Shire Council for approval.

[PCC0465]

10. A traffic control plan in accordance with AS1742 and RTA publication "Traffic Control at Work Sites" Version 2 shall be prepared by an RTA accredited person shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Safe public access shall be provided at all times.

[PCC0865]

11. The footings and floor slab are to be designed by a practising Structural Engineer after consideration of a soil report from a NATA accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0945]

12. Permanent stormwater quality treatment shall be provided in accordance with the following:
- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
 - (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 - Stormwater Quality*.
 - (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management. Typical water sensitive features include infiltration, maximising permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.
 - (d) Specific Requirements to be detailed within the Construction certificate application include:
 - (i) Runoff from driveway, exposed car parking and hardstand landscaping areas must be treated to remove oil and sediment pollutants prior to discharge to the public realm. Permanent treatment devices must be sized in accordance with Section

D7.12 of Council's Development Design Specification D7 - Stormwater Quality. Full engineering details of all treatment devices, including maintenance schedules, must be submitted with a s68 Stormwater Application for approval prior to the issue of a Construction Certificate.

- (ii) A dedicated combined car wash bay/visitor space must be constructed of durable permeable material, or be graded to direct runoff to grassed filter strips or pervious landscaping.

[PCC1105]

13. A construction certificate application for works that involve any of the following:-
- connection of a private stormwater drain to a public stormwater drain
 - installation of stormwater quality control devices
 - erosion and sediment control works

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

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

[PCC1145]

14. Erosion and Sediment Control shall be provided in accordance with the following:
- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
- (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

15. An application shall be lodged and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage or drainage works prior to the issue of a construction certificate.

[PCC1195]

16. a) All stormwater shall be discharged from the development via connection into the existing field inlet located in the south-western corner of the site.
- b) A block and mortar wall shall be constructed along the vicinity of the southern boundary of the site to prevent overland flow from the site from entering into neighbouring Lot 2 DP1058988. A freeboard

- of no less than 300mm shall be provided.
17. a) Construction Certificate drawings shall make provisions for the regrading of the subject site in accordance with Council's Development Control Plan 47 "Cut and Fill on residential Land " or to the satisfaction of the Director Engineering and Operations Division.
 - b) The retaining wall proposed along the south western boundary shall be located a minimum offset of 500mm from the property boundary, with appropriately sized drainage contained along the top of the retaining wall and a maximum height of 3.0m.
 - c) All other retaining walls shall be in accordance with the provisions of Council's Development Control Plan 47 "Cut and Fill on Residential Land", whereby any retaining wall greater than 900mm in height shall have a minimum offset of 900mm from the property boundary, with a maximum height of 2.5m.
18. All retaining walls in excess of 1.2m are to be designed by a suitably qualified geotechnical / structural engineer in accordance with AS4678 - 2002 - Earth Retaining Structures. A report that details compliance with the design provisions of this standard is to accompany the Construction Certificate drawings.
 19. Prior to the issuing of a Construction Certificate, a full geotechnical assessment of the site is to be carried out and a report submitted to Council for approval. The report must include recommendations relating to site stability and suitability, proposed on-site excavation works including temporary and permanent retention methods proposed for the protection of adjacent structures, foundation design parameters, construction theories, as well as any other geotechnical matters of relevance relating to the proposed development.
 20. Ground anchors to retain sacrificial sheet piling (as required) will not be allowed within Council property without prior approval for installation by the Director Engineering and Operations Division and removal on completion or substantial financial compensation. Council will only allow ground anchors with neighbouring private property if consent by the owners of the property to be burdened is obtained prior to installation.
 21. Engineering Plans and specifications to accompany the Construction Certificate application shall provide for a stormwater drainage network that:
 - i. *Incorporates the provisions of the approved Section 68 Application (SWD03/0623) associated with Development Application DA03/0303.*
 - ii. *The driveway shall be shaped to ensure safe conveyance of overland flow through the site. A block wall, minimum height*

600mm shall be constructed along the northern edge of the driveway.

PRIOR TO COMMENCEMENT OF WORK

22. The proponent shall locate and identify all existing underground services prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure including areas external to the development site where works are proposed.
23. The erection of a building in accordance with a development consent must not be commenced until: [PCW0005]
- (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
 - (c) 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
 - (d) 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.
24. 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. [PCW0215]
- [PCW0225]

25. Residential building work:
- (a) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
in the name and licence number of the principal contractor,
and
the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
the name of the owner-builder, and
if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
 - (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0235]

26. 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

[PCW0245]

27. 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.

[PCW0255]

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

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

[PCW0775]

29. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act 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.

[PCW0985]

30. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. Note All roof

water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the Principal Certifying Authority prior to commencement of building works.

[PCW1005]

31. 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.

[PCW1065]

DURING CONSTRUCTION

32. All proposed works to be undertaken are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications.

[DUR0005]

33. 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 General Manager or his delegate. Such to specifically include the following:

- (a) 150 millimetres thick reinforced with F72 Mesh for residential development,

Twenty four (24) hours notice is to be given to Council's Engineering & Operations Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the works and its reconstruction.

Paving bricks are not acceptable unless laid on a 100mm thick concrete base.

[DUR0065]

34. The provision of eight (8) off street car parking spaces including parking for the disabled where applicable. A minimum of two (2) unburdened spaces shall be marked as visitor spaces and maintained accordingly. One of the visitor spaces shall be a combined car wash bay and must be marked and maintained accordingly. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls, the Building Code of Australia and AS 2890.

[DUR0085]

35. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -
Monday to Saturday from 7.00am to 7.00pm

No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

36. 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.
- [DUR0215]
37. The roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of the buildings with direct line of sight to the proposed building.
- [DUR0245]
38. 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 was made).
- [DUR0375]
39. 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.
- [DUR0395]
40. 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.
- [DUR0405]
41. The finished floor level of the building should finish not less than 225mm above finished ground level.
- [DUR0445]
42. No filling to is be placed hydraulically within twenty metres (20m) of any boundary that adjoins private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.
No filling of any description is to be deposited, or remain deposited, within adjacent properties.
- [DUR0765]

43. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited. [DUR0815]
44. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Councils adopted Design and Construction Specifications, DCP16 and DCP47 to the satisfaction of the Principal Certifying Authority.
Please note timber retaining walls are not permitted. [DUR0835]
45. All new residential dwellings are to fully comply with Councils Energy Smart Housing Policy (DCP39). [DUR0915]
46. Provision to be made for the designation of one (1) durable and pervious car wash-down area. The area must be identified for that specific purpose and be supplied with an adequate water supply for use within the area. Any surface run-off from the area must not discharge directly to the stormwater system. [DUR0975]
47. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council. [DUR0985]
48. All work associated with this approval is to be carried out so as not to impact on the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -
- Noise, water or air pollution
 - Minimise impact from dust during filling operations and also from construction vehicles
 - No material is removed from the site by wind
- [DUR1005]
49. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited without the written approval of the NSW Rural Fire Service or NSW Fire Brigade. A copy of such approval is to be submitted to Council prior to commencing any burning activities. [DUR1015]
50. Landscaping of the site shall be carried out in accordance with the approved landscaping plans. [DUR1045]
51. 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 Adelaide Street in accordance with Councils adopted Development Design and Construction Specification.

Twenty four (24) hours notice is to be given to Council's Engineering & Operations Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the works and its reconstruction.

[DUR1735]

52. 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.

[DUR1795]

53. The proponent 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.

[DUR1845]

54. 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 in accordance with Councils adopted Design and Construction Specifications prior to any use or occupation of the buildings.

[DUR1875]

55. The proponent shall comply with all requirements tabled within any approval issued under Section 138 of the Roads Act.

[DUR1885]

56. 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.

[DUR1905]

57. 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.

[DUR1955]

58. 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.

[DUR2185]

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

[DUR2195]

60. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of

garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary.

[DUR2205]

61. 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.

[DUR2375]

62. Appropriate measures are to be put in place during the construction period to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up prior to cessation of same days work and/or commencement of any rain event.

[DUR2405]

63. During construction, a "satisfactory inspection report" is required to be issued by Council for all s68h2 permanent stormwater quality control devices, prior to backfilling. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection.

[DUR2445]

64. 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.

[DUR2485]

65. Plumbing

- (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.

[DUR2495]

66. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.

[DUR2505]

67. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.

[DUR2545]

68. 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:-

- * 45⁰C 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.

[DUR2555]

69. Where two (2) or more premises are connected by means of a single water service pipe, individual water meters shall be installed to each premise beyond the single Council water meter (*unless all the premises are occupied by a single household or firm*).

[DUR2615]

70. A Sewer manhole is present on this site. This manhole is not to be covered with soil or other material.

Should additional fill be proposed in the area of the sewer manhole application shall be made to Council's Engineering & Operations Division for the raising of the manhole.

[DUR2655]

71. No retaining walls or similar structures are to be constructed over or within the zone of influence of Council's sewer main.

[DUR2705]

72. The burning off of trees, associated vegetation felled by clearing operations, and building waste is prohibited.

[DURNS01]

73. Lot 2 shall be fully rehabilitated to its original condition upon completion of the works associated with the installation of the sewer infrastructure within the existing easement for services within Lot 2, at the expense of the owner of Lot 1.

[DURNS02]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

74. Prior to issue of an occupation certificate, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

75. A person must not commence occupation or use of the whole or any part of a new building or structure (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).
[POC0205]
76. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.
[POC0475]
77. Redundant road pavement, kerb and gutter or foot paving including and existing disused vehicular laybacks/driveways or other special provisions shall be reinstated in accordance with Councils adopted Development Design and Construction Specifications.
[POC0755]
78. Prior to the issue of an occupation certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all s68h2 permanent stormwater quality control devices.
[POC0985]
79. Prior to the issue of an occupation certificate, documentary evidence must be provided to Council to confirm registration of the amendment of the existing 88B instrument for DP1058988 to include reference to sewer infrastructure within Lot 2, benefiting Lot 1. The 88B instrument is also to be amended to nominate Tweed Shire Council as the sole benefiting authority empowered to release, vary or modify the easement.
[POCNS02]

USE

80. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
[USE0125]
81. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised, notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive noise.
[USE0175]
82. All external artificial lighting shall be shielded where required to the satisfaction of Councils General Manager or his delegate to ensure that the spill of light or glare from such lighting does not create a nuisance to any adjoining or neighbouring premises.
[USE0205]
83. The use being restricted to the floor area designated on the approved plan.
[USE0415]

84. 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.

[USE0435]

85. All landscaping work is to be maintained in general accordance with the approved landscape plan.

[USE0735]

86. Appropriate arrangements to the satisfaction of Council's Director of Environment and Community Services shall be provided for the storage and removal of garbage and other waste products.

[USENS01]

FOR VOTE - Unanimous

P12 [PD-PC] Draft Tweed Local Environmental Plan 2000, Amendment No 81

P 191 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Council abandons the pursuance of Tweed Local Environmental Plan 2000, Amendment No 81 - Heights of Buildings, Hastings Point.

FOR VOTE - Unanimous

P13 [PD-PC] Tree Clearing - Lot 1 DP 390311; Lot 5 DP5 82299; Lot 2 DP 582300; Lots 1 & 2 DP 611556; Lots 3, 8, 19, 22, 31, 33 & 35 DP 755714; Lot 121 DP 134446, Parish Kunghur,; Lot 3 DP 771335, Parishes Kunghur and Gooninbar and Lot 2 DP 771335 Parish Goon

P 192 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Council notes the approval which has been granted by the Department of Natural Resources for a timber plantation at Kunghur.

FOR VOTE - Unanimous

P14 [EC-PC] Unauthorised Works at Lot 15, 18 DP 755685; Lot 17, 18 DP 252179, Dulguigan Road, North Tumbulgum - Vasco Pty Ltd

P 193 COMMITTEE DECISION:

**Administrator Boyd
Administrator Willan**

RECOMMENDED that Council:-

1. Issue the Order to remove all the fill material from the unnamed road reserve within 60 days. Following which construction of the road in the unnamed road reserve is to be undertaken in strict accordance with the approved Section 138 application under the Roads Act 1993.
2. Issue the Order to reduce the size of the filled house pad area. In accordance with development consent DA05/1049 by 19 September 2007.
3. Should the owner fail to satisfactorily undertake recommendations 1 or 2 above then legal action be commenced.

FOR VOTE - Unanimous

P 194 COMMITTEE DECISION:

**Administrator Willan
Administrator Turnbull**

RESOLVED that the Planning Committee resumes in Open Council under the Chairmanship of Administrator Willan.

FOR VOTE - Unanimous

228 COUNCIL DECISION:

**Administrator Willan
Administrator Turnbull**

RESOLVED that the recommendations of the Planning Committee held 19 December 2006 be adopted.

FOR VOTE - Unanimous

OPERATIONS COMMITTEE

229 COUNCIL DECISION:

**Administrator Willan
Administrator Turnbull**

RESOLVED that Council resolves itself into the Operations Committee under the Chairmanship of Administrator Willan.

FOR VOTE - Unanimous

REPORTS THROUGH THE GENERAL MANAGER

O1 [GM-OC] Tweed Economic Growth Management Strategy

O 324 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Willan**

RECOMMENDED that :-

1. Council adopts the Economic Growth Management Strategy as exhibited and modified in accordance with the changes recommended in this report, including amendment of Section 3.6.3 to reflect the latest bulk water supply advice as provided to Council.
2. The General Manager be requested to prepare a report on the options for the creation of employment land and precinct within land zoned for urban expansion and elsewhere in the Tweed Shire Council in consultation with the Tweed Economic Development Corporation.

FOR VOTE - Unanimous

O2 [GM-OC] Tweed Economic Development Corporation Management Agreement

O 325 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Council:

1. Endorses the draft agreement as presented in appendix to this report.
2. Authorises the agreement to be duly signed and executed under the Common Seal of Council.

FOR VOTE - Unanimous

O3 [TCS-OC] Code of Meeting Practice - Council Meetings 2007

O 326 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that in accordance with the Code of Meeting Practice, Section 2.1 How often does the Council Meet, the meeting dates for 2007 be:

23 January	31 July
13 February	21 August
6 March	11 September
27 March	2 October
17 April	23 October
8 May	13 November
29 May	4 December
19 June	18 December
10 July	

FOR VOTE - Unanimous

O4 [TCS-OC] Councillors - Payment of Expenses and Provision of Facilities for Mayors and Councillors

O 327 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that the Draft 'Councillors - Payment of Expenses and Provision of Facilities for Mayors and Councillors' Policy be adopted, as follows:

Councillors – Payment of Expenses and Provision of Facilities for Mayors and Councillors

PART 1 INTRODUCTION

Purpose of the Policy

The purpose of the policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by Councillors. The policy also ensures that the facilities provided to assist Councillors to carry out their civic duties are reasonable.

Objectives and coverage of the Policy

In accordance with Section 439 of the Local Government Act 1993, Councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under this Act or any other Act.

Furthermore, it is to ensure that the Councillors would not be financially or otherwise disadvantaged in undertaking their civic responsibilities.

Legislative Compliance

The Local Government Act 1993 has statutory requirements which describe what fees, expenses and facilities may be paid or provided to Councillors.

Information on the pertinent sections applicable to this policy is contained in the Department of Local Government's Circular 06-57 - Guidelines for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors.

Other NSW Government policy provisions

There are a number of publications which provide assistance to Councillors in complying with the provisions of this policy.

DLG Guidelines for payment of expenses and provisions of facilities

Section 252(5) of the Local Government 1993, the Council expenses policy must comply with these guidelines issued under Section 23A of the Act.

Model Code of Conduct

This policy is consistent with the Model Code of Conduct for Local Councils in NSW in particular with the use of Council resources.

DLG Circulars to Councils

Circular 05/08 Legal assistance for Councillors and Council employees
Circular 02/34 Unauthorised use of Council resources

Adopted at Council Meeting held

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ICAC publications

No Excuse for Misuse, preventing the misuse of Council resources.

PART 2 PAYMENT OF EXPENSES

GENERAL PROVISIONS

Civic duties are defined as:

- Council and Committee Meetings;
- Community Meetings approved by the Mayor or General Manager;
- Meetings with the staff approved by the General Manager; and
- Conferences, seminars, training courses, formal and social functions where representing Council, approved by the Council, Mayor or General Manager;
- Meeting with constituents in the course of discharging duties as Mayor and Councillor.

Where a Councillor must use a form of transport other than own vehicle for travel within the local government area, then such approval must be obtained in advance from the Mayor or General Manager.

Allowances and expenses

No annual, monthly or daily allowance or expenses type allowance payment shall be payable in any circumstances.

Reimbursement and reconciliation of expenses

Reimbursement of expenses shall only be made upon the production of appropriate receipts and tax invoices and the completion of the required claim forms.

All reimbursement of expenses must be approved by the General Manager.

All expenses being reimbursed must be in accordance with the provisions of this policy.

A Councillor seeking reimbursement of expenses must lodge a claim within three months of the expense being incurred.

Payment in advance

This policy does not provide for cash payments being advanced to Councillors in anticipation of expenses being incurred in the conduct of their civic duties.

Establishment of monetary limits and standards

Monetary limits applying to this policy include:

- **Mobile Telephone**

Council will meet the cost of providing the mobile telephone, maintenance, monthly service and access fees, and call charges up to a maximum of \$400 per month for the Mayor and \$200 per month for other Councillors made in the conduct of the civic duties only.

- **Care and other related expenses**

The maximum entitlement for such expenses is \$2,000 per annum.

Incidental expenses incurred in attending related Council business, approved conferences, seminars, training and educational courses

Facsimile -	to and from Council Office or residence only;
Internet Charges -	maximum daily limit \$5.00;
Laundry and Dry Cleaning-	maximum daily limit \$10.00;
Newspapers -	maximum daily limit \$2.00;
Taxi Fares -	from transport destination to accommodation and/or conference venue
Parking Fees -	include airport parking when plane travel is being used,

Any other costs incurred by a Councillor in addition to the daily limits, are the responsibility of the individual Councillor.

Councillors are to use their mobile telephones for all calls including business and private. Special circumstances will be permitted, when mobile telephone reception does not allow the use of a mobile telephone.

The daily limit for meals (including refreshments) will be in accordance with the Australian Taxation Office allowance guideline.

Spouse and partner expenses

Council will not normally reimburse the expenses of spouses, partners and accompanying persons for attendance at any Council function.

Council may reimburse expenses of spouse, partners and accompanying persons in certain and special circumstances at any Council approved function, with prior approval being sought from the Mayor and General Manager.

Accommodation (shared basis) will be met by Council, provided that there are no additional costs incurred by Council.

Mayor and Councillors must make separate arrangements for the payment of expenses incurred by a spouse or partner.

Adopted at Council Meeting held

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SPECIFIC EXPENSES FOR MAYORS AND COUNCILLORS

Attendance at dinners and other non-Council functions

Consideration may be given to meeting the cost of Councillors attendance at dinners and other non-Council functions which provide briefings to Councillors from key members of the community, politicians and business.

Approval to meet expenses will only be given when the function is relevant to Council's interest and attendance at the function is open to all Councillors.

No payment will be reimbursed for any component of the ticket that is additional to the service cost of the function, such as a donation to a political party or candidate electoral fund or some other private benefit.

An additional payment to a registered charity may be acceptable as part of the cost of the function.

Councillors seeking reimbursement for this type of expense, must have it approved by Council and not the General Manager.

Attendance at seminars and conferences

Attendance at conferences and seminars by Councillors must be authorised in advance by a Council Resolution. An exception may occur in an emergency, then such attendance must be authorised by the Mayor and General Manager.

The exception will only apply to short term (1 day) events and be organised within the local region.

Council will be responsible for the following expenses to be incurred by a Councillor in attending an approved conference or seminar.

- **Registration Expenses**

Including official luncheons, dinners and tours relevant to the conference, seminar or training course.

- **Travel Expenses - Local or Outside Local Government area**

As detailed within this policy.

- **Accommodation Expenses**

Accommodation for attendance at approved conferences, seminars and training courses will only be authorised on the following basis:

- venue where the conference, seminar and training course is being conducted;
- where venue is unavailable, then the alternative venue is up to a standard of four star NRMA rating;

-
- night before and after depending on the event and travel circumstance, such approval must be obtained in advance from the General Manager;
 - Council to make the relevant accommodation booking.

- **Meals and Other Incidental Expenses**

Outlined in the establishment of monetary limits and standard provisions contained in this policy.

Attendance at training and educational courses

Attendance at training and educational courses by Councillors must be authorised in advance by a Council Resolution. An exception may occur in an emergency, then such attendance must be authorised by the Mayor and General Manager.

The exception will only apply to short term (1 day) events and be organised within the local region and facilitated by the Local Government & Shires Association, Independent Commission Against Corruption or Department of Local Government.

Council will be responsible for the following expenses to be incurred by a Councillor in attending an approved training or educational courses.

- **Registration Expenses**

Including official luncheons, dinners and tours relevant to the training or educational course.

- **Travel Expenses - Local or Outside Local Government area**

As detailed within this policy.

- **Accommodation Expenses**

Accommodation for attendance at approved training or educational courses will only be authorised on the following basis:

- venue where the training or educational course is being conducted;
- where venue is unavailable, then the alternative venue is up to a standard of four star NRMA rating;
- night before and after depending on the event and travel circumstance, such approval must be obtained in advance from the General Manager;
- Council to make the relevant accommodation booking.

- **Meals and Other Incidental Expenses**

Outlined in the establishment of monetary limits and standards provisions contained in this policy.

Local travel arrangements and expenses

Councillors will be entitled to be reimbursed for travel from their home whilst undertaking civic duties at the rate per kilometre as set out in the Notional Agreement Preserving the State Award, Local Government (State) Award 2004.

Adopted at Council Meeting held

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Travel outside local government area including interstate travel

Councillors must obtain approval from Council for all travel outside of the Local Government Area, including interstate travel.

Councillors will be entitled to travel to official engagements at Council's expense by the most practical method, i.e. aircraft, Council vehicle or private vehicle.

Councillors when travelling by air will travel Economy Class or as determined by the General Manager.

All "Frequent Flyer" points accrued are to remain the property of Council.

A Councillor who travels in his/her own vehicle will be reimbursed at the appropriate per kilometre rate or airfare whichever is the lower.

Telephone costs and expenses

Councillors will be provided with a mobile telephone to assist in undertaking civic duties.

Council will meet the cost of providing the mobile telephone, maintenance, monthly service and access fees, and call charges up to a maximum of \$400 per month for the Mayor and \$200 per month for other Councillors made in the conduct of their civic duties.

Individual Councillors must meet the cost of all non- business calls and any additional Council calls above the limits.

Councillors will be provided with a fax machine to assist in undertaking civic duties. Council will meet the cost of providing the fax machine, maintenance and rental charges for one (1) home facsimile line, together with fax paper.

Computer Facilities

Councillors will be provided with computer facilities to assist in undertaking civic duties.

Postage of Official Councillor Correspondence

Councillors will be reimbursed for official postage, provided expenses can be verified and where it is impractical to use the Council's own mail system.

Applications for reimbursement of postage expenses must contain verification information and be authorised by the General Manager

Internet

Council will meet the cost of Internet charges involved in the conduct of the Mayor and Councillors civic duties.

Care and other related expenses

Councillors are entitled to the reimbursement of carer expenses that were necessary to enable Councillors to undertake their civic duties.

The maximum entitlement for such expenses is \$2,000 per annum.

Insurance expenses and obligations

Councillors are to receive the benefit of insurance cover for:

• **Personal Injury**

Whilst on Council business, covering bodily injury caused by accidental, violent, external and visible means up to a sub-limit for death and capital limits as specified in the Councillors and Officers Liability Insurance Policy. Also covering permanent disablement, temporary total disability and temporary partial disability.

• **Professional Indemnity**

For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors provided the performance or exercise of the relevant civic duty or function in the opinion of Council is bona fide and/or proper and is carried out in good faith, as required under 731 of the Local Government Act.

• **Public Liability**

For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors, being carried out in good faith.

Legal expenses and obligations

Legal expenses for a Councillor may be either paid or reimbursed by the Council only if the matter is authorised by the Local Government Act 1993 either expressly or because it is supplemental or incidental to or consequential upon the exercise of its functions.

Council may therefore indemnify or reimburse the reasonable expenses of:

- a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act (Section 731) ; or
- a Councillor defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the Act ; or
- a Councillor for proceedings before the Local Government Pecuniary Interest and Disciplinary Tribunal or investigative body and where the finding is substantially favourable to the Councillor.

Council will not indemnify or reimburse the legal expenses of Councillor arising merely from something that a Councillor has done during his or her term in office.

Council will not meet the costs of an action in defamation taken by a Councillor as a plaintiff in any circumstances.

Adopted at Council Meeting held

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Council will not meet the costs of a Councillor seeking advice in respect of possible defamation or in seeking a non-litigious remedy for possible defamation.

Additional Mayoral Expenses

Provision of a dedicated motor vehicle

A motor vehicle bearing no markings or identification will be provided for the sole use of the Mayor.

The motor vehicle is and shall remain the property of Council and shall be surrendered to Council by the Mayor in the event that the person is no longer the Mayor.

The Mayor is to be given unrestricted use of such vehicle with the Council servicing and maintaining such vehicle, paying registration and insurance (including full comprehensive cover) and providing fuel. Private use means that the Mayor and his/her spouse or other licensed driver (provided the Mayor or Mayor's spouse is in the car) or any other Council employee are allowed to drive the vehicle.

The type of vehicle that will be provided is to be at a standard in accordance with Council's Motor Vehicle Lease Policy, and sets a standard for energy efficiency.

The vehicle is to be replaced at the most economically beneficial time as determined by the Works Manager.

Other equipment, facilities and services

Other equipment, facilities and services that are to be provided by Council for the use of the Mayor are as follows:

- An experienced person suitably qualified to provide secretarial support to the Mayor.
- Mayoral letterhead, envelopes and stationery generally
- Where appropriate assistance with the organisation of functions, meetings and briefings to which the Mayor is invited to attend.
- A furnished office will be provided at the Council Administration Office, to enable the Mayor to undertake the civic duties appropriate to that position.
- Limited refreshments will be provided in the Mayoral Office for entertainment purposes.
- An allotted parking space will be provided at the Council Administration Offices for the parking of the Mayoral vehicle.

PART 3 PROVISIONS OF FACILITIES

GENERAL PROVISIONS

Provision of facilities generally

Council will provide facilities and equipment to each Councillor to ensure that they can undertake their civic duties in an appropriate manner. The facilities and equipment include:

Stationery

Provision of personalised Councillor letterhead and envelopes exclusively for Council related business

Business cards

Provision of 250 business cards (replacement on request)

Christmas cards

Maximum of 100 per year

Name badges

Councillors to be provided with a name badge

Filing cabinet

Councillors to be provided with a home filing cabinet if required.

Filing cabinet is to be returned if the person ceases to be a Councillor.

Meetings meals and refreshments

Provision of meals and refreshments associated with Council, committee and working party meetings where appropriate

Meeting rooms/ Councillor room

Provision of meeting room facilities, including telephone, computer network facilities and access to a photocopier in the Administration Centre for the purpose of Council, committee and working party meetings and for meeting with constituents.

Secretarial support

Provision of secretarial support, as necessary for Councillors to undertake their civic duties.

Private use of equipment and facilities

A Councillor must not use any of the facilities allocated by Council for their private use.

A Councillor may use their mobile telephone or facsimile machine for their private use however payment is to be made to Council for such use.

Adopted at Council Meeting held

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Any contravention of this policy will result in the matter being reviewed against the provisions of Council's Code of Conduct.

PART 4 OTHER MATTERS

Acquisition and returning of facilities and equipment by Councillors

Councillors are to return to Council, where appropriately practicable, after the completion of their term of office or entering extended leave of absence or at the cessation of their civic duties all facilities and equipment that have been allocated by Council.

Should a Councillor desire to keep any equipment allocated by Council, then this policy enables the Councillor to make application to the General Manager to purchase any such equipment. The General Manager will determine an agreed fair market price or written down value for the item of equipment.

Status of the Policy

The provisions of the Councillors- Payment of Expenses and Provision of Facilities for Mayors and Councillors shall remain valid until revoked or amended by Council.

FOR VOTE - Unanimous

O5 [TCS-OC] Monthly Investment Report for Period Ending 30 November 2006

O 328 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at 30 November 2006 totalling \$123,622,411.37 be received and noted.

FOR VOTE - Unanimous

O6 [TCS-OC] A New Direction for Local Government - Department of Local Government Position Paper

O 329 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:

1. This report be received and noted; and
2. A draft submission be prepared for consideration by Council, prior to 6 March 2007.

FOR VOTE - Unanimous

O7 [TCS-OC] Planning a Sustainable Future - Department of Local Government Options Paper

O 330 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:

1. This report be received and noted; and

2. A draft submission be prepared for consideration by Council, prior to 6 March 2007.

FOR VOTE - Unanimous

08 [EO-OC] EC2005-129 Terranora Creek and Cobaki Creek Bridge Crossings

O 331 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:-

1. Variation No 4 for Contract EC2005-129, Terranora Creek and Cobaki Creek Bridge Crossings, be approved at the cost of \$126,700.00 excluding GST.
2. The Director Engineering and Operations be given delegated authority to approve further variations up to a value of \$50,000.00 excluding GST.

FOR VOTE - Unanimous

09 [EO-OC] EC2006-159 Supply of Manual Traffic Control Teams for Council Works

O 332 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that the contract for the Supply of Manual Traffic Control Teams for Council Works be awarded to Workforce International. The contract period will be for a twelve (12) month period commencing 2 January 2007 with a possible two (2) by twelve (12) month extension option.

FOR VOTE - Unanimous

O10 [EO-OC] Airborne Laser Scanning and Provision of Elevation Data Products

O 333 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that:-

1. Council awards Contract EC2006-115 for Airborne Laser Scanning and Provision of Elevation Data Products to Fugro Spatial Solutions Pty Ltd for the amount of \$300,000 (GST inclusive).
2. The Director Engineering and Operations be given delegated authority to approve variations up to 20% of the initial contract sum which will include extra works for laser scanning in Byron Shire.

FOR VOTE - Unanimous

O11 [EO-OC] EC2006-154 Gray Street Depot Workshop Upgrade

O 334 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Willan**

RECOMMENDED that:-

1. Council awards the contract EC2006-154 Gray Street Depot Workshop Upgrade to JJ & MI Miller Pty Ltd for the lump sum price of \$626,815.45 excluding GST.
2. Council votes additional amounts of \$25,000 from the Sewer Fund for depot facilities, Tweed Heads and \$36,000 from the general fund for depot improvements to cover the shortfall in budget and it be included in the December 2006 quarterly budget review.
3. The Director Engineering and Operations be given delegated authority to approve variations up to 20% above the initial contract price.
4. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

O12 [EO-OC] Tree Poisoning - Casuarina

O 335 COMMITTEE DECISION:

**Administrator Willan
Administrator Turnbull**

RECOMMENDED that Council:-

1. Erects a framework fronting the affected area of the dune and cover with Hessian or a similar material until vegetation is re-established to its mature height and including the erection of appropriate signage.
2. Leaves the two large Casuarinas poisoned beside the cycleway in place and shroud with shade-cloth, barrier mesh or similar material until the trees become unsafe and need to be removed.
3. Removes the poisoned trees and replant with similar species.
4. Appeals to the community to appreciate and protect coastal vegetation, and report any information regarding illegal clearing or poisoning to Council.
5. Requests the General Manager to investigate the feasibility and implement, if able, the posting of a \$15,000 reward that leads to the conviction of person(s) responsible for the wilful damage of vegetation at Casuarina.

FOR VOTE - Unanimous

O13 [EO-OC] Water and Wastewater Activity Management Plans

O 336 COUNCIL DECISION:

**Administrator Boyd
Administrator Willan**

RESOLVED that:

1. Council adopts the Water Supply and Wastewater Activity Management Plans.
2. Council submits the Water Supply and Wastewater Activity Management Plans to The Department of Energy, Utilities & Sustainability as the requirement for Strategic Business Planning, criterion 1 of the Department's best practice management guidelines.

3. A future report be brought before Council detailing preliminary costs and resource requirements of the Action and Improvement Program with a recommended implementation strategy.

FOR VOTE - Unanimous

O14 [EO-OC] Tweed District Long Term Water Supply

O 337 COMMITTEE DECISION:

**Administrator Willan
Administrator Turnbull**

RECOMMENDED that Council:-

1. For planning purposes, adopts a revised estimate of Interim Water Supply System Yield of 13,750 Megalitres per year, being sufficient to sustain a population of 94,000 people based on 145 kilolitres per person per year whilst providing a 95 percentile environmental flow below Bray Park Weir.
2. As principle priorities in the Integrated Water Cycle Management (IWCM) Strategy Development develops a Demand Management/Recycling Strategy and an Options assessment for Potential Bulk Water Supplies.
3. Immediately commences environmental and detailed yield assessments for the proposed raising of Clarrie Hall Dam.

FOR VOTE - Unanimous

O15 [EO-OC] Feasibility of Interstate Transfer of Water - National Water Commission

DECLARATION OF INTEREST

Administrator Turnbull declared an Interest in item O15 and took no part in the discussion or voting. The nature of the interest is that Administrator Turnbull's husband is the Parliamentary Secretary to the Prime Minister with responsibility for water.

O 338 COMMITTEE DECISION:

**Administrator Willan
Administrator Boyd**

RECOMMENDED that Council provides information and reports as requested by Snowy Mountains Engineering Corporation (SMEC) who are undertaking a feasibility assessment of the potential to transfer water from Northern Rivers NSW to South East Queensland on behalf of the National Water Commission.

**FOR VOTE - Administrator Boyd, Administrator Willan
ABSTAINED FROM VOTING - Administrator Turnbull**

O16 [EO-OC] Tweed Integrated Water Cycle Management (IWCM) Context Study & Strategy Report

O 339 COMMITTEE DECISION:

**Administrator Willan
Administrator Boyd**

RECOMMENDED that:-

1. Council adopts the Integrated Water Cycle Management Context Study and Strategy Report incorporating the 26 Strategy Actions.
2. Council Officers bring forward a further report detailing a proposed Community Consultation program to facilitate the IWCM process.

FOR VOTE - Unanimous

O17 [EO-OC] Kingscliff Foreshore Protection - Preliminary Outcomes from the Environmental Impact Study

O 340 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council:-

1. Proceeds with Option 2 as detailed in the memo from Patterson Britton and Partners dated 11 December 2006 to develop an environmental assessment and seek approvals for Kingscliff foreshore protection comprising a limited seawall in front of the Cudgen Headland Surf Lifesaving Club and sand nourishment only between this and the existing boulder wall at the Beach Club,
2. Requests a revised scope of works and price from Patterson Britton and Partners to proceed with required studies and documentation, and
3. Proceeds with calling for Expressions of Interest for supply of sand nourishment when calculations of volumes required are established.

FOR VOTE - Unanimous

O18 [EO-OC] Road Widening - Lot 9 DP 1082139 Eucalyptus Drive, Banora Point and Lot 2 DP 777844 Coast Road, Bogangar

O 341 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that this report be received and noted.

FOR VOTE - Unanimous

O19 [EO-OC] Road Closure - Footpath - Goonal Place, Banora Point

O 342 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that:

1. Council approves the transfer of the closed footpath, now referred to as Lot 1 in DP 1101173, to the owners of Lot 2 in DP 1087554 as part consideration for the purchase by Council of Lot 1 in DP 1087554;
2. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

O20 [EO-OC] Tweed Heads Streetscape Masterplan Review, Concept Design and Technical Notes Project

O 343 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council votes the expenditure of \$20,000 from Section 94 Plan 27 "Tweed Heads Masterplan – Local Open Space/Streetscaping" for the purposes of engaging Landscape Architectural consultant to undertake:-

1. A review of the Tweed Heads Streetscape Masterplan.
2. Development of concepts for Bay and Wharf Street.

3. The production of Technical Notes for Primary, Secondary and Tertiary Streets in Tweed Heads.

FOR VOTE - Unanimous

O21 [EO-OC] EC2006-118 Civil Works Design and Project Management In-House Consultancy

O 344 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council engages Local Government Engineering Solutions to undertake in-house consultancy work for a two year period at the rates nominated in the tender offer.

FOR VOTE - Unanimous

O22 [EC-OC] Request for "In Kind" Support/Waive Fee

O 345 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that:

1. With reference to the request from Model United Nations Assembly - Rotary, Council provides the Tweed Heads Civic Centre free of charge for the event to be held on Saturday, 10 March 2007 and that permission be granted to set up on Friday afternoon and that Council's support is recognised with the following acknowledgement "This program has been supported by Tweed Shire Council".
2. With reference to the request from the Twin Towns and District Garden Club Inc, Council approves the use of the Main Hall, Tweed Heads Civic Centre for the second Monday of each month (with the exception of the 1st Monday in September) for a reduced fee of \$92.50 per meeting and that the Council approves the use of the Main Hall for the Annual Flower show for \$110.20 with the Friday set-up free of charge and that Council's support is recognised with the following acknowledgement "This program has been supported by Tweed Shire Council".
3. With reference to the request from SU Kingscliff Beach Mission, Council provides the Kingscliff Amenities Hall free of charge for the period 27 December 2006 to 1 January 2007 and 2 January 2007 to 5 January 2007, for

the purpose of a free Christmas program and that Council's support is recognised with the following acknowledgement "This program has been supported by Tweed Shire Council".

4. With reference to the request from United Hospitals Auxiliary of NSW, Tweed Heads Branch, Council provides the Tweed Heads Civic Centre for their meetings as noted in their correspondence dated 21 November 2006 and that the Auditorium be made available free of charge for their AGM and that Council's support is recognised with the following acknowledgement "This program has been supported by Tweed Shire Council".

FOR VOTE - Unanimous

O23 [EC-OC] Tweed Coolangatta & Tweed Shire Community Safety Action Plan

O 346 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council pursues funding opportunities to complete a Community Safety Action Plan for the balance of the Shire.

FOR VOTE - Unanimous

O24 [EC-OC] Footpath Dining Licence Agreement - Policy Variation

O 347 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Council:-

1. Approves variation of the Footpath Trading Policy and consents to a Footpath Dining Licence Agreement for the respective area for Cabarita Beach Surf Club; and
2. Requires the client to submit a seating plan for consideration before the Licence Agreement is finalised; and

FOR VOTE - Unanimous

O25 [EC-OC] Annual Inspections of Caravan Parks

O 348 COMMITTEE DECISION:

Administrator Boyd
Administrator Turnbull

RECOMMENDED that Council:-

1. Apply the provisions of Clause 71 (1) (a) of the Local Government (Manufactured Home Estates Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 in respect to the carrying out of annual inspections of Caravan parks.
2. Does not as a consequence of the provisions of Clause 71 (1) of the Local Government (Manufactured Home Estates Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 require each site or structure on any site to be inspected as a part of any annual inspection of a Caravan Park except with respect to the provisions of Clauses 86 and 91.
3. With respect to the provisions of Clause 86 (1) of the Local Government (Manufactured Home Estates Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 will require only the delineation of the front boundaries to be carried out by the park owner/manager for annual inspection purposes only. However where applications are received for the placement of structures on sites within caravan parks or for compliance reports then where considered necessary Council will require that both the front and rear boundaries of the site be delineated.
4. With respect to the provisions of Clause 91 (1) (a) or (b) of the Local Government (Manufactured Home Estates Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 will require that where there is a separation distance of less than 1.8 m between structures on sites that a smoke detector be installed in both of the structures involved and a fire hose reel to be bought to bear on both of the sites involved even should this require the installation of an additional fire hose reel or reels as the particular circumstance may require.

FOR VOTE - Unanimous

O 349 COMMITTEE DECISION:

Administrator Willan
Administrator Boyd

RESOLVED that the Operations Committee resumes in Open Council under the Chairmanship of Administrator Willan.

FOR VOTE - Unanimous

230 COUNCIL DECISION:

Administrator Willan
Administrator Turnbull

RESOLVED that the recommendations of the Operations Committee held 19 December 2006 be adopted.

FOR VOTE - Unanimous

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

231 COUNCIL DECISION:

Administrator Turnbull
Administrator Willan

RESOLVED that this report be received and noted.

FOR VOTE - Unanimous

ADMINISTRATOR'S MINUTE

[AM] Signing of Documents

Documents signed by Administrators

232 COUNCIL DECISION:

Administrator Turnbull
Administrator Willan

RESOLVED that the information be received and noted.

FOR VOTE - Unanimous

ORDINARY ITEMS FOR CONSIDERATION

REPORTS FROM THE GENERAL MANAGER

Nil.

REPORTS FROM THE DIRECTOR PLANNING & DEVELOPMENT

Nil.

REPORTS FROM THE DIRECTOR TECHNOLOGY & CORPORATE SERVICES

Nil.

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

Nil.

REPORTS FROM THE DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

[SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held 3 November 2006

233 COUNCIL DECISION:

**Administrator Turnbull
Administrator Willan**

RECOMMENDED that the:-

1. Minutes of the Aboriginal Advisory Committee Meeting held Friday 3 November 2006 be received and noted; and
2. Director's recommendations be amended as follows: -

5. Chinderah Marina

That Council does not support a letter being sent to Mr Garth Lena.

FOR VOTE - Unanimous

ORDERS OF THE DAY

Nil.

QUESTION TIME

Nil.

234 COUNCIL DECISION:

**Administrator Willan
Administrator Turnbull**

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

FOR VOTE - 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 ITEMS FOR CONSIDERATION

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

1 [EO-CM] Compulsory Acquisition of an Easement for Drainage Variable Width within Lot 102 in DP 802170 - 3 Young Street, Hastings Point

REASON FOR CONFIDENTIALITY:

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

- (a) personnel matters concerning particular individuals (other than councillors)

C 235 COMMITTEE DECISION:

RECOMMENDED that:-

1. Council resolves that it is of the opinion that the owner of Lot 102 in DP 802170 will not suffer hardship within the meaning of section 24 of the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW) if

Council does not acquire Lot 102 in DP 802170 pursuant to Clause 49(3) of the Tweed LEP 2000;

2. Council approves entering into negotiations with the owner of Lot 102 in DP 802170 for the creation of an Easement to Drain Water Variable Width for the benefit of Council, or should negotiations fail to reach an agreement then Council approves the compulsory acquisition of the Easement within Lot 102 in DP 802170 under the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)* for the purposes of the *Local Government Act 1993 (NSW)*, and the making of the necessary application to the Department of Local Government to seek the Governor's approval;
3. Council pays for the valuation obtained by the landowner at the outset of negotiations, in the sum of \$2,200;
4. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

LATE ITEM

C 236 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Item a1 being an Late Item be dealt with and it be ruled by the Chairman to be of great urgency.

FOR VOTE - Unanimous

a1 [EO-CM] Boyds Street Overpass

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(a) 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 237 COMMITTEE DECISION:

RECOMMENDED that:-

1. The General Manager be authorised:
 - a. To finalise the terms of the agreement for the Boyd Street Overpass Deed of Agreement.
 - b. Arrange for all necessary documentation for the Agreement to be executed under the Common Seal of Council after all the Conditions of Precedent have been fulfilled including the consent of the Minister for Planning.
2. Subject to the agreement of Queensland Main Roads, the Deed End Date be 30 March 2007 or other date as agreed by both parties.
3. Subject to the agreement of Queensland Main Roads, the milestone payment number 1 be 1 April 2007 or other date as agreed by both parties.
4. Subject to the agreement of Queensland Main Roads, the milestone payment number 2 be 1 October 2007 or other date as agreed by both parties.
5. The balance of funds required to make up the "Agreed Funding Contribution" of \$6.45 million (after payment of the Overpass Contribution by LEDA Manorstead and any advance Section 94 payment by Terranora Management Group) required by the Boyd Street Overpass Deed of Agreement be sourced from the Tweed Road Contribution Plan Section 94 Contribution Pool.

FOR VOTE - Unanimous

C 238 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that the Committee resumes in Open Council.

FOR VOTE - Unanimous

239 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

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

FOR VOTE - Unanimous

There being no further business the Meeting terminated at 6.55pm.



Minutes of Meeting Confirmed by Council

at Meeting held

Chairman