

The Meeting commenced at 4.45pm.

## **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 Governance & 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 the Council Prayer lead by Administrator Willan.

*We pray that You will guide the Administrators and Council staff of the Tweed Shire Council as they meet together today; that they may think calmly and carefully, decide wisely and prayerfully and may their decision be in accordance with Your will and for the welfare of You people in the Tweed community.*

*Through Jesus Christ our Lord.*

*Amen.*

## CONFIRMATION OF MINUTES

### Minutes of the Ordinary and Confidential Council Meetings held 17 October 2006

#### 210 COUNCIL DECISION:

Administrator Willan  
Administrator Boyd

**RESOLVED** that the Minutes of the Ordinary and Confidential Council Meetings held 17 October 2006 be adopted as a true and accurate record of proceedings of that meeting.

***FOR VOTE - Unanimous***

#### APOLOGIES

Nil.

#### DISCLOSURE OF INTEREST

Nil.

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

Nil.

#### PLANNING COMMITTEE

#### 211 COUNCIL DECISION:

Administrator Turnbull  
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] Review of Determination of Section 96 Application DA02/1325.01 for an Amendment to Development Consent DA02/1325 for Additions to Dwelling, Carport & Building Line Variation at Lot 83 DP 240965, No. 35 Viking Street, Kingscliff**

#### **P 162 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED** that the Review of Determination of Section 96 Application DA02/1325.01 for additions to dwelling, carport & building line variation at Lot 83 DP 240965 No 35 Viking Street, Kingscliff be approved subject to the following amendments:-

1. The addition of the following NEW conditions under the GENERAL heading as follows: -
  - 1A. The development shall be completed in two stages accordance with the Statement of Environmental Effects and Plans prepared by Schafter design Pty Ltd dated 05-10-2006 and 20-03-2006, except where varied by the conditions of this consent.

[GEN0005]
  - 1B. Privacy screens are to be provided to a height of 1.8 metres for a length of 2 metres from the wall of the dwelling either side of the third level front deck to the satisfaction of the PCA.

[GENNS01]

#### ***FOR VOTE - Unanimous***

- P2 [PD-PC] Development Application DA06/0682 for a Recreation Establishment Comprising a Meditation Centre, Accommodation Wings for up to 20 Guests, Administration, Dining & Kitchen Facilities, Bathroom Amenities, Car Parking, Spa & Massage at Lot 93 DP 807**

The following persons addressed the Planning Committee on this item:

Ms Libby Frances  
Mr Yaldis Gravelis  
Mr Grant Hilton & consultant (Chris Larkin - Planit Consulting)

**P 163 COMMITTEE DECISION:**

**Administrator Willan**  
**Administrator Boyd**

**RECOMMENDED** that:

- A. Development Application DA06/0682 for a recreation establishment comprising of meditation centre, accommodation wings for up to twenty guests, administration, dining and kitchen facilities, bathroom amenities, car parking, spa and massage facilities at Lot 93 DP 807666, No. 128 Bonnydoon Road, Uki be approved for the following reasons: -

**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 No's 1 - 13 prepared by John Robinson Design and Drafting Services and dated February 2006; drawing No. 01956 Rev. B Sheets 1 & 2 prepared by B & P Surveys and dated 3 February 2006, except where varied by the conditions of this consent. [GEN0005]
  
3. 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]
  
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. Liaison with the Department of Natural Resources and the Catchment Management Authority regarding any required approvals in accordance with the Native Vegetation Act is to be undertaken by the applicants.

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

6. The developer shall provide 29 parking spaces including parking for the disabled 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]

7. 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]

8. 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:<br>S94 Plan No. 4 (Version 4.0)<br>Sector 12 - Rural Inner Zone | \$4,264.00 |
|---|------------|

[PCC0215]

9. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17<sup>0</sup> 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]

10. 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) Roofwater does not require treatment and can be harvested.
  - (ii) Runoff from all driveway and parking areas is to be directed over grassed swales, for conveyance to a discharge or collection point.

[PCC1105]

11. 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]

12. 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".
13. A Tweed Shire Council approval to install a Commercial Onsite Sewage Management System shall be required
14. Details of the kitchen exhaust system are to be provided and approved prior to release of the Construction Certificate if required. Such details are to include the location of discharge to the air, capture velocity, size and hood and angle of filters. The system shall comply with AS1668.2 - Ventilation Requirements.
15. Where a private certifier is appointed, prior to release of the construction certificate, documentation shall be provided to the satisfaction of Council's General Manager or his delegate detailing the construction of the food premises.
16. Detailed drawings showing food preparation & storage area equipment, fittings, and internal finishes are to be submitted to Council for further analysis, comment and approval.

[PCC1155]

[PCCNS01]

[PCC0735]

[PCC0745]

[PCCNS02]

17. A waste management plan including the proposed times and methods of waste collection and removal; the name/s of specific waste collection contractor/s who will service the premises; and plans detailing the location of specified on-site waste collection bins shall be submitted to the General Manager or his delegate for approval.

[PCCNS03]

18. 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/access:
  - \* the existing bitumen driveway including footpath crossing is to be widened to be a maximum of 3 metres wide in accordance with AS 2890.1. This widening shall extend from the front boundary to the designated parking area.
  - \* a passing bay shall be provided within the abovementioned section of the access driveway, 20metres long and creating an overall trafficable width of 7 metres at the passing bay.
  - \* minor restoration and maintenance work shall be carried out over the driveway to remove all weeds and patch potholes.
  - \* a 1 metres wide cleared area id to be provided along both sides of the driveway.
  - \* construction of fire trails and any associated works as nominated in the Bushfire Threat Assessment Report.
- stormwater drainage
- landscaping works
- sedimentation and erosion management plans
- location of all service conduits (water, sewer, Country Energy and Telstra)

[PCC0985]

#### **PRIOR TO COMMENCEMENT OF WORK**

19. 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]

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

[PCW0225]

21. 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]

22. 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]

23. 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.

[PCW0665]

24. 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]

25. 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]

26. 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]

#### **DURING CONSTRUCTION**

27. 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]

28. 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]

29. 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]

30. The finished floor level of the building should finish not less than 225mm above finished ground level.

[DUR0445]

31. Access to all buildings for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the

deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428.

[DUR1685]

32. Where a building or part of a building is required, under the provisions of Section D of the Building Code of Australia, to be accessible to permit use by people with disabilities, prominently displayed signs and symbols shall be provided to identify accessible routes, areas and facilities. The signage, including Braille or tactile signage, should be installed in accordance with the relevant provisions of the Building Code of Australia and achieve the minimum design requirements provided under AS1428.

[DUR1695]

33. Where access for people with disabilities is required to be provided to a building, sanitary facilities for the use of the disabled must also be provided in accordance with the provisions Part F-2 of the Building Code of Australia.

[DUR1705]

34. 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]

35. 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]

36. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-

- \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- \* 50<sup>0</sup>C in all other classes of buildings.

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

[DUR2555]

37. The provision of 29 off street car parking spaces including parking for the disabled where applicable. 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]
38. 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]
39. 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]
40. 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]
41. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate/Occupation Certificate.  
[DUR0995]
42. 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]

43. 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]

44. Provision of a stormwater drainage system in accordance with the approved Construction Certificate.

[DUR2345]

45. 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.

46. 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]

47. All walls in the food preparation and food storage areas shall be of solid construction, easily washable, lightly coloured and tiled to a height of at least 2 metres above floor level, or where not tiled, cement rendered to provide a smooth even finish to ceiling. Note: Stud framed walls will not be acceptable. Intersections of all floors with walls shall be coved to a radius of not less than 25 millimetres.

[DUR1495]

48. All internal fitout is to comply with Australian Standard AS4674 - Design, Construction and Fitout of Food Premises.

[DUR1535]

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

49. 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]

50. 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.

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.

[POC0265]

51. Prior to the occupation of any building and prior to the issue of any occupation certificate a final inspection report is to be obtained from Council to verify the satisfactory installation of all plumbing and drainage and the on-site sewage management facility.

[POC1035]

52. 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]

53. Prior to commencement of operations and on completion of fit out an inspection is to be arranged with Council's Environmental Health Officer for final approval.

[POC0615]

54. The food premises shall provide appropriate notification to the NSW Food Authority prior to commencement of operations.

[POC0625]

55. The premise is to be treated on completion of fit-out and prior to commencement of trading and thereafter on a regular basis by a Licensed Pest Control Operator. A certificate of treatment is to be made available for Council inspection on request.

[POC0635]

56. A Water Supply Management Plan shall be complied and implemented to the satisfaction of Council's Environment and Health Services Unit. The plan shall include but not be limited to: organisational detail, key responsibility for system monitoring & maintenance, description of system, system operation & maintenance, contingency plan and monitoring.

57. Appropriate certification shall be provided where any *regulated system*, as defined under the provisions of the Public Health Act 1991, has been installed.

58. A Tweed Shire Council approval to install a Commercial Onsite Sewage Management System shall be required.

[POCNS01]

59. The provision of traffic safety and warning signs at appropriate locations along Bonnydoon Road, to the satisfaction of the General Manager or his delegate, and Council's Traffic Engineer.

[POCNS02]

## USE

60. 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]

61. 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]

62. All deliveries to the premises are to occur only within the hours of 8.00am to 5.00pm Monday to Friday, 8.00am to 12.00pm Saturdays and no deliveries on Sundays or public holidays unless otherwise approved by Council's General Manager or his delegate. Urgent or medical related deliveries exempted.

[USE0195]

63. All external artificial lighting shall be shielded where required to the satisfaction of Council's 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]

64. Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified and practicing acoustic consultant. The NIS is to be submitted to the satisfaction of the General Manager or his delegate. It is to include recommendations for noise attenuation. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council's authorised officer

[USE0245]

65. The premises shall be operated in accordance with the *Public Health (Swimming Pools and Spa Pools) Regulation 2000* and the current NSW Health Public Swimming Pool and Spa Pool Guidelines.



[USE0985]

66. All wastes shall be collected, stored and disposed to the satisfaction of the General Manager or his delegate.

[USE0875]

67. All relevant installations and activities conducted on the premises shall comply with the provisions of the Public Health Act 1001, its Regulations and the NSW Code of Practice for the Control of Legionnaires' Disease 2004. All records shall be provided to Council's Environmental Health Officer upon request.

68. Any premises used for the storage, preparation or sale of food are to comply with the Food Act 1989, its Regulations and the provisions of the Food Standards Code.

[USENS01]

69. No intensification of use of the kitchen facilities beyond the provision of meals prepared for guests staying on the premises is permitted without the approval of the General Manager or his delegate. The premises shall not be used solely as a restaurant offering a meal service only.

70. No intensification of use of the retreat beyond the provision of six 10-day and twelve 3-day meditation retreats per year is permitted without the approval of the General Manager or his delegate.

71. No intensification of use of the accommodation wings beyond the provision of sleeping facilities and bathroom amenities for guests staying at the retreat for the purpose of undertaking structured activities on site is permitted without the approval of the General Manager or his delegate.

72. The premises shall not be hired out for private parties, functions, conferences and the like.

[USE0855]

73. No more than 20 guests shall be in attendance at the retreat at any one time.

74. A minimum 12 seater shuttle bus shall be made available at all times the retreat is operational for the pick-up and drop-off of guests at major transport nodes in the Shire

[USENS02]

### **GENERAL TERMS OF APPROVAL PERMIT UNDER PART 3A OF THE RIVERS AND FORESHORES IMPROVEMENT ACT 1948**

As construction of the foundations of the proposed buildings will involve excavations within 40 metres of a creek, a Part 3A permit under the R & F I Act 1948 will be required for the proposed development. However, as the

proposal is unlikely to obstruct or detrimentally affect the flow of the nearby unnamed creek minimal General Terms of Approval are required.

Accordingly, the following General Terms of Approval are provided:

- Erosion and sediment control measures are required to be implemented prior to any works commencing, and must be maintained for as long as necessary after the completion of works to prevent sediment entering the river system. These measures are to be in accordance with councils requirements and follow best management practices as outlined in the NSW Department of Housing's manual - Managing Urban Stormwater: Soils and Construction (1988) (the Blue Book).
- If in the opinion of any reasonable officer of the Department of Natural Resources any work is being carried out in such a manner as it may damage or detrimentally affect the stream, or damage or interfere in any way with any work, the operation on that section of the said stream shall cease forthwith upon written or oral direction of such officer.

### **Groundwater Impact Assessment**

The NSW State Groundwater Quality Protection Policy 1998 is aimed at preventing the degradation of the State's aquifers whereby, each aquifer system is evaluated by its beneficial use. Potential dischargers of effluent are required to establish that their activity will not contaminate the groundwater or impact on groundwater dependent ecosystems. Effluent laden water can impact on local groundwater systems, which in turn has the potential to flow through to local creeks in the area and affect other groundwater users.

The Department does not object to the effluent irrigation system provided it is operated in an ecological sustainable manner, that does not lower the beneficial use of the groundwater resource. In addition the effluent irrigation system should be constructed in accordance with Tweed Shire Council's requirement for onsite sewerage systems.

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

1. Access is to comply with section 4.3.2 Planning for Bushfire Protection 2001.
2. At the commencement of building works and in perpetuity the property around proposed accommodation wing A shall be managed as follows:
  - a) Northeast, southeast and southwest for a distance of 20 metres as an 'Inner Protection Area' and 10 metres as an 'Outer Protection Area'.
  - b) Northwest for a distance of 45 metres as an 'Inner Protection Area' and 15 metres as an 'Outer Protection Area'.

- c) South for a distance of 20 metres as an 'Inner Protection Area' as outlined within Section 4.2.2 in Planning for Bushfire Protection 2001.
3. At the commencement of building works and in perpetuity the property around proposed Accommodation Wing B shall be managed as follows:
  - a) Northeast, southeast and southwest for a distance of 20 metres as an 'Inner Protection Area' and 10 metres as an 'Outer Protection Area.'
  - b) Northwest for a distance of 45 metres as an 'Inner Protection Area' and 15 metres as an 'Outer Protection Area' as outlined within Section 4.2.2 in Planning for Bushfire Protection 2001.
4. A restriction to the land pursuant to Section 88B of the Conveyancing Act 1919 shall be placed on the relevant lots requiring the provision of the Asset Protection Zones.
5. The proposed buildings are to fully comply with the requirements of Level 1 construction as required by Australian Standard AS3959-1999 'Construction of buildings in bushfire-prone areas'.
6. Roofing shall be gutterless or have leafless guttering and valleys which are to be screened with non-corrosive mesh to prevent the build up of flammable materials.
7. In recognition of no reticulated water supply, the proposed development shall have a minimum of 3kW (5hp) petrol or diesel powered pump and a 30,000 litre (minimum) dedicated water supply tank dedicated solely for fire fighting. A 65mm Storz fitting and lever action ball valve shall be installed in the tank. Suitable access to within 6 metres of the dedicated water supply for a Category 1 heavy bushfire tanker shall also be provided.
8. A 30 metre long x 19mm diameter fire hose and reel should be installed at each building. The hose reel should be supplied, via the petrol / diesel powered pressure pump, from the dedicated fire fighting water supply.
9. A revised Bush Fire Evacuation Plan is to be submitted to the NSW Rural Fire Service - local District Office for approval. The evacuation plan is to detail the following:
  - a) Under what circumstances will the complex be evacuated
  - b) Where will all persons be evacuated to
  - c) Roles and responsibilities of persons co-ordinating the evacuation
  - d) Roles and responsibilities of persons remaining with the complex after evacuation

- e) A procedure to contact the NSW Rural Fire Service District Office / NSW Fire Brigade and inform them of the evacuation and where they will be evacuated to
10. A Bush Fire Management Plan is to be prepared that addresses the following requirements:
- a) Contact person / department and details
  - b) Schedule & description of works for the construction of Asset Protection Zones and their continued maintenance.
  - c) Management strategies, proposed schedules and description of works of any remnant bushland within the property boundary.
  - d) Details of access through any gate / fire trail system for remnant bushland areas.

This assessment is based upon drawing titled 'Detail and Contour Survey' drawing No. 01956B, Revision B, prepared by B & P Surveys dated 3.2.06 as attached to the letter prepared by Planit Consulting dated 6 September 2006.

- B. The Development Application DA06/0682 be limited to the uses in the present application and that Council be satisfied either through notification on terms satisfactory to Council on the Section 149 Certificate for the property and/or through entering into a Section 88B covenant to be entered into prior to the issuing of a Construction Certificate.

**FOR VOTE - Unanimous**

**P3 [PD-PC] Development Application DA06/1040 for a Tavern (Tenancy No. 1) at Lot 902 DP 1097490, No. 2-6 Pandanus Parade, Cabarita Beach**

**P 164 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED** that Development Application DA06/1040 for a tavern (Tenancy No. 1) at Lot 902 DP 1097490, No. 2-6 Pandanus Parade Cabarita Beach 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 WD 01 - WD 08 and LL01 prepared by Ryder Hampton and dated 29 August 2006, except where varied by the conditions of this consent.  
[GEN0005]
2. Advertising structures/signs to be the subject of a separate development application, where statutorily required.  
[GEN0065]

3. All signage is to be fitted with necessary devices capable of permitting the change in intensity of illumination of the sign in order to regulate glare or other like impacts.

[GEN0075]

4. 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**

5. 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]

6. In accordance with Section 68 of the Local Government Act, 1993, any premises proposing to discharge into Councils sewerage system a waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by Tweed Shire Council PRIOR to the issuing of a Construction Certificate to discharge to Councils sewerage system.

[PCC1255]

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: 21.1256ETs @ \$4598 \$97,136

Sewer: 33.8167 ETs @ \$2863 \$96,817

**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. A loading bay management plan shall be submitted to Council for approval, which details the operation and logistics of the loading bay area including delivery times, types of vehicles and methods to minimise conflict with other vehicles.

[PCCNS01]

9. 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: | \$3,772   |
| S94 Plan No. 4 (Version 4.0)      |           |
| Sector2_4                         |           |
| (b) Shirewide Car Parking         | \$408,570 |
| S94 Plan No. 23                   |           |

[PCC0215/PSC0175]

**PRIOR TO COMMENCEMENT OF WORK**

10. 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]*
11. 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]*
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. 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]

- 14. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by Council prior to any discharge to sewer being commenced. A trade waste application fee will be applicable in accordance with Council's adopted Fees and Charges.

[PCW1075]

- 15. Prior to the commencement of work the Principal Certifying Authority is to be provided with and approve details of the kitchen exhaust system. Such details are to include the location of discharge to the air, capture velocity, size of hood and angle of filters. The system shall comply with Australian Standards SAA 1668 Part 2 Ventilation Requirements.

[PCW0575]

#### **DURING CONSTRUCTION**

- 16. 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]

- 17. The proposed Tavern and associated building work is to comply with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made) as applicable to a Class 9b 'Place of Public Entertainment'.

[DUR0375]



18. 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]

19. 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]

20. 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]

21. If the work involved in the erection or demolition of a building:

(a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or

(b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place in accordance with the WorkCover Authority of NSW Code of Practice and relevant Australian Standards.

Where necessary the provision for lighting in accordance with AS 1158 - Road lighting and provision for vehicular and pedestrian traffic in accordance with AS 1742 shall be provided.

Any such hoarding, fence or awning is to be removed prior to the issue of an occupation certificate/subdivision certificate.

Application shall be made to Tweed Shire Council including associated fees for approval prior to any structure being erected within Council's road reserve.

[DUR0435]

22. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428.

[DUR1685]

23. Where a building or part of a building is required, under the provisions of Section D of the Building Code of Australia, to be accessible to permit use by people with disabilities, prominently displayed signs and symbols shall be provided to identify accessible routes, areas and facilities. The signage, including Braille or tactile signage, should be installed in accordance with the

relevant provisions of the Building Code of Australia and achieve the minimum design requirements provided under AS1428.

[DUR1695]

24. Where access for people with disabilities is required to be provided to a building, sanitary facilities for the use of the disabled must also be provided in accordance with the provisions Part F-2 of the Building Code of Australia.

[DUR1705]

25. 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]

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

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

[DUR2485]

27. 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]

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. 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]

30. 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]

31. 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]

32. 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]

33. All walls in the food preparation and food storage areas shall be of solid construction, easily washable, lightly coloured and tiled to a height of at least 2 metres above floor level, or where not tiled, cement rendered to provide a smooth even finish to ceiling. Note: Stud framed walls will not be acceptable. Intersections of all floors with walls shall be coved to a radius of not less than 25 millimetres.

[DUR1495]

34. All flooring materials in the food preparation and storage areas are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation. Where tiling is to be used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices.

[DUR1505]

35. Windows and doors opening into food preparation and storage areas are to be fully screened in accordance with Council's adopted code for the construction of food premises.

[DUR1515]

36. All internal fitout is to comply with Australian Standard AS4674 - Design, Construction and Fitout of Food Premises.  
[DUR1535]
37. Separate hand washing facilities must be provided with warm water and located in a position where it can be easily accessed by food handlers and be of a size that allows easy and effective hand washing to the satisfaction of the General Manager or his delegate.  
[DUR1545]
38. A floor waste connected to the drainage system shall be provided within 1.5 metres of the opening of the cool room.  
[DUR1565]
39. All shelving, benches, fittings and furniture on which appliances and utensils are positioned within the premises must be of durable, smooth, impervious material capable of being easily cleaned.  
[DUR1605]
40. Separate hand washing facilities must be provided with warm water in a readily accessible position within the work area.  
[DUR1645]
41. 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]
42. 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]
43. 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]
44. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads.  
[DUR2415]
45. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
  - \* 50<sup>0</sup>C in all other classes of buildings.

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

[DUR2555]

**PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

46. The premises where food is handled or prepared for patrons or occupants is to be notified to NSW Health in accordance with the Registration and notification requirements of the Food Standards Code as called into force by the Food Regulation 2001.

[POC0605]

47. Prior to commencement of operations and on completion of fit out an inspection is to be arranged with Council's Environmental Health Officer for final approval.

[POC0615]

48. The premise is to be treated on completion of fit-out and prior to commencement of trading and thereafter on a regular basis by a Licensed Pest Control Operator. A certificate of treatment is to be made available for Council inspection on request.

[POC0635]

49. Cooking gases shall be discharged above the roofline in accordance with AS 1668. Prior to issue of an occupation certificate Council shall be provided with certification that the cooking gas exhaust system complies with AS 1668.

[POCNS01]

50. 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]

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

[POC0225]

52. 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]

53. A noise management plan shall be prepared and submitted to the Tweed Shire Council for consideration of approval which details how noise from activities will be managed and controlled, so as to prevent the generation or emission of intrusive noise including noise from patrons arriving at and departing from the premises.

**USE**

54. 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]
55. All loading and unloading will take place within the boundary of the subject property.
56. 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]
57. All food handling areas and persons engaged in the preparation and handling of food supplied to patrons or occupants are to comply with the provisions of the Foods Act 1989 and the provisions of the Food Standards Code as called into force by the Food Regulation 2001. [USE0825]
58. The premises shall be maintained in a clean and tidy manner. [USE0965]
59. Footpath dining activities shall not be carried out unless a Footpath Dining License Agreement has been approved by Council. Footpath dining activities shall be restricted to the approved footpath dining area and carried out in accordance with Councils adopted Footpath Dining Policy. [USE1105]
60. Hours of operation of the business are restricted to the following hours: -  
\* 7.00am to 12 midnight seven (7) days a week, with the sale of alcohol restricted to 10.00am to midnight seven (7) days a week.  
\* All deliveries and pickups relating to the business are to occur within the approved hours [USE0185]
61. All activities shall be conducted within the property boundary and shall not be conducted on the coastal reserve without the prior written approval of Council.
62. No form of public entertainment is to be carried out on the premises unless approval for a Place of Public Entertainment has been obtained pursuant to the provisions of Section 68 of the Local Government Act 1993.
63. Live music shall not be played external to the building.
64. The business shall be operated in accordance with the recommendations of the Noise Impact Assessment Report prepared by VIPAC dated 30 August 2006.
65. Noise levels shall comply with the following:  
•  $L_{a10}$  noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz -

- 8kHz inclusive) by more than 5dB between 7.00am and 12.00 midnight at the boundary of any affected residence.
- $L_{a10}$  noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) between 12.00 midnight and 7.00am at the boundary of any affected residence.
  - Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.
66. The premises shall comply with the requirements of the Liquor Administration Board.
67. All activities associated with the occupancy of the building shall comply with the Protection of the Environment Operations Act 1997. [USENS02]
68. The public car park is to be open to enable public access. No gates or doors are to be installed which would prevent access to the public carpark within the approved trading hours. [USENS01]
69. The tavern is to provide a free shuttle bus service on a pick up and drop off basis. The service is to be available during all trading hours of the tavern. The bus shall have a minimum seating capacity of 12 persons. [USENS03]
70. A maximum of 15 poker machines shall be installed on the premises. Any increase to this number requires separate development consent.
71. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997. [USE0135]
72. No items or goods are to be stored or displayed outside the confines of the premises. [USE0445]
73. All loading/unloading to take place within the boundary of the subject property. [USE0525]
74. The use being restricted to the floor area designated on the approved plan. [USE0415]

***FOR VOTE - Unanimous***

**P4 [PD-PC] Development Application DA06/0301 - Upgrade to a 71 Bed Aged Care Facility at Lot 1 DP 805110 No. 1-9 Blundell Boulevard, Tweed Heads South**

**P 165 COMMITTEE DECISION:**

**Administrator Willan  
Administrator Boyd**

**RECOMMENDED** that: -

- A. Council assumes the Director-General's concurrence to vary Clause 38 of State Environmental Planning Policy (Seniors Living) 2004 as it relates to an 8m height limit in accordance with State Environmental Planning Policy No. 1.
- B. Development Application DA06/0301 to Upgrade to a 71 Bed Aged Care Facility at Lot 1 DP 805110 No. 1-9 Blundell Boulevard, Tweed Heads South 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: -
  - 720B/DA00b prepared by Tully Architects and dated November 2005
  - 720B/DA01 prepared by Tully Architects and dated November 2005
  - 720B/DA02 prepared by Tully Architects and dated November 2005
  - 720B/DA03 prepared by Tully Architects and dated November 2005
  - 720B/DA04b prepared by Tully Architects and dated November 2005
  - 720B/DA05b prepared by Tully Architects and dated November 2005
  - 720B/DA06 prepared by Tully Architects and dated November 2005
  - 720B/DA07 prepared by Tully Architects and dated November 2005
  - 720B/DA08 prepared by Tully Architects and dated November 2005
  - 720B/DA09 prepared by Tully Architects and dated November 2005
  - Landscaping Plan 720B/DA1 prepared Warwick Ralph and dated January 2006 and

State Environmental Planning Policy (Senior Living) 2004 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. 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. The facility shall be constructed and operated in compliance with all requirements of the NSW Food Authority.

[GENNS01]

5. In accordance with State Environmental Planning Policy (Seniors Living) 2004, the following restrictions on occupation of senior housing allowed is as follows: -

- (a) seniors or people who have a disability;
- (b) people who live within the same household with seniors or people who have a disability;
- (c) staff employed to assist in the administration of and provision of services to housing provided under this policy

[GENNS02]

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

6. 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]

7. 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]

8. In accordance with Section 68 of the Local Government Act, 1993, any premises proposing to discharge into Councils sewerage system a waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by Tweed Shire Council PRIOR to the issuing of a Construction Certificate to discharge to Councils sewerage system. [PCC1255]
9. In accordance with Section 68 of the Local Government Act, application shall be made to Council for any proposed sewerage drainage system. Detail shall be submitted from a Hydraulics Engineer which include hydraulic drawings, pipe sizes, details of materials, discharge temperatures, fire hose reels and fire hydrants. [PCC1225]
10. 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]
11. All runoff from new roof areas and treated carpark stormwater shall be discharged to an on site stormwater detention system designed to limit peak discharge from the site to the public realm to 200L/s per hectare of development site in storm events of intensity up to the ARI 100 year storm. All stormwater shall be initially directed to a Council standard discharge control pit (DCP) fitted with an orifice plate. Site storage requirements shall be calculated in accordance with storage basin calculations in the Queensland Urban Drainage Manual (QUDM). The use of surface storage in carpark and landscaped areas is encouraged as an alternative to underground tanks.. [PCC1165]
12. Detailed drawings showing all equipment, fittings, finishes (including floors, walls, ceilings and lighting), hydraulic designs (including trade waste), mechanical exhaust ventilation systems, and all areas where food will be received, stored, prepared, cooked and served (including counters) shall be submitted to Council's Environment & Health Unit for analysis, comment and approval prior to the Construction Certificate being issued. [PCCNS01]

13. 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.

Stage 1

(a) Tweed Road Contribution Plan:	\$933
S94 Plan No. 4 (Version 4.0)	
Sector2_4	
(b) Open Space (Casual):	\$193
S94 Plan No. 5	
(c) Shirewide Library Facilities:	\$794
S94 Plan No. 11	
(d) Eviron Cemetery/Crematorium Facilities:	\$138
S94 Plan No. 13	
(e) Emergency Facilities (Surf Lifesaving)	\$207
S94 Plan No. 16	
(f) Extensions to Council Administration Offices & Technical Support Facilities	\$1,463.94
S94 Plan No. 18	
(g) Cycleways	\$407
S94 Plan No. 22	

(h) Regional Open Space (Casual) S94 Plan No. 26	\$986
<u>Stage 2</u>	
(a) Tweed Road Contribution Plan: S94 Plan No. 4 (Version 4.0) Sector2_4	\$7,151
(b) Open Space (Casual): S94 Plan No. 5	\$1,477
(c) Shirewide Library Facilities: S94 Plan No. 11	\$6,084
(d) Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$1,058
(e) Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$1,586
(f) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$11,223.55
(g) Cycleways S94 Plan No. 22	\$3,119
(h) Regional Open Space (Casual) S94 Plan No. 26	\$7,563

[PCC0215/PSC0175]

14. 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:

Stage 1

Water DSP4: 1.5 ET @ \$4598	\$6,897
Sewer Banora: 2.25 ET @ \$2863	\$6,442

Stage 2

Water DSP4: 11.5 ET @ \$4598	\$52,877
Sewer Banora: 17.25 ET @ \$2863	\$49,387

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]

15. Details of the kitchen exhaust system are to be provided and approved prior to release of the Construction Certificate if required. Such details are to include the location of discharge to the air, capture velocity, size and hood and angle of filters. The system shall comply with AS1668.2 - Ventilation Requirements.

[PCC0735]

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) A 1.2m wide concrete footpath is to be provided around the entire frontage of the site.
- (b) The proposed driveways are to comply with Tweed Shire Council's Driveway Access to Property Design Specifications.
- (c) To support the proposed pedestrian crossing on Blundell Boulevard, the applicant is to undertake a pedestrian and traffic survey in accordance with the RTA's Interim Guide to Signs and Marking - Pedestrian Crossings to determine if criteria permitting a pedestrian crossing is satisfied.

(d) 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. 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]

#### **PRIOR TO COMMENCEMENT OF WORK**

18. 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]

19. 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]

20. 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]

21. 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]

22. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:

- (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]

23. 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]

24. 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]

25. 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]

### **DURING CONSTRUCTION**

26. 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]

27. 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]

28. 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]

29. 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]

30. 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]

31. 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]
32. The finished floor level of the building should finish not less than 225mm above finished ground level. [DUR0445]
33. 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]
34. A certificate is to be submitted by a Registered Surveyor certifying that all habitable floor areas are constructed above RL 3.10 metres AHD, and certifying the actual finished level of the total site. Certification of those levels by a registered surveyor must be submitted to the Principal Certifying Authority prior to proceedings past floor level to ensure that the floor is above flood level. [DUR1365]
35. 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 and demolition. [DUR2185]
36. 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]
37. 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]

38. 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]

39. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-

- \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- \* 50<sup>0</sup>C in all other classes of buildings.

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

[DUR2555]

40. 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]

41. 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]

42. 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]

43. 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]

44. Pursuant to the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility.  
[DUR1725]
45. 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]
46. A hose tap shall be provided adjacent to any grease arrester which may be installed for cleaning purposes and shall be fitted with a RPZD for the purpose of back flow prevention.  
[DUR2675]
47. 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]
48. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.  
[DUR0815]
49. All walls in the food preparation and food storage areas shall be of solid construction, easily washable, lightly coloured and tiled to a height of at least 2 metres above floor level, or where not tiled, cement rendered to provide a smooth even finish to ceiling. Note: Stud framed walls will not be acceptable. Intersections of all floors with walls shall be coved to a radius of not less than 25 millimetres.  
[DUR1495]
50. All flooring materials in the food preparation and storage areas are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation. Where tiling is to be used epoxy grout finished flush with

the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices.

[DUR1505]

51. Windows and doors opening into food preparation and storage areas are to be fully screened in accordance with Council's adopted code for the construction of food premises.

[DUR1515]

52. All internal fitout is to comply with Australian Standard AS4674 - Design, Construction and Fitout of Food Premises.

[DUR1535]

53. Separate hand washing facilities must be provided with warm water and located in a position where it can be easily accessed by food handlers and be of a size that allows easy and effective hand washing to the satisfaction of the General Manager or his delegate.

[DUR1545]

54. A floor waste connected to the drainage system shall be provided within 1.5 metres of the opening of the cool room.

[DUR1565]

55. For all hairdressing, podiatrist and consulting areas, all shelving, benches, fittings and furniture on which appliances and utensils are positioned must be of durable, smooth, impervious material capable of being easily cleaned.

[DUR1605]

56. For all hairdressing, podiatrist and consulting areas, the walls and floors must be lined, sealed or sheeted with an approved smooth impervious material capable of being easily cleaned.

[DUR1615]

57. For all hairdressing, podiatrist and consulting areas, the walls immediately behind any basin shall be provided with an impervious splashback to a height of 450mm and at least 150mm either side of the basin.

[DUR1625]

58. For all hairdressing, podiatrist and consulting areas, separate hand washing facilities must be provided with warm water in a readily accessible position within the work area.

[DUR1645]

59. 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 in accordance with Council's 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]

60. 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]

61. 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]

62. 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]

63. 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]

64. Prior to any work commencing, 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]

65. 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]

66. If a modification of Council's Sewer is required, then an application shall be lodged with Tweed Shire Council under Section 68 of the Local Government Act.

[DURNS01]

67. The temporary kitchen shall be constructed, fitted out, and approved by Council's Environment & Health Unit prior to demolition of the existing commercial kitchen at the site. [DURNS02]
68. The temporary kitchen shall be used for the preparation of light meals only. Until such time as the new commercial kitchen has been constructed, internally fitted out, and deemed to be in compliance with NSW Food Regulations by Council's Environment & Health Unit, no large-scale food preparation or production is to commence. [DURNS03]
69. Pre-cooked foods prepared at St Martha's and delivered to St Joseph's in the manner proposed will require endorsement by Council's Environment & Health Unit to ensure compliance with NSW Food Regulations. Particular attention must be made to approved sealed containers, maintaining food at appropriate temperatures, food deemed to be potentially hazardous, and transportation of foods within a vehicle. [DURNS04]
70. All used cooking utensils, storage equipment, crockery, cutlery and the like is required to be transported in sealed containers from St Joseph's to St Martha's to avoid the possibility of cross-contamination. Containers to be used for such purposes shall be sanitised after each use. [DURNS05]
71. The internal storage facilities to be used for the keeping of food to be served to residents is to be maintained at correct temperatures (i.e. frozen products at -18°C and fresh foods at 4°C). Thermometers are to be provided for safe monitoring of these foods. [DURNS06]
72. With respect to the temporary kitchen:
- a. All walls and ceiling must be lined, sealed or sheeted with an approved smooth impervious material capable of being easily cleaned. If these areas are to be painted, a gloss paint must be used.
  - b. All flooring materials are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation.
  - c. New fluorescent lights to be installed must be provided with diffusers.
  - d. All cabinets, hot water services, or any other fixed equipment, a minimum gap of 150mm is to be provided between the underside of the fixture and any surface. All other equipment is required to be placed on approved casters for easy removal for cleaning purposes.
  - e. Adequate measures shall be provided to safeguard all food from fly, dust and other contaminants. Any externally opening doors and windows shall be provided with insect screens. The door to the temporary kitchen shall also be provided with self-closing devices.

- f. Any existing under bench cupboards placed on a hollow plinth are to be made accessible for treatment, including ongoing treatment, during their use by a licensed pest control operator.
- g. Separate hand washing facilities must be provided with warm water and located in a position where it can be easily accessed by food handlers and be of a size that allows easy and effective hand washing to the satisfaction of Council's General Manager or his delegate.

[DURNS07]

73. 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]

74. All works shall be undertaken in accordance with the Assessment of Noise Impacts report for 1-9 Blundell Boulevard, Tweed Heads South prepared by Ron Rumble Pty Ltd dated 18 September 2006 (Reference No: RR/06/5788.Rpt) and acoustic treatment plan prepared by Tully Architects Pty Ltd dated October 2006 (Drawing No: 720B/DA10).

[DURNS09]

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

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

[POC0225]

77. 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.

[POC0235]



78. 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]
79. Prior to commencement of operations and on completion of fit out an inspection is to be arranged with Council's Environmental Health Officer for final approval for each stage of the development.  
[POC0615]
80. The food premises shall provide appropriate notification to the NSW Food Authority prior to commencement of operations.  
[POC0625]
81. 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]
82. Design detail shall be provided to address the flood compatibility of the proposed structure including the following specific matters:
- (a) The habitable and operational areas of the building are to be at a level no less than 500mm above the design flood level of RL 2.6m AHD.
  - (b) The facility should be provided with a back-up power source should electricity supply to the facility be interrupted during flooding emergencies.
  - (c) The facility may be isolated by road during large flood events requiring residents and staff to shelter within the facility for an extended period of time. Contingency plans for the ongoing care of residents throughout a flood emergency, with regard to staffing, continuous medical, food and water supply, sewerage and waste management, options for re-supply, and options for the evacuation of high care and at risk residents due to medical emergency should be discussed with the NSW State Emergency Service (SES), for inclusion within a Flood Management Plan for the facility.  
[PCC0705]

#### USE

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 deliveries and servicing of waste are to occur only within the hours of 7am to 6pm Monday to Friday, unless otherwise approved by Councils General Manager or his delegate.

[USE0195]

86. 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]

87. All loading/unloading to take place within the boundary of the subject property.

[USE0525]

88. Any premises used for the storage, preparation or sale of food shall comply with the *Food Act 2003* and the Australia New Zealand Food Standards Code.

[USE0835]

89. All mechanical ventilation shall comply with AS1668.2 Ventilation Requirements.

[USE0845]

90. The premises shall be operated in accordance with the *Public Health (Skin Penetration) Regulation 2000* and current NSW Health Skin Penetration Code of Best Practice and Guidelines.

[USE0975]

91. A sharps container shall be provided for the storage of used disposable needles in any skin penetration process. The sharps container shall be collected by an authorised medical waste collection service to the satisfaction of Council's General Manager or his delegate.

[USE1025]

92. Temporary food deliveries are to occur only within the hours of 7am to 6pm Monday to Sunday. Medical related deliveries exempted.

[USENS01]

**FOR VOTE - Unanimous**

**P5 [PD-PC] Development Application DA06/0801 for Internal Refurbishment Works to the Existing Club Comprising of a New Mezzanine Level for a Directors Room & a Projector Room, Reorganisation of Level 3, New Reception & Board Room & External Alterations for**

**P 166 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Willan**

**RECOMMENDED** that Development Application DA06/0801 for an internal refurbishment works to the existing club comprising a new mezzanine level for directors room and projector room, re-organisation of level 3, new reception and board room and external alterations for a fire stair in accordance with BCA provisions at Lot 12 DP 803451, No. 22-38 Powell Street, Tweed Heads 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. Prior to use of the new functions/bingo, entertainment lounge/stage/dance floor and multi-function room located on level 3 an application under Section 68 of the Local Government Act, 1993 to use the areas as a "place of public entertainment" is to be submitted to and approved by Tweed Shire Council. [GENNS01]
  
3. The building works shall satisfy the provisions of Part H of the BCA. [GENNS02]
  
4. The building is to be upgraded to comply with the performance requirements EP1.4 and EP2.2, and the deemed to satisfy requirements of NSW H101.16 of the *Building Code of Australia-2006*. Attention is directed to the requirements of Section E1.5 Sprinklers, Part E2 Smoke Hazard Management and NSW H101.16 Storerooms. It is recommended that a fire engineering report containing an alternative solution addressing the above mentioned BCA requirements is submitted to the PCA for assessment and determination prior to issue of the Construction Certificate. [GENNS03]
  
5. The development shall be completed in accordance with the Statement of Environmental Effects and Drawing Nos:
  - 06.1841 - DA02, Issue 1, prepared by Peddle Thorp Architects and dated July 2006,
  - 06.1841 - DA03, Issue 1, prepared by Peddle Thorp Architects and dated July 2006,
  - 06.1841 - DA04, Issue 1, prepared by Peddle Thorp Architects and dated July 2006,

- 06.1841 - DA05, Issue 1, prepared by Peddle Thorp Architects and dated July 2006,
- 06.1841 - DA06, Issue 1, prepared by Peddle Thorp Architects and dated July 2006,
- 06.1841 - DA07, Issue 1, prepared by Peddle Thorp Architects and dated July 2006,

except where varied by the conditions of this consent.

[GEN0005]

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

6. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all structural components, including a certificate of sufficiency of design prior to the determination of a construction certificate.

[PCC0935]

7. 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]

8. 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]

9. In accordance with Section 68 of the Local Government Act, 1993, any premises proposing to discharge into Councils sewerage system a waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by Tweed Shire Council PRIOR to the issuing of a Construction Certificate to discharge to Councils sewerage system.

[PCC1255]

10. Three copies of detailed hydraulic plans shall be submitted with all trade waste applications which indicate size, type and location of pre-treatment devices. All plumbing and drainage installations to these devices shall comply with AS3500.

[PCC1275]

#### **PRIOR TO COMMENCEMENT OF WORK**

11. 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]*
12. 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]*
13. 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]*

14. 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.  
[PCW0665]
15. 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]
16. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by Council prior to any discharge to sewer being commenced. A trade waste application fee will be applicable in accordance with Council's adopted Fees and Charges.  
[PCW1075]
17. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.  
[PCW1085]
18. Prior to the commencement of any works on the site all required plumbing and drainage inspection fees are to be submitted to Council.  
[PCW1095]
19. Detailed drawings showing equipment, shop fittings, the mechanical exhaust ventilation system and internal shop finishes are to be submitted to Council for further analysis, comment and approval prior to the commencement of any internal fitout.  
[PCW0585]

#### **DURING CONSTRUCTION**

20. 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]
21. 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]
22. 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]
23. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:
- (a) A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.
  - (b) The chute shall be located in a position approved by the Principal Certifying Authority.
  - (c) A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust. [DUR0385]
24. 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]
25. 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]
26. 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]
27. If the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
  - (b) building involves the enclosure of a public place,
- a hoarding or fence must be erected between the work site and the public place in accordance with the WorkCover Authority of NSW Code of Practice and relevant Australian Standards.

Where necessary the provision for lighting in accordance with AS 1158 - Road lighting and provision for vehicular and pedestrian traffic in accordance with AS 1742 shall be provided.

Any such hoarding, fence or awning is to be removed prior to the issue of an occupation certificate/subdivision certificate.

Application shall be made to Tweed Shire Council including associated fees for approval prior to any structure being erected within Councils road reserve.

[DUR0435]

28. 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]

29. 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
- Dust during building operations
- Removal of material from the site by wind

[DUR1005]

30. Where a building or part of a building is required, under the provisions of Section D of the Building Code of Australia, to be accessible to permit use by people with disabilities, prominently displayed signs and symbols shall be provided to identify accessible routes, areas and facilities. The signage, including Braille or tactile signage, should be installed in accordance with the relevant provisions of the Building Code of Australia and achieve the minimum design requirements provided under AS1428.

[DUR1695]

31. 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]

32. 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]

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

- (a) internal drainage;



- (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
  - (c) completion of work and prior to occupation of the affected building portion.  
[DUR2485]
34. 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]
35. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.  
[DUR2525]
36. 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]
37. Any premises used for the storage, preparation or sale of food are to comply with the relevant provisions of the Food Act, 1989 and Council's adopted Code for the construction of Food Premises. Details of fittings and equipment are to be submitted to the Principal Certifying Authority prior to installation.  
[DUR1485]
38. All walls in the food preparation and food storage areas shall be of solid construction, easily washable, lightly coloured and tiled to a height of at least 2 metres above floor level, or where not tiled, cement rendered to provide a smooth even finish to ceiling. Note: Stud framed walls will not be acceptable. Intersections of all floors with walls shall be coved to a radius of not less than 25 millimetres.  
[DUR1495]
39. All flooring materials in the food preparation and storage areas are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation. Where tiling is to be used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices.  
[DUR1505]
40. Shop fitters are to liaise with the Principal Certifying Authority prior to fitting out of shop.  
[DUR1525]
41. All internal fitout is to comply with Australian Standard AS4674 - Design, Construction and Fitout of Food Premises.  
[DUR1535]

42. Separate hand washing facilities must be provided with warm water and located in a position where it can be easily accessed by food handlers and be of a size that allows easy and effective hand washing to the satisfaction of the General Manager or his delegate.

[DUR1545]

43. All shelving, benches, fittings and furniture on which appliances and utensils are positioned within the premises must be of durable, smooth, impervious material capable of being easily cleaned.

[DUR1605]

44. The walls immediately behind any basin shall be provided with an impervious splashback to a height of 450mm and at least 150mm either side of the basin.

[DUR1625]

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

45. 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]

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

[POC0225]

47. 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]

48. Prior to commencement of operations and on completion of fit out an inspection is to be arranged with Council's Environmental Health Officer for final approval.

[POC0615]

49. The premise is to be treated on completion of fit-out and prior to commencement of trading and thereafter on a regular basis by a Licensed Pest Control Operator. A certificate of treatment is to be made available for Council inspection on request.

[POC0635]

### **USE**

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

[USE0125]

51. Food handling and preparation is to comply with all requirements of NSW Health.

[USE0895]

**FOR VOTE - Unanimous**

**P6 [PD-PC] Development Application DA05/1018 for a Car Repair Station at Lot 101 DP 1051481, No. 110 Minjungbal Drive, Tweed Heads South**

**P 167 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Willan**

**RECOMMENDED** that Development Application DA05/1018 for a car repair station at Lot 101 DP 1051481, No. 110 Minjungbal Drive Tweed Heads South be approved subject to the following conditions: -

**GENERAL**

1. 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]
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.  
[GEN0115]
3. The development shall be completed in accordance with the Statement of Environmental Effects and Sheet Nos:
  - WD01, Rev E, prepared by Glen Peterson Architects and dated 11/08/2005,
  - WD02, Rev C, prepared by Glen Peterson Architects and dated 11/08/2005,
  - WD03, Rev D, prepared by Glen Peterson Architects and dated 11/08/2005,
  - WD03, Rev A, prepared by Glen Peterson Architects and dated 11/08/2005,

except where varied by the conditions of this consent.

[GEN0005]

4. Advertising structures/signs are to be the subject of a separate development application, where statutorily required.  
[GEN0065]
5. 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]
6. The development is to be carried out in accordance with Councils adopted Development Design and Construction Specifications. [GEN0125]
7. All air compressors shall be located within the proposed tenancies or to the satisfaction of Council's Director of Environment and Community Services. [GENNS01]
8. Any drainage grates over vehicular access areas shall be firmly fixed to avoid rattling as a vehicle passes over them. [GENNS02]

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

9. 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]
10. Prior to the issue of a construction certificate amended plans shall be submitted to and approved by the Principal Certifying Authority which include the provision of disabled toilet facilities in accordance with the provisions of part F2.4 of the Building Code of Australia ( 2005 ) [PCCNS01]
11. 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]
12. 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]
13. 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]

14. Design detail shall be provided to address the flood compatibility of the proposed structure including the following specific matters:
- (a) The design flood level of RL 2.65m AHD.
  - (b) All building materials used below Council's design flood level must not be susceptible to water damage.
  - (c) Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should to suitably treated to withstand continuous submergence in water.
  - (d) Define adequate provision for the flood free storage for goods and equipment susceptible to water damage.
- [PCC0705]
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) Construction of vehicular access points in accordance with Council's adopted standards.
  - (b) Reinstatement of any disused access points, stormwater discharge points

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.
  - (d) Specific Requirements to be detailed within the Construction certificate application include:
    - (i) The Section 68 stormwater application must specify the size and type of proposed proprietary device as substitute for oil/grit separator (minimum combined capacity 785 litre).

[PCC1105]

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

[PCC1115]

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

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

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

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

[PCC1145]

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. Medium density developments will be required to provide a single bulk water service at the road frontage. Individual metering beyond this point shall be managed by occupants. Application for the bulk metre shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.

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.

[PCC1185]

23. 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]

24. 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]

25. 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: | \$3,772 |
| S94 Plan No. 4 (Version 4.0)      |         |
| Sector2_4                         |         |

[PCC0215/PSC0175]

26. Pursuant to Section 68 of the Local Government Act, 1993 an approved pre-treatment device (eg. Oil/grease traps, separators, etc) shall be installed in accordance with Tweed Shire Councils Trade Waste Policy. Submission of detailed hydraulic plans and specifications indicating size, type, location and drainage installations in accordance with AS 3500 shall be submitted to Council for approval.

[PCC1265]



27. Three copies of detailed hydraulic plans shall be submitted with all trade waste applications which indicate size, type and location of pre-treatment devices. All plumbing and drainage installations to these devices shall comply with AS3500.

[PCC1275]

28. Any carparking 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]

29. The developer shall provide 14 on-site car parking spaces including parking for the disabled and bicycle parking in accordance with Development Control Plan No. 2 - Site Access and Parking Code, 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]

#### **PRIOR TO COMMENCEMENT OF WORK**

30. 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]

31. 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]

32. 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]

33. 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]

34. 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]
35. 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]
36. 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]
37. Written approval for any application under Section 138 of the Roads Act 1993 is required prior to commencing works within the road reserve.  
[PCW0705]
38. 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]
39. 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]
40. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by Council prior to any discharge to sewer being commenced. A trade waste application fee will be applicable in accordance with Councils adopted Fees and Charges.  
[PCW1075]

#### **DURING CONSTRUCTION**

41. 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]

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. The finished floor level of the building should finish not less than 225mm above finished ground level.

[DUR0445]

46. 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]

47. 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]

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:-
- \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
  - \* 50<sup>0</sup>C in all other classes of buildings.
- A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.
- [DUR2555]
54. 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]
55. The provision of 14 off street car parking spaces including parking for the disabled where applicable. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Site Access and Parking Code, the Building Code of Australia and AS 2890.
- [DUR0085]

56. If the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
  - (b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place in accordance with the WorkCover Authority of NSW Code of Practice and relevant Australian Standards.

Where necessary the provision for lighting in accordance with AS 1158 - Road lighting and provision for vehicular and pedestrian traffic in accordance with AS 1742 shall be provided.

Any such hoarding, fence or awning is to be removed prior to the issue of an occupation certificate/subdivision certificate.

Application shall be made to Tweed Shire Council including associated fees for approval prior to any structure being erected within Councils road reserve.

[DUR0435]

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

[DUR0815]

58. 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]

59. Provision to be made for a flood free storage area for stock and equipment susceptible to water damage.

[DUR1395]

60. Building materials used below Council's minimum floor level of RL 2.65m AHD shall be flood compatible.

[DUR1405]

61. Subject to the requirements of the local electricity authority, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level shall be provided with earth leakage devices.

[DUR1415]

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

[DUR1745]

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. The proponent shall comply with all requirements tabled within any approval issued under Section 138 of the Roads Act.  
[DUR1885]
65. 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]
66. 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]
67. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".  
[DUR2195]
68. 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]
69. The proponent shall comply with all requirements tabled within any approval issued under Section 68 of the Local Government Act.  
[DUR2625]
70. The proponent shall notify Councils Engineering and Operations Division upon excavation of any disused sewer junction awaiting capping by Council.  
[DUR2715]
71. 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]
72. 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]

73. 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]
74. 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]
75. A hose tap shall be provided adjacent to a grease arrester for cleaning purposes and shall be fitted with a RPZD for the purpose of back flow prevention.  
[DUR2675]
76. A trade waste agreement will be issued and a permit number allocated once the device has been installed, inspected and Council has received a copy of the Waste Contractor's Service Agreement  
[DUR2685]
77. All hazardous and/or dangerous goods shall be handled and stored in a designated area away from stormwater drains. The designated area is to be: -
- (a) Roofed;
  - (b) Provided with a sealed floor; and
- Bunded so as to hold 110% of the total quantity of goods stored. Bunded area(s) shall not be flood-labile and shall be provided with pump out facilities.  
[DUR1635]
78. 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]
79. All works shall be undertaken in accordance with the *Preliminary Site Contamination Investigation & Remediation Action Plan* prepared by HMC Environmental Consulting Pty Ltd dated August 2006 (Report No: 2005.87) and additional information also prepared by HMC Environmental Consulting Pty Ltd dated 25 October 2006.  
[DURNS01]
80. Any damage caused to public infrastructure (roads, footpaths, road reserve, water and sewer mains, power and telephone services etc) during remediation and construction works shall be repaired and restored to the satisfaction of the Director of Engineering Services prior to any use of the buildings.  
[DURNS03]
81. Validation sampling undertaken in accordance with NSW EPA guidelines is to be carried out on the base and sidewalls of the remediation excavation pit. A



Validation Report prepared by a qualified environmental consultant shall be submitted to and approved by Council's Director Environment & Community Services prior to any further construction works commencing.

[DURNS02]

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

82. 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]

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

[POC0225]

84. 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]

85. 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]

86. 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.

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.

[POC0265]

87. All landscaping work is to be completed in accordance with the plans prior to any use or occupation of the building.

[POC0475]

88. 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]

89. A 1.8m acoustic barrier constructed in accordance with Sketch No. 1 of the Environmental Noise Impact Assessment prepared by Carter Rytenschild Group (CRG) Traffic & Acoustics Pty Ltd dated 3 July 2006 (crgref: 175 report) shall be installed at the site.

[POCNS01]

90. Immediately following final placement of the storage cell containing contaminated material, a survey must be undertaken by a registered surveyor to accurately record the final position of the storage cell as overlaid on engineering plans or similar. The survey plan(s) must be provided to Council for review, prior to the occupation certificate being issued.

[POCNS02]

91. All trade materials, product and plant to be kept within confines of the building at all times.

[USE0515]

92. All loading/unloading to take place within the boundary of the subject property.

[USE0525]

## USE

93. No items or goods are to be stored or displayed outside the confines of the premises.

[USE0445]

94. 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]

95. 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]

96. Hours of operation of the business are restricted to the following hours: -

- \* 8.00am to 5.30pm - Mondays to Fridays
- \* 8.00am to 2pm Saturday
- \* No operations are to be carried out on Sundays or Public Holidays
- \* All deliveries and pickups relating to the business are to occur within the approved hours

[USE0185]

97. All hazardous and/or dangerous goods shall be stored in accordance with requirements of WorkCover NSW.

[USE1035]

98. All containers, whether or not empty, which contain or once contained potentially contaminated materials, mechanical parts and the like shall be stored to the satisfaction of Council's General Manager or his delegate. [USE1045]
99. The disposal of all wash water, oil, grease or other pollutants from the business shall be disposed of to the satisfaction of Council's General Manager or his delegate. [USE1055]
100. All waste collection activities shall occur within the property boundary. [USE1345]
101. All batteries and any mechanical parts and equipment containing oil, grease and the like are to be stored in a covered and contained area to prevent leakage or spillage outside the workshop floor area. [USENS01]
102. All spray painting must be undertaken within a WorkCover NSW approved spray booth that has an exhaust fan and filter. The spray booth must be designed, constructed and maintained in accordance with Australian Standard AS4114.1 and 4114.2. [USENS02]
103. Any persons involved with the installation, servicing or decommissioning of vehicle air conditioners shall hold a current licence from the Motor Vehicle Repair Industry Authority and Australian Refrigeration Council. [USENS03]
104. The business shall consult the latest version of the NSW Environment Protection Authority's *Solutions to Pollutions Guide for Auto Servicing and Mechanical Repairers*.
105. Hammering of any steel material or the like shall be undertaken inside the tenancies only, and shall be conducted as far away from the roller doors as possible. [USENS05]

**FOR VOTE - Unanimous**

**P7 [PD-PC] Development Application DA06/0965 for the Use of Existing Shed for the Purpose of a Bus Depot Storing Two Buses at Lot 1 DP 1026947, Eviron Road, Eviron**

**P 168 COMMITTEE DECISION:**

**Administrator Willan  
Administrator Boyd**

**RECOMMENDED** that Development Application DA06/0965 for the use of existing shed for the purpose of a bus depot storing two buses at Lot 1 DP 1026947, Eviron Road Eviron 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 1&2 prepared by applicant and dated 24 August 2006, except where varied by the conditions of this consent. [GEN0005]
2. Proposed advertising structures/signs are to be the subject of a separate development application, where statutorily required. [GEN0065]
3. Prior to use of the storage sheds as a bus depot an 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. The application shall include engineering plans and specifications for the following required works:-
  - (a) The existing access to the storage shed shall be sealed with a 6.0m wide single coat bitumen seal on a 150mm compacted gravel pavement from the edge of the existing pavement in Seven Oaks Drive to the property boundary.
  - (b) Permanent erosion measures shall be provided in the table drain immediately upstream and downstream of the culvert headwalls to prevent further scour to the table drain invert and batters. [GENNS01]
4. The buses are to enter and leave the site in a safe manner and in accordance with the applicable speed limit. [GENNS02]

**DURING CONSTRUCTION**

5. 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]
6. 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]

**USE**

7. 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]
8. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.  
[USE0135]
9. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.  
[USE0145]
10. The use of the buses entering and leaving the site are restricted to between the hours of 7am to 5.30pm Mondays to Fridays and 9.30am - 5.30pm Saturdays and Sundays.  
[USE0185]
11. 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]
12. Provision shall be made for a flood free storage area for stock and other equipment susceptible to water damage.  
[USENS01]
13. The provision of fuel or mechanical servicing of the buses or equipment is not permitted.  
[USENS02]
14. Approval is given to two (2) buses only for storage purposes within the existing shed.  
[USENS03]
15. Buses are to remain within the boundaries of the subject site if not on route for school purposes.  
[USENS04]

***FOR VOTE - Unanimous***

- P8 [PD-PC] Section 96 Application DA06/0351.01 for Amendment to Development Consent DA06/0351 for Alterations & Additions to Tweed City Shopping Centre at Lot 1 DP872305 No 38 Minjungbal Dve & Lots 14-17 DP23659 Nos. 34, 36, 38 & 40 Kirkwood Rd, Tweed Heads**

**P 169 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Willan**

**RECOMMENDED** that:-

A. Section 96 Application DA06/0351.01 for an amendment to Development Consent DA06/0351 for alterations and additions to Tweed City shopping centre at Lot 1 DP 872305, No. 38 Minjungbal Drive & Lots 14,15,16 & 17 DP23659, Nos. 34, 36, 38 and 40 Kirkwood Road, Tweed Heads South be amended as follows: -

1. Amend Condition No. 3 as follows: -

3. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos: -

DA-0.001D prepared by The Buchan Group and dated 13/11/2006  
DA-0.110B prepared by The Buchan Group and dated 21/8/2006  
DA-1.000B prepared by The Buchan Group and dated 21/8/2006  
DA-1.002B prepared by The Buchan Group and dated 21/8/2006  
DA-1.004B prepared by The Buchan Group and dated 21/8/2006  
DA-2.000B prepared by The Buchan Group and dated 21/8/2006  
DA-2.001B prepared by The Buchan Group and dated 21/8/2006  
DA-2.002B prepared by The Buchan Group and dated 21/8/2006  
DA-2.004B prepared by The Buchan Group and dated 21/8/2006  
DA-2.005B prepared by The Buchan Group and dated 21/8/2006  
DA-2.006B prepared by The Buchan Group and dated 21/8/2006  
DA-2.007B prepared by The Buchan Group and dated 21/8/2006  
DA-2.009B prepared by The Buchan Group and dated 21/8/2006  
DA-2.0010B prepared by The Buchan Group and dated 21/8/2006  
DA-3.000B prepared by The Buchan Group and dated 21/8/2006  
DA-3.001B prepared by The Buchan Group and dated 21/8/2006  
DA-3.002B prepared by The Buchan Group and dated 21/8/2006  
DA-8.000B prepared by The Buchan Group and dated 21/8/2006  
DA-8.001B prepared by The Buchan Group and dated 21/8/2006  
DA-8.002B prepared by The Buchan Group and dated 21/8/2006  
DA-8.003B prepared by The Buchan Group and dated 21/8/2006  
DA-8.004B prepared by The Buchan Group and dated 21/8/2006  
DA-8.005B prepared by The Buchan Group and dated 21/8/2006  
DA-8.006B prepared by The Buchan Group and dated 21/8/2006

except where varied by the conditions of this consent.

2. Delete Condition No. 12 and replace with Condition No. 12A as follows: -

12A. The proposed alterations and additions are not to reduce the effectiveness of the existing smoke hazard management system contained within the existing portions of the building.

3. Amend Condition No. 15 as follows: -

15. Plans for all proposed food outlet fitouts, including Coles supermarket, shall be provided to Council prior to the construction certificate being issued for the fitout of the uses or use of these outlets whichever occurs first, that include the following:

- (a) Floor plan
- (b) Layout of kitchen showing all equipment
- (c) All internal finish details including floors, wall, ceiling and lighting
- (d) Hydraulic design including the trade waste disposal method
- (e) Mechanical exhaust ventilation as per the requirements of AS1668 Pts 1 & 2 where required
- (f) Servery areas including counters etc

4. Amend Condition No. 16 as follows: -

16. A detailed plan of landscaping is to be submitted and approved by Council prior to the issue of a Construction Certificate.

5. Amend Condition No. 24 as follows: -

24. 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 for Lot 1 DP 872305 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:<br>S94 Plan No. 4 (Version 4.0)<br>Sector2_4                        | \$386,610. |
| (b) Extensions to Council Administration Offices<br>& Technical Support Facilities<br>S94 Plan No. 18 | \$4,502.07 |

[PCC0215]

6. Amend Condition No. 25 as follows: -

25. 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 for Lot 1 DP 872305 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:	17.26 ET @ \$4598	\$79,361
Sewer:	26.68 ET @ \$2863	\$76,385

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.

7. Delete Condition No. 29.

8. Delete Condition No. 30.

9. Amend Condition No. 43 as follows: -



43. If the existing fence is to be demolished during the demolition and construction work for the shopping centre, the 3.0m acoustic fence constructed of either masonry, fibre cement, lapped gapless timber or similar shall be constructed in accordance with Appendix 2 Sketch 1 and 2 of the *Environmental Noise Impact Report for the Tweed City Shopping Centre, 54 Minjungbal Dr, Tweed Heads South* prepared by TTM Consulting (GC) Pty Ltd dated 31 August 2006 (ttmref: 31782 report revision B).
10. Amend Condition No. 74 as follows: -
74. All works shall be carried out in accordance with the *Environmental Noise Impact Report for the Tweed City Shopping Centre, 54 Minjungbal Dr, Tweed Heads South* prepared by TTM Consulting (GC) Pty Ltd dated 31 August 2006 (ttmref: 31782 report revision B) and Environmental Noise Impact Assessment Addendum 1 dated 21 April 2006 (ttmref: Letter 31782) except where varied by these conditions.
11. Amend Condition No. 75 as follows: -
75. All spaces between the timber palings of the existing timber fence along the southern boundary of the site shall be sealed with no gaps in accordance with the *Environmental Noise Impact Report for the Tweed City Shopping Centre, 54 Minjungbal Dr, Tweed Heads South* prepared by TTM Consulting (GC) Pty Ltd dated 31 August 2006 (ttmref: 31782 report revision B).
12. Amend Condition No. 76 as follows: -
76. A 2.0m fence constructed of masonry, fibre cement, lapped gapless timber or similar shall be constructed in the northern carpark areas as indicated in Appendix A sketch 1 and 2 of the *Environmental Noise Impact Report for the Tweed City Shopping Centre, 54 Minjungbal Dr, Tweed Heads South* prepared by TTM Consulting (GC) Pty Ltd dated 31 August 2006 (ttmref: 31782 report revision B).
13. Amend Condition No. 77 as follows: -
77. The 3.0m acoustic fence constructed of either masonry, fibre cement, lapped gapless timber or similar shall be constructed in accordance with Appendix 2 Sketch 1 and 2 of the *Environmental Noise Impact Report for the Tweed City Shopping Centre, 54 Minjungbal Dr, Tweed Heads South* prepared by TTM Consulting (GC) Pty Ltd dated 31 August 2006 (ttmref: 31782 report revision B).

14. Amend Condition No. 78 as follows: -

78. All works shall comply with the S.P.L.A.T. Landscape Details plans dated October 2006 Drawings numbered 050501- 03 to 09 issue A with Plan number 03 Issue B and the Street Frontage-landscape concept plan numbered 050501 –SK01.

15. Amend Condition No. 107 as follows: -

107. The use of any compactor(s) located with the Coles or other proposed eastern loading bays area(s) shall be restricted to between 8.30am to 6pm Monday to Friday and 10am to 4pm Saturday, Sunday and public holidays. A sign outlining these hours shall be attached to the wall near each compactor to advise all staff of the restricted hours of operation.

16. Amend Condition No. 108 as follows: -

108. The Coles and other proposed eastern loading bay doors shall be kept closed except for when allowing entry of a delivery truck or removal of waste.

17. Addition of the following heading and conditions after Condition No. 110:  
-

#### GENERAL TERMS OF APPROVAL FOR A LICENCE UNDER THE WATER ACT 1912

- Before commencing any works or using any existing works for the purpose of Temporary Dewatering for Construction Purposes, an approval under Part 5 of the water Act 1912 must be obtained from the Department. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.
- An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the Water Act, 1912.
- When the Department grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or to let lapse.
- All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.
- All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.
- The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.

- All vegetation clearing must be authorised under the Native Vegetation Act 2003, 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 licence fee calculated in accordance with the Water Act 1912 must be paid before a licence can be granted.
- If and when require 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.

B Signage strategy to be subject to a separate application to determined by the Chairman of the Planning Committee in conjunction with the DPD.

***FOR VOTE - Unanimous***

**P9 [PD-PC] Development Application DA06/1055 for a Bottle Shop (Tenancy No. 9) at Lot 902 DP 1097490, No. 2-6 Pandanus Parade, Cabarita Beach**

**P 170 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Willan**

**RECOMMENDED** that Development Application DA06/1055 for a bottle shop (Tenancy No. 9) at Lot 902 DP 1097490, No. 2-6 Pandanus Parade, Cabarita Beach 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 SP01, WD11, WD12, WD04, WD09, WD05 prepared by Ryder Hampton and dated 4 and 5 September 2006, except where varied by the conditions of this consent.

[GEN0005]

2. The public car park is to be open to enable public access. No gates or doors are to be installed which would prevent access to the public car park within approved trading hours.

[GENNS01]

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. 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]

#### **PRIOR TO COMMENCEMENT OF WORK**

5. 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]

6. 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]

7. 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]

8. 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**

9. 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]

10. 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]

11. All materials used in the building must comply with the smoke developed and spread of flame indices specified in Specification C1.10 of the Building Code of Australia.

Note: Many materials including some timbers such as western red cedar do not comply and it is the applicants responsibility to ensure that all materials to be used are within the criteria specified.

[DUR1275]

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

- (a) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
- (b) completion of work and prior to occupation of the building.

[DUR2485]

13. 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]

14. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-

- \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- \* 50<sup>0</sup>C in all other classes of buildings.

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

[DUR2555]

15. 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]

16. 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]

17. 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]

18. 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]

19. 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]

20. A floor waste connected to the drainage system shall be provided within 1.5 metres of the opening of the cool room.

[DUR1565]

21. All shelving, benches, fittings and furniture on which appliances and utensils are positioned within the premises must be of durable, smooth, impervious material capable of being easily cleaned. [DUR1605]
22. Separate hand washing facilities must be provided with warm water in a readily accessible position within the work area. [DUR1645]
23. 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]

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

24. 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]
25. 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]
26. Prior to commencement of operations and on completion of fit out an inspection is to be arranged with Council's Environmental Health Officer for final approval. [POC0615]
27. The premise is to be treated on completion of fit-out and prior to commencement of trading and thereafter on a regular basis by a Licensed Pest Control Operator. A certificate of treatment is to be made available for Council inspection on request. [POC0635]

#### **USE**

28. 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]
29. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997. [USE0135]
30. Hours of operation of the business are restricted to the following hours: -  
\* 10am to 10pm - 7 days a week [USE0185]
31. 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]

32. Any premises used for the storage, preparation or sale of food shall comply with the *Food Act 2003* and the Australia New Zealand Food Standards Code.

[USE0835]

33. All wastes shall be collected, stored and disposed to the satisfaction of the General Manager or his delegate.

[USE0875]

34. The premises shall be maintained in a clean and tidy manner.

[USE0965]

35. The premise shall not be utilised for the preparation or sale of putrescible foods.

36. Storage and handling of foods shall be restricted to dry, canned or sealed foods only and the storage of putrescible foods is not permissible.

[USENS01]

***FOR VOTE - Unanimous***

**P10 [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 171 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Willan**

**RECOMMENDED** that this item be deferred to the next meeting of the Planning Committee to be held on 19 December 2006.

***FOR VOTE - Unanimous***

**P11 [PD-PC] Development Application DA06/0808 for Alterations and Additions to the Pottsville North Caravan Park at Lot 1 & 2 DP 731761; Lot 522 DP 822808 & Lot 7016 DP 1055269 Tweed Coast Road, Pottsville (Department of Planning ID 05-0192)**

**P 172 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Willan**

**RECOMMENDED** that the attached draft report and conditions be sent to the Minister for Planning for consideration.

**FOR VOTE - Unanimous**

**P12 [PD-PC] Development Application DA06/0915 for the Erection of a Pontoon at Lot 125 DP 246488, No. 82 Companion Way, Tweed Heads**

**P 173 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Willan**

**RECOMMENDED** that Development Application DA06/0915 for the erection of a pontoon at Lot 125 DP 246488 No. 82 Companion Way, Tweed Heads 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 Site Plan and Drawing No C2 prepared by D & M Fritsch and dated 14 August 2006, except where varied by the conditions of this consent. [GEN0005]
3. The development shall comply with all requirements of the "Tweed Shire Council Guidelines for the Installation of Pontoons and Boat Ramps". [GEN0105]
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. A Deed of Licence Agreement is to be entered into with Council for the purpose of maintaining the pontoon structure on part of the canal fronting Lot 125 DP 246488. [PCCNS01]

6. The applicant is to obtain public liability indemnity insurance for the sum of \$5,000,000.00. Documentary evidence of this is to be supplied together with the Executed Deed of Licence Agreement prior to undertaking any works.

[PCCNS02]

7. The applicant is to comply with Council's Acid Sulfate Soils Management Plan for Minor Works.

[PCCNS03]

**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.

[PCW0215]

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.

[PCW0225]

10. 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]

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

[PCW1165]

#### **DURING CONSTRUCTION**

12. 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]

13. 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]

14. 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]

15. 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]

16. 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]
17. 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]
18. 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]
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. 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]

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

21. 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]
22. Prior to the issue of a final occupation certificate, all conditions of consent are to be met. [POC1055]

#### **USE**

23. 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]
24. The pontoon is not to be used for any commercial or industrial purpose. It shall only be used for the mooring of private vessels. The pontoon is not to be used for the mooring of a commercial sand dredge. [USE0455]

**GENERAL TERMS OF APPROVAL UNDER SECTION 201 OF THE FISHERIES MANAGEMENT ACT (Permit To Carry Out Dredging Or Reclamation Work)**

- A permit under s198-202 of the Fisheries Management Act 1994 for dredge and reclamation activities be obtained prior to commencement of the works associated with the construction / installation of the pontoon.
- A permit under s205 of the Fisheries Management Act 1994 for harm to marine vegetation (seagrass, mangroves, kelp) be obtained prior to commencement of the works if works are to harm marine vegetation. A permit would be required if seagrass were to be shaded by the pontoon.
- Environmental safeguards (silt curtains, booms etc) are to be utilised during construction / installation of the revetment wall to ensure there is no escape of turbid plumes into the aquatic environment. Erosion and sediment controls must be in place prior to commencing, during and after works.
- Sand, gravel, silt, topsoil or other materials must not be stockpiled within 50 metres of the water unless surrounded by sediment control measures.
- A minimum clearance of 600mm between the base of the pontoon and the substrate at low tide to ensure adequate tidal flushing and the movement of sediment is not obstructed.

**FOR VOTE - Unanimous**

**P13 [PD-PC] Development Application DA06/1034 for Alterations and Additions to Existing Tavern Already Approved But Not Yet Constructed at Lot 1 DP 848875, No. 2-14 Henry Lawson Drive, Terranora**

The following person/s addressed the Planning Committee on this matter:-

Mr Tom Dobinson  
Mr Kevin Brennan

**P 174 COMMITTEE DECISION:**

**Administrator Turnbull**  
**Administrator Willan**

**RECOMMENDED** that Development Application DA06/1034 for alterations and additions to existing tavern already approved but not yet constructed at Lot 1 DP 848875, No. 2-14 Henry Lawson Drive, Terranora be approved subject to the following conditions: -

**GENERAL**

1. The development shall be completed in accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by conditions of this consent.

[GEN0015]

2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.  
[GEN0115]
3. Prior to use of the tavern as "a place of public entertainment" an application under Section 68 of the Local Government Act, 1993 for the activity being a "place of public entertainment" is to be submitted to and approved by Tweed Shire Council.  
[GENNS01]
4. The building works shall satisfy the provisions of Part H of the BCA.  
[GENNS02]
5. The development shall be completed in accordance with the Statement of Environmental Effects and Drawing Nos DD 1.00, DD 1.01 and DD 1.02 prepared by Scottwernet Design Consulting and dated 22/05/06, except where varied by the conditions of this consent.  
[GEN0005]
6. The applicant shall comply will all recommendations and requirements of the Noise Impact Study for the proposed Tavern and Gaming Room prepared by Warrick Smith RPE:7099, AAAS, BME. REF:J160 Dated 28.08.2006.  
[GENNS03]
7. Advertising structures/signs to be the subject of a separate development application, where statutorily required.  
[GEN0065]

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

8. 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]
9. In accordance with Section 68 of the Local Government Act, 1993, any premises proposing to discharge into Councils sewerage system a waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by Tweed Shire Council PRIOR to the issuing of a Construction Certificate to discharge to Councils sewerage system.  
[PCC1255]
10. 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]
11. Full details of the fit out and construction of all food handling and preparation areas shall be submitted for consideration and approval to the satisfaction of Council's Director of Environment and Community Services prior to the issue of the Construction Certificate.  
[PCCNS01]

12. Details of the kitchen exhaust system are to be provided and approved prior to release of the Construction Certificate if required. Such details are to include the location of discharge to the air, capture velocity, size and hood and angle of filters. The system shall comply with AS1668.2 - Ventilation Requirements. [PCC0735]

13. 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: \$70,746  
S94 Plan No. 4 (Version 4.0)  
Sector5\_4

[PCC0215]

14. 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 DSP3: 8.13 ET @ \$10864 \$88,324

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Sewer Banora: 13.008 ET @ \$2863 \$37,242

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**

15. 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]

16. 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]

17. 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]

18. 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]

19. 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.

[PCW0985]

#### **DURING CONSTRUCTION**

20. 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]

21. 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]

22. 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]
23. 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]
24. 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]
25. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction. [DUR2185]
26. 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]
27. 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]
28. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993. [DUR2515]
29. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.

[DUR2525]

30. 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]

31. 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]

32. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-

- \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- \* 50<sup>0</sup>C in all other classes of buildings.

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

[DUR2555]

33. 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]

34. 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]

35. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Director of Environment and Community Services. [DUR0985]
36. 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]
37. All walls in the food preparation and food storage areas shall be of solid construction, easily washable, lightly coloured and tiled to a height of at least 2 metres above floor level, or where not tiled, cement rendered to provide a smooth even finish to ceiling. Note: Stud framed walls will not be acceptable. Intersections of all floors with walls shall be coved to a radius of not less than 25 millimetres. [DUR1495]
38. All flooring materials in the food preparation and storage areas are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation. Where tiling is to be used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices. [DUR1505]
39. Windows and doors opening into food preparation and storage areas are to be fully screened in accordance with Council's adopted code for the construction of food premises. [DUR1515]
40. All internal fitout is to comply with Australian Standard AS4674 - Design, Construction and Fitout of Food Premises. [DUR1535]
41. Separate hand washing facilities must be provided with warm water and located in a position where it can be easily accessed by food handlers and be of a size that allows easy and effective hand washing to the satisfaction of the General Manager or his delegate. [DUR1545]
42. A floor waste connected to the drainage system shall be provided within 1.5 metres of the opening of the cool room. [DUR1565]
43. All shelving, benches, fittings and furniture on which appliances and utensils are positioned within the premises must be of durable, smooth, impervious material capable of being easily cleaned. [DUR1605]
44. The walls immediately behind any basin shall be provided with an impervious splashback to a height of 450mm and at least 150mm either side of the basin.

[DUR1625]

45. Separate hand washing facilities must be provided with warm water in a readily accessible position within the work area.

[DUR1645]

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

[DUR2195]

47. 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]

48. 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]

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

[DUR2475]

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

50. 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]

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

[POC0225]

52. 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.
- [POC0235]
53. 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]
54. A noise management plan shall be prepared and submitted to Tweed Shire Council for consideration and approval which details how noise from activities will be managed and controlled, so as to prevent the generation or emission of intrusive noise including noise from patrons arriving at and departing from the premises. Such management plan shall be submitted and approved prior to the issue of the occupation certificate
- [POC0125]
55. Prior to commencement of operations and on completion of fit out an inspection is to be arranged with Council's Environmental Health Officer for final approval.
- [POC0615]
56. The food premises shall provide appropriate notification to the NSW Food Authority prior to commencement of operations.
- [POC0625]
57. The premise is to be treated on completion of fit-out and prior to commencement of trading and thereafter on a regular basis by a Licensed Pest Control Operator. A certificate of treatment is to be made available for Council inspection on request.
- [POC0635]
58. A Management Plan shall be prepared which addresses all recommendations as contained within the Noise Impact Study prepared by Warrick Smith RPE:7099 AAAS.MBE REF:J160 dated 28.08.06. Such Plan shall detail what operational measures will be employed to satisfy all recommendations in the Noise Impact Study. Such Plan shall be submitted to Council prior to the issue of an Occupation Certificate and shall be to the satisfaction of Council's Director of Environment and Community Services.
- [POCNS01]

## USE

59. 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]

60. The LA10 noise level emitted from the premises shall not exceed the background noise level (LA90) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.  
[USE0165]
61. 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]
62. Trading hours of the Tavern are restricted to the following:-  
\* 10.00am to 10.00pm - Sunday to Wednesday  
\* 10.00am to 11.00pm - Thursday to Saturday  
[USE0185]
63. 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]
64. Delivery of goods to the premises shall be restricted to between the hours of 8.00am to 8.00pm every day.  
[USE0275]
65. No items or goods are to be stored or displayed outside the confines of the premises.  
[USE0445]
66. All loading/unloading to take place within the boundary of the subject property.  
[USE0525]
67. Owners of buildings served by plant involving the operation of "cooling towers", "evaporative condensers" or "tepid water systems" must submit to Council, half yearly, a report detailing the maintenance, cleansing and chemical treatment of such plant every three (3) months in accordance with Part 6 of the NSW Public Health Act.  
[USE0535]



68. Any premises used for the storage, preparation or sale of food shall comply with the *Food Act 2003* and the *Australia New Zealand Food Standards Code*.  
[USE0835]
69. All external lighting associated with the Tavern building is to be shielded where necessary or required so as to prevent nuisance to any adjacent residential premises.  
[USENS01]
70. The premises shall comply with the requirements of The Liquor Administration Board.  
[USENS02]
71. All activities associated with the occupancy of the building are to comply with the *Protection of the Environment Operations Act, 1997*.  
[USENS03]
72. The use being restricted to the floor area designated on the approved plan.  
[USE0415]
73. All food handling areas and persons engaged in the preparation and handling of food supplied to patrons or occupants are to comply with the provisions of the *Foods Act 1989* and the provisions of the *Food Standards Code* as called into force by the *Food Regulation 2001*.  
[USE0825]
74. No form of public entertainment is to be carried out on the premises unless an approval for a *Place of Public Entertainment* has been obtained pursuant to the provisions of *Section 68 of the Local Government Act, 1993*.  
[USENS04]

**FOR VOTE - Unanimous**

**SUSPENSION OF STANDING ORDERS**

Standing Orders were suspended to deal with Community Access Session of Council commencing at 5.30pm.

**RESUMPTION OF STANDING ORDERS**

Standing Orders were resumed .

**P14 [PD-PC] Development Application DA05/0923 for a Self Storage Complex and Tweed Local Environmental Plan 2000 Amendment No 86 at Lot 11, DP 830660, Wommin Bay Road, Chinderah**

**P 175 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Willan**

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**RECOMMENDED** that Council advises the applicant that the LEP Amendment is unlikely to be supported by the Department of Planning and therefore Council will discontinue processing this LEP Amendment

***FOR VOTE - Unanimous***

**P15 [PD-PC] Amendment to Section 94 Contribution Plan No 7 - West Kingscliff**

**P 176 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED that Council:**

1. Adopts the amended exhibited Section 94 Contribution Plan No 7 – West Kingscliff.
2. Gives public notice in the Tweed Link of its decision in accordance with the Environmental Planning and Assessment Regulations 2000, specifying that the amended Section 94 Contribution Plan comes into effect on the date of the notice.

***FOR VOTE - Unanimous***

**P16 [PD-PC] Murwillumbah Retail Analysis**

**P 177 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED that Council:**

1. Notes the recommendations of the Murwillumbah Retail Analysis prepared by Core Economics, dated 7 November 2006.
2. In accordance with the provisions of the Environmental Planning and Assessment Act 1979, prepares a Development Control Plan to incorporate the recommendations as are appropriate of the Murwillumbah Retail Analysis, 7 November 2006.
3. Publicly exhibits the Murwillumbah Retail Analysis, 7 November 2006, for a period of 28 days.

4. Informs the Murwillumbah Chamber of Commerce and retailers/property owners of its decisions.
5. Supports a second full line supermarket on a consolidated land parcel within the Murwillumbah CBD area that maintains and enhances the role of the existing CBD shopping experience and encourages a more competitive supermarket offering in the centre of Murwillumbah. Council will seek to facilitate land consolidation for a second full line supermarket within the CBD area as opportunities arise.
6. Reviews this decision in two (2) years if a consolidated land parcel within the CBD area is unable to be achieved.

**FOR VOTE - Unanimous**

**P17 [PD-PC] Development Application DA06/0180 for a Retail Complex Comprising Supermarket & 7 Specialty Shops at Lot 1-4 DP4279; Lot 18 DP962878; Lot 1 DP443232; Lot 17 DP865658; Lot 1 DP437562; Lot 1 DP183770 No 230 Tweed Valley Way, South Murwillumbah**

**P 178 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED** that Development Application DA06/0180 for a retail complex comprising supermarket and seven (7) speciality shops at Lot 1, 2, 3 & 4 DP 4279; Lot 18 DP 962878; Lot 1 DP 443232; Lot 17 DP 965658; Lot 1 DP 437562; Lot 1 DP 183770, No. 230 Tweed Valley Way South Murwillumbah be refused for the following reasons: -

- a. The application does not comply with the 3(c) Commerce & Trade zone objectives (within Tweed LEP 2000), as approval of a shopping centre outside the central business district would jeopardise the viability and function of the Murwillumbah business centre.
- b. The application has failed to satisfy Clause 8(2) of the Tweed LEP 2000 specifically Clause 8(2) (b) & (d).
- c. The application does not provide a suitable economic analysis to support locating the proposed development outside the Murwillumbah business centre. The development will directly compete with other retail developments within the business centre and therefore could potentially jeopardise their viability.
- d. The application fails to satisfy Clause 22 of the Tweed LEP 2000 relating to development near designated roads as the design inadequacies both onsite and off site could result in disruption to traffic flow on Tweed Valley Way.

- e. The application is not considered satisfactory with regard to parking and access. Specifically the provision of the bus bay is contrary to the requirements of local traffic committee, the provision of parking is not in accordance with DCP No2; and the provision of a loading bay facility is not in accordance with DCP No2 and AS 2890; and
- f. The application is not considered to be based on good urban design principles.
- g. The application is not considered to be consistent with the Core Economics "Detailed Retail Analysis - Murwillumbah" dated 7 November 2006.

***FOR VOTE - Unanimous***

**P18 [PD-PC] Draft Residential and Tourist Development Code (DCP)**

**P 179 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Willan**

**RECOMMENDED** that draft Residential and Tourist Development Code (DCP6) be exhibited for public submissions for a period of 90 days in accordance with the Environmental Planning and Assessment Regulation 2000.

***FOR VOTE - Unanimous***

**P 180 COMMITTEE DECISION:**

**Administrator Willan  
Administrator Boyd**

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

***FOR VOTE - Unanimous***

**212 COUNCIL DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RESOLVED** that the recommendations of the Planning Committee held Tuesday 28 November 2006 be adopted.

***FOR VOTE - Unanimous***

## OPERATIONS COMMITTEE

### 213 COUNCIL DECISION:

Administrator Willan  
Administrator Boyd

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

**FOR VOTE - Unanimous**

### 01 [GC-OC] Amended Tweed Shire Council Audit Charter

#### O 293 COMMITTEE DECISION:

Administrator Boyd  
Administrator Turnbull

**RECOMMENDED** that Council adopts the amended Audit Committee Charter:

#### **Preamble**

*This Charter establishes the authority and responsibilities conferred on the Audit Committee by Council and explain the role of the Audit Committee within the Council.*

*The Audit Committee is an advisory Committee of the Council and does not have executive power or authority to implement actions.*

*The role of the Audit Committee is to, independently of management, report to Council and provide appropriate advice on recommendations on matters relevant to this Charter.*

#### **Objectives**

*The Audit Committee's primary function is to assist Council to ensure that:*

- *Business Systems and procedures have been established by the Executive Management Team and are effective;*
- *Appropriate risks and exposures are effectively managed;*
- *A culture of adherence to Council policies and procedures is promoted;*
- *Statutory compliance is promoted and monitored;*
- *The audit processes (both internal and external) are effective;*
- *The external reporting is objective and credible;*

#### **Charter**

*The Council and Audit Committee are expected to review the Audit Committee Charter at least annually. Only Council can amend the Charter.*

### **Duties and Responsibilities**

*The Audit Committee's duties and responsibilities are including, but not necessarily limited to:*

#### **INDEPENDENCE**

- *Have unrestricted access to all information including documents and personnel, and have adequate resources in order to fulfill its oversight responsibilities;*
- *Have the right to seek information from the General Manager, Executive Management Team, Council Personnel and to consult directly with Internal and External Audit.*

#### **FINANCIAL REPORTS**

- *Review significant accounting and reporting issues and understand their impact on the financial report. These issues include:*
  - i. *Complex or unusual transactions and highly judgmental areas;*
  - ii. *Major issues regarding accounting principles and financial statement presentations, including any significant changes in the Council's application of accounting principles.*
  - iii. *Review and recommend all significant accounting policy changes.*
- *Review reports prepared by management setting forth significant financial reporting issues and judgments made in connection with the preparation of the financial report of the Council.*
- *Review with management and the external auditor the results of the audit, including any difficulties encountered. This review will include any restrictions on the scope of the independent auditor's activities or on access to requested information, and any significant disagreements with management.*

#### **INTERNAL CONTROL**

- *Have the right to inquire of the General Manager about significant risks or exposures and assess the policies and procedures being taken to minimise such risks.*
- *Consider the effectiveness of the Council's internal control system, including information technology security and control.*
- *Understand the scope of internal and external auditors' review of internal control over financial reporting, and obtain reports on significant findings and recommendations together with management's responses.*

#### **EXTERNAL AUDIT**

*The Audit Committee has no power of direction over external audit or the manner in which the external audit is planned or undertaken but will act as a forum for the consideration of external audit findings as well as management responses.*

- *At the completion of the annual financial statements, the Audit Committee shall meet to review the audited General Purpose Financial Report and the Audit Report before the documents are presented to Council;*

#### **INTERNAL AUDIT**

- *The Internal Audit function shall be administered through the General Manager, however ultimate reporting responsibility is to the Audit Committee;*
- *Review and approve the Annual Internal Audit Plan. This plan should be risk based and its preparation to the Audit Committee conducted in accordance with AS/NZS4360:2004, with input from the Executive Management Team, External Audit and Internal Audit;*
- *Monitor the progress of the Annual Internal Audit Plan and review all recommendations in audits completed and the General Manager's implementation of recommendations;*
- *The Internal Auditor shall have direct contact with the Audit Committee Chairman to discuss sensitive matters and issues in reports prior to Audit Committee meetings, but with input from the Executive Management Team.*

#### **COMPLIANCE**

- *Review the effectiveness of the system for monitoring compliance with laws and regulations and the results of management's investigation and follow-up (including disciplinary action) of any instances of non-compliance.*
- *Review the findings of any examinations by regulatory agencies, and any auditor observations.*
- *Review the process of communicating the Council's code of conduct and other corruption resistance controls to personnel, and for monitoring compliance therewith.*
- *Obtain regular updates from management and the Council's legal representatives regarding compliance matters.*

#### **Membership**

*The Audit Committee shall consist of at least ~~five~~ four members who shall serve at the pleasure of Tweed Shire Council, with any changes to be subject to Council's approval:*

*The Committee consists of:*

- *Two Independent Members —appointed by Council and;*
- *Two Administrators, including the Chairman of the Operations Committee;*

#### **EX-OFFICIO MEMBERS**

*Council's General Manager, Internal Auditor and External Auditor shall be available to attend all Audit Committee meetings but are not members of the committee and do not have voting rights.*

*All independent members will be appointed by Council for a term of two years.*

**INDEPENDENT MEMBER SKILLS**

*Independent members must have appropriate skills and time to fulfill their role on the Committee with at least one member having significant qualifications, experience and skills with financial matters. It is desirable that the other independent member has public sector corporate management, legal and risk management qualifications and experience.*

**INDEPENDENT MEMBER APPOINTMENT PROCESS**

*Independent members shall be requested to nominate their services through a public invitation process. The initial evaluation of potential members will be undertaken by the General Manager and Chairman of the Operations Committee, taking into account the experience of the nominees and their ability to apply appropriate analytical and strategic management skills. The General Manager and Chairman of the Operations Committee will then nominate selected independent members to Council for approval.*

*A Chairman shall be an independent member elected by a majority vote by the members of the Audit Committee.*

*The Audit Committee is required to adhere to Council's Code of Conduct and Code of Meeting Practice.*

**Powers**

*The Audit Committee can propose and/or request that the General Manager conduct investigations into any matters within the Audit Committee's scope of responsibilities.*

*The Audit Committee may invite ex-officio members, members of the Executive Management Team, other Council Personnel or external parties to attend any meeting and provide pertinent information within the Audit Committee's scope of responsibilities.*

*The Audit Committee has no line responsibilities for the audit function, except for the Chairman of the Audit Committee liaising with the General Manager or Internal Auditor on the establishment of the meeting agenda or discussion on sensitive matters and issues contained in Internal Audit Reports to the Audit Committee.*

**Reporting**

*The Audit Committee shall after each meeting report its activities by way of circulation of the confirmed minutes, together with a report explaining any specific recommendations and key outcomes to the Council Committee of the Whole for consideration.*

*The Audit Committee shall after each meeting, report to Council on the status of the Audit Committee's recommendations.*



### **Meetings**

*The Audit Committee will meet at least four times per year or more frequently as circumstances require. Matters, which must be discussed at a meeting, include:*

- *Review and recommendation of the Annual Internal and External Audit Plan;*
- *Review the Annual General Purpose and Special Purpose Financial Reports;*
- *Review and assess Internal Audit Reports; and*
- *Review and assess External Audit management letters.*

*The Chairman may call a meeting if requested to do so by the General Manager or External Auditor.*

*Minutes will be taken at these meetings, detailing matters discussed and action agreed. These minutes will be provided to Council for review and ratification.*

*A quorum shall be three Committee members.*

*In the event of an equality of votes the Chairman shall have the casting vote.*

### **Meeting Agenda**

*It is the responsibility of the Chairman of the Audit Committee to set the Audit Committee meeting agenda. Meeting agendas will be prepared and provided in advance to members, along with appropriate briefing materials.*

*Agenda items for consideration at an Audit Committee meeting can be referred to the Chairman of the Audit Committee by Council, General Manager, Audit Committee members, Internal Auditor or External Auditor.*

### **Assessing Audit Committee's Performance**

*The Audit Committee shall be subject to a review annually. The review shall be conducted by Council's three (3) Administrators and General Manager.*

### **Ethical Practices**

*Members of the Audit Committee will, at all times in the discharge of their duties and responsibilities, exercise honesty, objectivity and probity and not engage knowingly in acts or activities that have the potential to bring discredit to the Council.*

*Members must also refrain from entering into any activity that may prejudice their ability to carry out their duties and responsibilities objectively and must at all times act in a proper and prudent manner in the use of information acquired in the course of their duties. Members must not use Council information for any personal gain for themselves or their immediate families or any manner that would be contrary to law or detrimental to the welfare of the Council.*

*Further, members must not publicly comment on matters relative to activities of the Committee other than as authorised by Council.*

**FOR VOTE - Unanimous**

**O2 [GC-OC] Tweed Heads - Visitor Information Centre**

**O 294 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED** that :-

1. Council approves the Deed of Agreement with Tourism NSW for the development of the Gateway Information Centre, Jack Evans Boat Harbour, Tweed Heads,
2. All documentation be executed under the Common Seal of Council.

**FOR VOTE - Unanimous**

**O3 [GC-OC] Murwillumbah Civic Centre Office Extensions**

**O 295 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Turnbull**

**RECOMMENDED** that Council:

1. Receives and notes the report; and
2. Votes \$1,500,000 in Loan Funds, for construction of the Civic Centre two Storey in-fill, in the September 2006 Quarterly Budget Review.

**FOR VOTE - Unanimous**

**O4 [GC-OC] Quarterly Budget Review - 30 September 2006**

**O 296 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Turnbull**

**RECOMMENDED** that the:

1. Quarterly Budget Review Statement as at 30 September 2006 be adopted.
2. Expenditure and income, as summarised below and detailed within the report, be voted and adjusted in accordance with the revised total expenditure and income for the year ending 30 June 2007:

Description	Change to Vote	
	Deficit	Surplus
<b>General Fund</b>		
<b><u>Expenses</u></b>		
Operating - Materials, Contracts, Labour	5,982,328	
Capital	7,836,462	0
Transfers to Reserves		40,000
	13,818,790	40,000
<b><u>Income</u></b>		
Operating - User Charges & Fees		23,000
Operating - Grants & Contributions		1,943,739
Capital - Grants & Conts		1,460,288
Loan Funds		4,938,070
Recoupments	0	721,900
Transfers from Reserves	0	5,057,929
Asset Sales	366,136	0
	366,136	14,144,926
<b>Net Surplus/(Deficit)</b>		<b>0</b>

Description	Change to Vote	
	Deficit	Surplus
<b>Water Fund</b>		
<b><u>Expenses</u></b>		
Operating - Materials, Contracts, Labour	67,426	
Capital		13,131,000
Loan Repayments		
Transfers to Reserves		424,426
	67,426	13,555,426
<b><u>Income</u></b>		
Recoupments from s64/s94 funds	10,755,200	
Transfers from Reserves	2,732,800	
	13,488,000	0
<b>Net Surplus/(Deficit)</b>		<b>0</b>
<b>Sewer Fund</b>		
<b><u>Expenses</u></b>		
Operating - Materials, Contracts, Labour	37,624	

Capital	6,391,118	
	6,428,742	0
<b>Income</b>		
Recoupments from s64/s94 funds		4,772,618
Transfers from Reserves		1,656,124
Asset Sales		0
	0	6,428,742
<b>Net Surplus/(Deficit)</b>		<u><u>0</u></u>

***FOR VOTE - Unanimous***

**O5 [GC-OC] Monthly Investment Report for Period Ending 31 October 2006**

**O 297 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 31 October 2006 totalling \$127,666,828.15 be received and noted.

***FOR VOTE - Unanimous***

**O6 [GC-OC] Corporate Quarterly Report - July to September 2006**

**O 298 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Turnbull**

**RECOMMENDED** that the Corporate Quarterly Report for the period 1 July 2006 to 30 September 2006 be received and noted.

***FOR VOTE - Unanimous***

**O7 [GC-OC] 2005/2006 Statutory Annual Report**

**O 299 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Turnbull**

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

***FOR VOTE - Unanimous***

**08 [GC-OC] In Kind Register - July to September 2006**

**O 300 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

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

***FOR VOTE - Unanimous***

**09 [GC-OC] Tweed Economic Development Corporation (TEDC) Quarterly Performance Report - July to September 2006**

**O 301 COUNCIL DECISION:**

**Administrator Turnbull  
Administrator Boyd**

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

***FOR VOTE - Unanimous***

**010 [EO-OC] Application to Close Part of Road Reserve - Parish of Wollumbin**

**O 302 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED** that:-

1. Council does not object to the closure of the road reserve, which runs through Lot 31 DP 859810;
2. The applicants bear all the survey and legal costs and purchases the subject land as determined in value by the State Valuation Office;
3. The title of the closed road be consolidated with the adjacent land at the applicants cost;
4. Easements be created over public authority reticulation services, if any; and
5. All necessary documentation be executed under Common Seal of Council.

***FOR VOTE - Unanimous***

**O11 [EO-OC] Naming of Council Public Road**

**O 303 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Turnbull**

**RECOMMENDED** that:-

1. Council publicises its intention to name the newly created road reserve coming off Kyogle Road, Uki as "Tarcoola Lane" allowing one month for objections to the proposal;
2. Council notifies the relevant authorities under the provisions of the Roads (General) Regulation 1994.

***FOR VOTE - Unanimous***

**O12 [EO-OC] Pesticide Use Notification Plan**

**O 304 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED** that the draft Tweed Shire Council Pesticide Use Notification Plan be placed on public exhibition for 28 days.

***FOR VOTE - Unanimous***

**O13 [EO-OC] NEWLOG Weight of Loads Group - Information Report**

**O 305 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Willan**

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

***FOR VOTE - Unanimous***

**O14 [EO-OC] Flood Mitigation Program Grant Funding**

**O 306 COMMITTEE DECISION:**

**Administrator Boyd**  
**Administrator Turnbull**

**RECOMMENDED** that Council formally accepts the following grant monies and votes the necessary amounts to match the Government grants for each project:

<b>Grant Program</b>	<b>Project</b>	<b>Funding Ratio</b>	<b>Total Grant Funding</b>	<b>Required Council Funding</b>
Regional Flood Mitigation Program (RFMP)	Murwillumbah Voluntary Purchase Scheme	1:1:1	\$20,000	\$10,000
NSW Floodplain Management Program (State Only)	Mooball-Crabbes Creek FM Works (joint application with Byron Shire Council - refer report for details)	2:1	\$20,000	\$0
	East Murwillumbah and Dorothy St Levee Flood Mitigation	2:1	\$10,000	\$5,000
	Tweed Flood Warning System	2:1	\$40,000	\$20,000

**FOR VOTE - Unanimous**

**O15 [EO-OC] Vesting of Land Pursuant to Section 50 (4) of the Local Government Act 1993 - Lot 22 Section 15 DP 28390 - Glenys Street, Tweed Heads South**

**O 307 COMMITTEE DECISION:**

**Administrator Boyd**  
**Administrator Turnbull**

**RECOMMENDED** that:-

1. Council approves the advertising of its intention to vest Lot 22 Section 15 DP 28390 in Council pursuant to section 50(4) of the *Local Government Act 1993*, and to classify the land as 'operational' following the gazettal of the vesting of the land;
2. Council approves entering into a lease agreement with Omninet Wireless Pty Ltd for a total term of five years commencing with a one year term with

two options of two years following gazettal and classification of the land;  
and

3. All necessary documentation be executed under the Common Seal of Council.

***FOR VOTE - Unanimous***

**O16 [EO-OC] Numinbah Road - Land Acquisition for Road Widening**

**O 308 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Turnbull**

**RECOMMENDED that:-**

1. Council approves the acquisition of an area of 4659 square metres from the owner of Lot 8 in DP 1022295 to be created by the registration of a plan of subdivision for road widening and that compensation in the sum of \$13,540 be payable upon registration of the plan; and
2. All necessary documentation be executed under the Common Seal of Council.

***FOR VOTE - Unanimous***

**O17 [EO-OC] Water Supply and Sewerage Performance Report**

**O 309 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Willan**

**RECOMMENDED that Council:-**

1. Notes the Water Supply and Sewerage Performance Report for 2004/2005.
2. Places copies of the report in the Murwillumbah and Tweed Heads Civic Centres and advises of such in the Tweed Link.

***FOR VOTE - Unanimous***



**O18 [EO-OC] Murwillumbah Memorial Pool Complex and Car Park - Selection of Tender Panel for Principal Contractors**

**O 310 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Willan**

**RECOMMENDED** that Council:-

1. Approves short-listing the following four companies for invitation to submit Detailed Tenders for Principal Contractor for the Murwillumbah Memorial Pool Complex and Car Park Works: -

Seymour Whyte Constructions Limited  
Multispan Australia Pty Ltd  
Buildcorp Queensland Pty Ltd  
Glenzeil Pty Ltd

2. Advises Telfer and Co that they may be considered for short listing if any of the four short listed companies pull out of the project prior to tenders for the project being called.

***FOR VOTE - Unanimous***

**O19 [EO-OC] Pottsville Foreshore Masterplan, Ambrose Brown Park Concept**

**O 311 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Willan**

**RECOMMENDED** that:-

1. Council endorses the Ambrose Brown Park Concept Plan.
2. Documentation be developed for Ambrose Brown Park, based on the endorsed Concept Plan.

***FOR VOTE - Unanimous***

**O20 [EC-OC] Tweed Heads Civic Centre Site - Proposed Use by Southern Cross University**

**Administrator Boyd  
Administrator Turnbull**

**PROPOSED** that Council:

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1. Notes:-
  - a) that the Southern Cross University (SCU) needs to ensure that it has space for future expansion in or near its existing site at Tweed Heads. The SCU provides employment opportunities and education services which is of significant public benefit to the Tweed community.
  - b) Possible future locations include part of the land owned by the Tweed Shire Council at the western end of Bay Street or other possible existing commercial sites that may become available.
  - c) that any location will need to substantially comply with relevant planning controls, and achieve a good urban design outcome and positive public benefit, and satisfy relevant parking requirements within any land or buildings used by the university.
2. Enters into negotiations in good faith to determine appropriate terms and conditions of a long term lease for the expansion of the SCU on Council owned land at the western end of Bay Street or other sites as opportunities arise, provided the expansion will lead to a good urban design outcome, public benefit and compliance with relevant planning controls.

The Motion was **Lost**

***FOR VOTE - Administrator Boyd***

***AGAINST VOTE - Administrator Turnbull, Administrator Willan***

**O 312 COMMITTEE DECISION:**

**MOTION**

**Administrator Turnbull**

**Administrator Willan**

**RESOLVED** that Council:

1. Notes:-
  - a) that the Southern Cross University (SCU) needs to ensure that it has space for future expansion in or near its existing site at Tweed Heads. The SCU provides employment opportunities and education services which is of significant public benefit to the Tweed community.
  - b) possible future locations include part of the land owned by the Tweed Shire Council on the corner of Brett and Wharf Streets, Council land at the western end of Bay Street or other possible existing commercial sites that may become available.

- c) that any location will need to substantially comply with relevant planning controls, and achieve a good urban design outcome and positive public benefit, and satisfy relevant parking requirements within the land or buildings used by the university.
2. Enters into negotiations in good faith to determine appropriate terms and conditions of a long term lease for the expansion of the SCU onto part of the land owned by Council on its Civic Centre site or the lease or acquisition of Council owned land at the western end of Bay Street or other sites as opportunities arise, provided the expansion will lead to a good urban design outcome, public benefit and compliance with relevant planning controls.

The Motion was **Carried**

**FOR VOTE - Administrator Turnbull, Administrator Willan**  
**AGAINST VOTE - Administrator Boyd**

**021 [EC-OC] Tweed Shire Family Day Care - Licence to Occupy Land**

**O 313 COMMITTEE DECISION:**

**Administrator Boyd**  
**Administrator Turnbull**

**RECOMMENDED** that Council gives public notice, as per clause 47 of the Local Government Act 1993, of the proposal to enter into a licence agreement for twenty (20) years with Tweed Shire Family Day Care for the occupation of the premises constructed on the Recreation Ground, Recreation Street, Tweed Heads inviting submissions within 28 days.

**FOR VOTE - Unanimous**

**022 [EC-OC] Tweed Theatre Company Inc - Request for Reduced Fee for Tweed Heads Civic Centre Auditorium**

**O 314 COMMITTEE DECISION:**

**Administrator Boyd**  
**Administrator Turnbull**

**RECOMMENDED** that Council approves the use of the Tweed Heads Civic Centre Auditorium by the Tweed Theatre Company Inc to rehearse and perform three (3) shows at the rate of \$10 per rehearsal and auditorium hire equal to 10% of ticket door sales.

**FOR VOTE - Unanimous**

**O23 [EC-OC] Request for "In Kind" Support/Waive Fee**

**O 315 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Turnbull**

**RECOMMENDED** that Council :-

1. Provides a 50% reduction of the fee for the hire of the Tweed Heads Civic Centre auditorium by Wintersun.
2. Confirms the use of the Banora Point Community Centre by the Rotary Club of Tweed Heads South Inc for its art show held on 6, 7 and 8 October 2006 at no cost.
3. Provides a 50% reduction of the hire fee for the Tweed Heads Civic Centre auditorium for the Fingal Head Public School on 28 and 29 November 2006.
4. Provides a 50% reduction of the hire fee of the Kingscliff Amenities Hall for use by the Kingscliff Lions Club on 8 December 2006.
5. Provides a 50% reduction of the hire fee for Twin Towns Friends Association Inc. for the once monthly use of the HACC meeting rooms and the use of the Community Hall at South Tweed Heads on 24 May 2007, 30 May 2007, 18 July 2007 and 6 November 2007.
6. Declines the request from Burleigh Gardens Seventh Day Adventist Church for free use of the Murwillumbah and Tweed Heads Civic Centre auditoriums.
7. Arranges for the fees owing in 5 above are to be provided through Council's next round of donations.

***FOR VOTE - Unanimous***

**O24 [EC-OC] Annual Agreement for Surf Life Saving Patrols**

**O 316 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Turnbull**

**RECOMMENDED** that :

1. Council accepts the tender provided by Surf Life Saving Services Pty Ltd for the provision of beach life saving services, as outlined in this report, between

Christmas 2006 and Easter 2009 at the tender price of \$494,669.21 (GST exclusive).

2. All necessary documentation be executed under the Common Seal of Council.

***FOR VOTE - Unanimous***

**O25 [EC-OC] Markets on Public Land - Sale of Food and Drinks**

**O 317 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Turnbull**

**RECOMMENDED** that Council advertises the proposal to vary the existing policy, Vending of Food on Public Reserves, Streets and Roads, to permit the operation of four (4) only approved food vans which sell conventional foods and drinks at the markets at Recreation Street Tweed Heads.

***FOR VOTE - Unanimous***

**O26 [EC-OC] Tender EQ2006-162 - Crushing of Concrete Rubble at Stotts Creek Landfill Facility**

**O 318 COMMITTEE DECISION:**

**Administrator Turnbull  
Administrator Boyd**

**RECOMMENDED** that :-

1. Council awards contract EQ2006-162 to Solo Resource Recovery for the crushing of concrete rubble at Stotts Creek Landfill facility for the rate of \$11.66/m<sup>3</sup> incl. GST.
2. The Director of Environment and Community Services be given delegated authority to approve variations up to 20% of contract sum.

***FOR VOTE - Unanimous***

**O27 [EC-OC] DPI Funding for Floodplain Officer**

**O 319 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Turnbull**

**RECOMMENDED** that Council accept the \$30,000 funding from the Department of Primary Industries to assist in the employment of a Floodplain Officer for 12 months.

***FOR VOTE - Unanimous***

**O28 [EC-OC] Tweed Shire Social Plan - Review 2006**

**O 320 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Turnbull**

**RECOMMENDED** that Council:

1. Notes the attached Summary of Submissions and the Consultation Report of the Social Plan Review 2006.
2. Authorises officers to carry out the consequential actions, strategy changes and responses outlined in the Consultation Report subject to funding.
3. Considers the issues raised in the Consultation Report during its deliberations on the 7-Year Infrastructure & Services Plan by considering funding provision for public transport enhancement, youth issues, disability and affordable housing projects.
4. Defers the formation and operation of the proposed Working Groups in the terms outlined until such time as the recently appointed Manager Community & Cultural Services has reviewed the Unit's direction and priorities.

***FOR VOTE - Unanimous***

**O29 [EC-OC] Tweed Shire Salt Cultural Arts Fund**

**O 321 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Turnbull**

**RECOMMENDED** that Council adopts the attached Tweed Shire Salt Cultural Arts Fund Guidelines and Application Form and administers the funds in accordance with the Guidelines.

***FOR VOTE - Unanimous***

**O30 [EC-OC] Tweed River Regional Museum Collection Policy**

**O 322 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Turnbull**

**RECOMMENDED** that the Tweed River Regional Museum Collection Policy be adopted as follows.



# TWEED RIVER REGIONAL MUSEUM

## COLLECTION POLICY

Prepared by Sally Watterson, July 2006  
Amended Draft at 18/09/2006  
Adopted.....

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## 1. INTRODUCTION

### 1.1 Aims

The Collection Policy guides the decision-making process for shaping the collections of Tweed River Regional Museum ('the Museum').

The Collection Policy is a set of principles that guides collecting, loans and de-accessions.

The Collection Policy is a reference document that should be used in conjunction with appropriate available professional expertise and resources.

The Collection Policy shall be reviewed every five years for its relevance and accuracy in relation to the *International Council of Museums Code of Ethics for Museums*<sup>1</sup> and within the framework of the NSW Heritage Office *Movable Heritage Principles*<sup>2</sup>, and to ensure strategic collecting priorities reflect the changing nature of the Tweed.

This policy has been prepared in consultation with Kylie Winkworth, Museum Consultant, with members of the Historical Societies of Murwillumbah, Tweed Heads and Uki & South Arm, the Tweed River Regional Museum Advisory Committee and officers of Tweed Shire Council.

This Plan supercedes the *Interim Collection Policy of the Tweed River Regional Museum Strategic Plan, 2004*.<sup>3</sup>

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<sup>1</sup> *Code of Ethics for Museums*, International Council of Museums, 2002

<sup>2</sup> *Movable Heritage Principles*, New South Wales Heritage Office & NSW Ministry for the Arts, 2000

<sup>3</sup> Winkworth K, *Tweed River Regional Museum Strategic Plan, 2004*

### 1.2 Purpose and Nature of the Collection

The purpose of the Collection is to create a set of physical and electronic resources that can be used to;

- Enrich knowledge, understanding and experience of the history of the Tweed Region
- Contribute to and foster critical historical and cultural debate
- Create a sense of place
- Interpret thematically the history and development of the district
- Conserve heritage for the benefit of the community and future generations
- Contribute to the development of an outstanding museum for the Tweed Region
- Provide an educational and research facility for the community

#### Nature of the Collection:

In 1999 the historical societies at Murwillumbah, Tweed Heads and Uki & South Arm began working together to create a single sustainable regional museum for the Tweed operating over three sites, resulting in a Memorandum of Understanding with Tweed Shire Council in 2004.

The Collection of Tweed River Regional Museum was created in 2004 by an amalgamation and transfer of ownership to Council of the collections of the historical societies of Murwillumbah, Tweed Heads and Uki & South Arm.

Each separate collection evolved over time and a range of factors lead to the shaping of the collections as they are today. Over many decades, museum volunteers in the Tweed Shire have built an outstanding cultural resource about the people, places and history of the area. This includes significant object and photograph collections as well as archives, research files and oral histories.

This Collection Policy aims to enhance strategically the depth and importance of the Collection by approaching collecting in a manner that reflects the Tweed Region as a whole, single entity.

The Collection Policy of Tweed River Regional Museum will have a primary focus on collecting for exhibitions, educational purposes, research and archiving.

## 2. POLICY

### 2.1 General Principles

All collecting activity and collection management processes will be conducted in accordance with the ICOM *Code of Ethics for Museums*<sup>4</sup> and within the framework of the NSW Heritage Office *Movable Heritage Principles*.<sup>5</sup>

The Museum will undertake targeted and coordinated collecting in order to enhance the depth and value of its collection as a reflection of the history of the Tweed Region.

The Collection will reflect traditional, recent and evolving areas of the history of the Tweed Region and it's cultural diversity and personal histories.

It is recognised that Tweed River Regional Museum is not solely a collecting institution so this policy must be applied in the context of the broader mission of the Museum as an educational and research facility and a community space.

The Collection Policy is to be applied in the context of the collections of other museums, galleries, libraries, keeping places, archives and heritage organisations in the district and in New South Wales and neighboring south eastern Queensland.

The Museum recognises that there are alternatives to collecting which will be considered in cases where collection is not appropriate.

The Museum will actively pursue non-collecting initiatives, such as assisting the community to document and care for heritage collections in their original context, and by collecting electronic and/or duplicated copies of materials held in other institutions or in private collections.

No objects shall be acquired from significant heritage sites and buildings where acquisition and removal would diminish the significance of the place, except in circumstances where the object is at risk.

Acquisitions, loans and de-accessions will be considered in the context of the digital age and contemporary technology utilised where appropriate.

Materials will only be acquired when the Museum can provide appropriate resources and storage to ensure their safety.

Materials may be acquired as donations, bequests, purchases, or transfers.

No materials should be acquired with conditions or restrictions on the way they might be used or displayed in the future.

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<sup>4</sup> op. cit.

<sup>5</sup> op. cit.

The Museum does not accept conditional donations. In some cases the proposed donation may be eligible for tax deductions under the Cultural Gifts Program. The Cultural Gifts Program encourages gifts of significant cultural items to public art galleries, museums and libraries by offering donors a tax deduction for the market value of their gifts, under Subdivision 30-A of the Income Tax Assessment Act 1997. For further information see their website on [www.dcita.gov.au/cgp](http://www.dcita.gov.au/cgp).

## 2.2 Acquisition Principles

Objects are considered for acquisition where they fall into the following categories; three dimensional objects, documents and printed material, original artworks, original maps, original photographs, engravings, film footage, born digital materials and images that depict or are associated with people, places and events significant or unique to the Tweed Region's history. (Hereafter referred to as 'Objects')

The Museum collects Objects that are relevant to the Tweed Region, with an emphasis on items provenanced to the Region and related to people closely associated with the area at key periods in history.

The Museum also collects in areas of its curatorial expertise, such as maritime history, river transport and the development of dairying.

The Museum will only acquire Aboriginal cultural Objects of significance to the region in circumstances where the object is provenanced and in consultation with the Aboriginal Community.

To be considered for acquisition by purchase or donation, an Object must be of a quality and condition that is relevant to this Acquisition Policy.

Acquisition is dependant on the availability of support documentation or other evidence of the provenance of the Object.

In some exceptional cases, Objects may be acquired without provenance to a Tweed Region family, place, person, institution or firm if the Object was typically used in the Tweed or if the Object elucidates taste or style associated with or unique to the Tweed Region.

Objects without provenance in rare circumstances will only be accepted where they assist in the interpretation of the Region's history, via one of the identified criteria and/or have an educational role.

## **2.3 Acquisition Criteria**

Objects will be considered if they fall in to the following prioritised criteria:

### **2.3.1 Criteria 1 – Historic**

Being an Object provenanced to the Tweed Region during one of the six major chronological phases of the history of the Region:

- Natural History
- Pre European contact, mapping and colonisation to 1844
- The arrival of the cedar getters, selection and the development of primary industry and the growth of towns and villages 1844 -1900
- Federation to the end of the Wars 1901 – 1945; Federation, local government, the depression and wars
- Post War transformation of the Tweed Region 1946 – 1980; including migration, beach culture and the alternative movement
- The migration to the coast, 1981 onwards. Including the development of coastal communities, retirees and Sea Change

### 2.3.2 Criteria 2 - Thematic

Within the historical scope, the Museum has an interest in particular themes, against which Objects may be considered for collection including;

- Natural Environment: geology, geography, climate, topography
- Industry: agriculture, pastoralism, forestry, tourism, fishing
- People, events, leisure, sport, religion and culture of the district
- Aboriginal history
- South Sea Islander history
- The built environment, towns and villages
- Land development and environmental change
- Maritime and river history
- Radio and communications – a specialist collection at Murwillumbah
- Photography
- Children's and women's history
- Government and the border zone
- Health and services
- Law and order
- The Tweed Region and wars
- Locally invented, made and improvised objects

The Heritage Collections Council significance assessment method and criteria will be used as a general framework for assessment against criteria of proposed acquisitions.<sup>6</sup>

The primary assessment criteria are:

- Historic significance
- Aesthetic significance
- Scientific or research significance
- Social or spiritual significance

The comparative criteria are:

- Provenance
- Representation
- Rarity
- Condition, intactness, integrity
- Interpretive potential

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<sup>6</sup> Russell & Winkworth, *Significance*, Heritage Collections Council and Department of Communications, Information Technology and the Arts, 2001



#### **2.4 De-accession Principles**

De-accessioning is the process of de-registering an Object from the collection for clearly stated reasons, and disposing of it in accordance with approved policies.

Caution and transparency are essential in the de-accessioning process.

In its early stages, Tweed River Regional Museum will undertake an active program of de-accessioning to ensure that materials held are only those relevant, and appropriate to the future directions of the Museum.

In the longer term, de-accessions will be minimised through careful, strategic collection.

#### **2.5 De-accession Criteria**

The assessment criteria for de-accessioning are:

- Little or no relevance to the Collection Policy and Acquisition Criteria
- Little or no significance
- Poor condition and lack of provenance or documentation
- Duplication in the Museum Collection or other relevant collection
- Inability to safely store and manage the Object
- Acquisition of a like Object of greater significance rendering earlier acquisition redundant

In exceptional circumstances, items may be de-accessioned where the Object is of particular indigenous cultural significance and its return to this community will support the maintenance and renewal of cultural traditions.

### **2.6 Loans Principles**

Loans may only be made or accepted for fixed periods and for specific purposes.

No Objects will be accepted on indefinite or long term loan.

Loans will be accepted/permitted for a period of up to twelve months for the purposes of exhibition or research to /from appropriate institutions, or as determined by the Senior Museum Curator.

Loans will be accepted or made on a case-by-case basis, ensuring all loans are returned by the date indicated on the loan documentation.

With the agreement of both parties loans can be re-negotiated prior to the return date.

The Museum reserves the right to request an Object's return if the need arises.

### 3. PROCEDURES

#### 3.1 Acquisition Procedure

- The first point of contact is the Senior Museum Curator.
- The potential Donor will be required to record the history, associations, context and significance of the object by completing a *Proposal for Donation Form*.<sup>7</sup>
- An interim *Object Receipt* will be issued if an Object is agreed by the Senior Museum Curator to be received for appraisal and consideration.<sup>8</sup>
- The Senior Museum Curator will appraise the Object against the Acquisition Criteria for its suitability to the collection. The Senior Museum Curator may also seek consultation with members of Tweed Shire Council, members of the Historical Societies, and/or with appropriate experts and colleagues.
- The Museum Advisory Committee will accept or declined the Proposal for Donation based on the recommendation of the Senior Museum Curator.
- On approval of the proposed donation by the Advisory Committee, the Donor is required to sign a *Gift Acknowledgement Form* that assigns legal ownership for the Object to the Museum.<sup>9</sup>
- Upon handover of the Objects to the Museum, the items are subject to a *Condition Report* and assessed for conservation.<sup>10</sup>
- A *Letter of Thanks* is issued to the Donor.<sup>11</sup>
- The Object is recorded in a bound Accession Register and allocated an accession number.
- The Object will be numbered, photographed and catalogued and contextual information collated in an Object File both in hard copy and on the Museum Collection Database.

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<sup>7</sup> Appendix 7.1 Proposal for Donation Form

<sup>8</sup> Appendix 7.2 Object Receipt

<sup>9</sup> Appendix 7.4 Gift Acknowledgement Form

<sup>10</sup> Appendix 7.3 Condition Report - Acquisitions

<sup>11</sup> Appendix 7.5 Letter of Thanks to Donor

### 3.2 De-accession Procedure

- An accessioned Object must meet one or more of the De-accession Criteria above to be selected for de-accessioning.
- A report outlining the reasons for de-accessioning will be prepared by the Senior Museum Curator and tabled to the Museum Advisory Committee.
- The Museum Advisory Committee will formally endorse/not endorse de-accessioning, on the recommendation of the Senior Museum Curator.
- There will be a 'cooling off period' of 90 days before disposal.
- If de-accessioned Objects are sold, the proceeds go into acquisition funds.
- The accession number of de-accessioned Objects will not be reused.

The following methods of disposal are in order of desirability:

1. Return to the Donor or Donor's closest family
2. Transfer to another museum or appropriate institution
3. Change of status to Education Resource
- 4 Sell/Auction
5. Destroy or recycle

All disposals will be executed in accordance with Tweed Shire Council *Disposal of Assets Policy*.<sup>12</sup>

No staff, committee members or volunteers may benefit or in any way acquire Objects that have been de-accessioned unless these persons are the original Donor or Donor's family (as referred to in item 1 above).

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<sup>12</sup> Appendix 7.12 *Disposal of Assets Policy*, Tweed Shire Council

### 3.3 Loans Procedures

#### 3.3.1 Inward Loans Procedure

- All inward loans will have the appropriate documentation completed.<sup>13</sup>
- The *Inward Loan Agreement* will be completed in duplicate, one copy being held by the lender, and the other by Tweed River Regional Museum.
- The *Inward Loan Agreement* will indicate the agreed value and condition of the material for replacement or repair in the event of loss or damage.
- A photograph of the material will accompany the *Inward Loan Agreement*, and a copy of the *Condition Report - Loans* will be completed for each object.<sup>14</sup>

#### 3.3.2 Outward Loans Procedure

- All outward loans will have the appropriate documentation completed.<sup>15</sup>
- The *Outward Loan Agreement* will be completed in duplicate, one copy being held by the borrower, and the other by the Museum.
- The *Outward Loan Agreement* will indicate the agreed value and condition of the material for replacement or repair in the event of loss or damage.
- A photograph of the material will accompany the *Outward Loan Agreement* and a copy of the *Condition Report - Loans* will be completed for each object.

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<sup>13</sup> Appendix 7.7 Inward Loan Agreement

<sup>14</sup> Appendix 7.9 Condition Report - Loans

<sup>15</sup> Appendix 7.8 Outward Loan Agreement

#### 4. RESEARCH COLLECTION STRATEGY

Over the years, the historical societies have amassed and filed a large collection of ephemera, secondary sources, copied items and oral histories that is an irreplaceable and valuable research resource.

While the physical nature of these files does not warrant accessioning in to the Collection proper, the materials as a whole warrant the status of a Research Collection, and access, and future inclusions will be managed to maintain the accessibility of the collection for research and ensure its appropriate use.

The purpose of the Research Collection is to accept and store ephemera, books, photographs, images, serials and manuscripts relating to the history of the Tweed Region and to provide access to this collection as an information resource and service.

Items accepted into the Research Collection may be originals or copies of originals.

Material may be included in the Research Collection without provenance to a Tweed Region family, place, person, institution or firm if the material contains information associated with or unique to the Tweed Region.

Though items accepted into this collection are not accessioned into the Museum Collection, they are assessed against the Collection Policy Acquisition Criteria as a guide.

Areas of research interest include: people, companies, institutions, public agencies and families that elucidate or exemplify some aspect of Tweed Region's history whether typical or exceptional and records relating to births, deaths, marriages, cemeteries, shipping lists, council documents, postal directories, maps, oral histories, family histories and other similar items that would not be acquired in the Collection proper.

Original documents and images may in some cases be accepted into this collection, where their condition is sound and significance is dependant on their being one part of part of a body of associated research material.

##### 4. 1 Research Collection Procedure

Additions to this collection are made only where the donor agrees the material can be placed on general access and permission for all forms of use and reproduction of this material for research, publication or exhibition is granted upon donation via completing the *Research Collection Receipt*<sup>16</sup> and/or an *Oral History Release Form*.<sup>17</sup>

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<sup>16</sup> Appendix 7.10 Research Collection Receipt

<sup>17</sup> Appendix 7.11 Oral History Release Form

## 5. EDUCATION RESOURCES STRATEGY

An item not considered appropriate for formal acquisition to the Collection or Research Collection may be accepted as an Education Resource.

This includes items that:

- Have not been acquired by the Museum
- Do not meet the Collection Policy selection criteria for acquisition
- May be used as a 'hands on' or 'extra' in an exhibition or public program
- Will not be stored with acquired Objects
- Can be disposed of at any time without following the guidelines set out in the De-accession and Disposal Policy.

### 5. 1 Education Resources Procedure

- Education Resources will be numbered and recorded in the Education Resources Register, but will not be entered in the Acquisition Register.
- Each Education Resource will be physically numbered in the same manner as objects.
- The Education Resource numbers will be identified by the prefix 'E' appearing before the number.
- If Education Resources are disposed of this information should be recorded in the Education Resources Register.

## 6. REFERENCES

Historic Houses Trust of New South Wales, *Acquisitions and Donations Policy*, website, 2006

ICOMOS Australia, *The Australia ICOMOS Charter for Places of Cultural Significance* (Burra Charter), Canberra, 1999

ICOMOS International Tourism Committee, *International Cultural Tourism Charter*, 2002

International Council of Museums, *Code of Ethics for Museums*, 2002

NSW Heritage Office & NSW Ministry for the Arts, *Movable Heritage Principles*, 2000

Museums & Galleries NSW, *MGnsw Collection Policy Template*, 2005

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Russell R & Winkworth K, *Significance, a guide to assessing the significance of cultural heritage objects and collections*, Heritage Collections Council and Department of Communications, Information Technology and the Arts, 2001

Schultz, R, *Collections Policy*, St George Regional Museum, Hurstville City Council, 2002

Winkworth, K & Rennie SJ, *Rethinking the Collection – MGnsw Collection Policy Explanatory Notes*, Museums and Galleries NSW, 2005

Winkworth, K, *Tweed River Regional Museum Strategic Plan*, Tweed Shire Council, 2004



**7. APPENDECIES**

- 7.1 Proposal for Donation Form
- 7.2 Object Receipt Form
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7.1 Proposal for Donation Form

**TWEED RIVER REGIONAL MUSEUM**



**PROPOSAL FOR DONATION**

- Section 1, Section 2 and Section 3 of this form to be completed by the principal person proposing a donation to Tweed River Regional Museum  
**Completing this form does not transfer ownership to the Museum**
- On the basis of the information provided on this form, the Senior Museum Curator will assess the suitability of the Proposal. Please be as precise and detailed as possible.
- If the Proposal for Donation is assessed as suitable, the Senior Museum Curator will contact you to arrange for formal acquisition and receipt of the proposed object/s.
- Should you require assistance, please contact the Museum on (02) 6670 2440.
- Thank you for assisting Tweed River Regional Museum.

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**Section 1 – Object details** *(to be completed by the donor)*

Description of object/s proposed for donation to Tweed River Regional Museum:

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Attach Photograph *(if possible)*

Number of pieces or parts: \_\_\_\_\_

Dimensions of Object/s *(high, width, depth in centimetres):*

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**Section 2 – Donor details** *(to be completed by the donor)*

Donor/Vendor Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ P/code \_\_\_\_\_

Phone No: \_\_\_\_\_ Mobile: \_\_\_\_\_

Email: \_\_\_\_\_ Fax No. \_\_\_\_\_

Do you own the object/s *(circle)* YES / NO

Do you own copyright to the object/s *(circle)* YES / NO

What is your relationship to the object? *(family heirloom, personal possession, something you purchased or acquired)*

\_\_\_\_\_  
\_\_\_\_\_

Are you aware of the history of the object/? If so, please write down as much detail as possible and attach to this document.

\_\_\_\_\_  
\_\_\_\_\_

**Section 3 – Permission** *(to be completed by the donor)*

I am willing to give ownership and/or copyright of the object/s to be accessioned into the collection of Tweed River Regional Museum should the object/s be assessed as suitable under the Museum's Acquisition Criteria.

The personal information indicated on this document may be available for public access and/or disclosure under NSW Government legislation.

Dated this.....day of ....., 20.....

Donor signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Signature of witness: \_\_\_\_\_

Print Name: \_\_\_\_\_

**OFFICE USE ONLY**

*To be completed in duplicate. Original to be retained by the Museum; One copy to be retained by the Donor.*

Accepted: YES / NO Object Receipt No: \_\_\_\_\_ Accession Number: \_\_\_\_\_

Donor Advised ( Date ): \_\_\_\_\_ By: \_\_\_\_\_

7.2 Object Receipt Form

**TWEED RIVER REGIONAL MUSEUM**



**OBJECT RECEIPT**

Donor/Vendor: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Postcode: \_\_\_\_\_

Phone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_

E-mail: \_\_\_\_\_

Proposed Method of Acquisition:

- Donation                       Bequest                       Purchase  
 Exchange                       Other (specify) \_\_\_\_\_

Objects on receipt are being held for consideration only and are not yet formally accepted into the collection. Potential Donors will be notified when the decision is made regarding acquisition of the potential gift.

Description of object:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Warrant to the Museum that I am the sole beneficial and unencumbered owner of the goods and property described above, free from all claims and encumbrances.

The personal information indicated on this document may be available for public access and/or disclosure under NSW Government legislation.

Donor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Receiver's signature: \_\_\_\_\_ Print Name: \_\_\_\_\_

**OFFICE USE ONLY**

Object acquisition assessment:

The object/s is/are accepted into the Tweed River Regional Museum collection:

- Yes.....Record Accession Number \_\_\_\_\_  
 No..... Return object/s to the donor.

Donor's Signature upon return of object: \_\_\_\_\_

Senior Museum Curator Signature: \_\_\_\_\_

**HISTORY OF OBJECT** (attach page if space insufficient)

Significance of the Object

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History of the Owner and/or Donor

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Donor's and/or Owner's Recollections about the Object

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Other possible sources of information about the Object

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7.3 Condition Report - Acquisitions

**TWEED RIVER REGIONAL MUSEUM**



**CONDITION REPORT - Acquisitions**

Date: \_\_\_\_\_ Accession Number: \_\_\_\_\_

Object Name: \_\_\_\_\_

Object Dimensions: \_\_\_\_\_

**Completeness:** Complete:  Incomplete:

**General condition:** Excellent:  Good:  Fair:  Poor:  Stable:  Unstable:

**Material:** Ceramic:  Glass:  Ivory, bone etc:  Leather:  Metal:   
Paper:  Photograph:  Stone:  Textile:  Wood:   
Other: \_\_\_\_\_

**Condition note:** Bent:  Brittle:  Chipped/gouged:  Creased:   
Corroded/tarnished:  Faded:  Frayed:  Worn:   
Insect attack:  Mould:  Stained/soiled:  Scratched:

Insert  
Photograph

Other: \_\_\_\_\_  
Detail flaws: \_\_\_\_\_

High:  Medium:  Low:

**Object treatment:** (i.e. fumigation) \_\_\_\_\_

**Packing & handling requirements:**

**Storage requirements:**

**Other comments:** \_\_\_\_\_

**Name of Person completing report:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

7.4 Gift Acknowledgement Form

**TWEED RIVER REGIONAL MUSEUM**



**GIFT ACKNOWLEDGEMENT FORM**

I (Full name of Donor) .....  
(Please Print)

of .....  
(Full address of donor) (hereinafter called "the Donor")

for myself, and my executors, administrators, assigns and heirs, HEREBY GIVE to Tweed Shire Council as administrator of **Tweed River Regional Museum** (hereinafter called "the Museum") the goods and property described in the schedule below, and I the Donor do:

1. Warrant to the Museum that I am the sole beneficial and unencumbered owner of the goods and property described in the Schedule hereunder, free from all claims and encumbrances.
2. Hereby give, convey, dispose and deliver to the Museum all my right title and interest in the goods and property described in the Schedule hereunder including all rights of copyright, if applicable, to the Museum absolutely.
3. Declare that this gift shall not be determined upon my death and shall bind my legal personal representatives.
4. Declare that this gift shall ensure for the benefit of the Museum, its successors, assigns and transferees in perpetuity.
5. Declare that I have entered into this gift of my own free will, voluntarily and without influence.
6. Declare that I have held or obtained all permits and licenses of/and incidental to the goods and property.

The personal information indicated on this document may be available for public access and/or disclosure under NSW Government legislation.

Dated this..... day of ....., 20.....

Donor Signature: \_\_\_\_\_

Signature of Witness: \_\_\_\_\_

Print Name: \_\_\_\_\_





7.5 Letter of Thanks to Donor



**Tweed River Regional Museum**  
PO Box 816  
Murwillumbah  
NSW 2484

Ms Kind Donor  
4 Object Street  
Uki 2484

Monday, 23 October 2000

Dear Ms Donor,

I would like to take this opportunity to thank you for your kind donation to Tweed River Regional Museum. Your generosity means that this gift will enhance the value and depth of our collection.

*SMC to insert appropriate words here, SMC to insert appropriate words here  
SMC to insert appropriate words here SMC to insert appropriate words here  
SMC to insert appropriate words here*

We appreciate this gift to the Museum and we look forward to seeing you at Tweed River Regional Museum in the future.

Yours faithfully,

**Senior Museum Curator**  
**Tweed River Regional Museum**

7.6 Object De-accession Form

**TWEED RIVER REGIONAL MUSEUM**  
**OBJECT DE-ACCESSION FORM**



Object Number: \_\_\_\_\_ Location of Object: \_\_\_\_\_

Object Name:  
\_\_\_\_\_

Object Description:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Conservation note:  
\_\_\_\_\_  
\_\_\_\_\_

Completeness:  
\_\_\_\_\_

Donor Details:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Contacted Donor: (please circle) Yes / No  
Response of Donor:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reason for de-accession:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

De-accession date: \_\_\_\_\_ Disposal date: \_\_\_\_\_

**Disposal method:**

- Return to donor/donor family                       Sell/auction
- Change of status to prop or education tool     Transfer
- Destroy/recycle
- Other \_\_\_\_\_

Authorised signature: \_\_\_\_\_

Print name: \_\_\_\_\_

Position: \_\_\_\_\_

Disposal recipient: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Postcode: \_\_\_\_\_

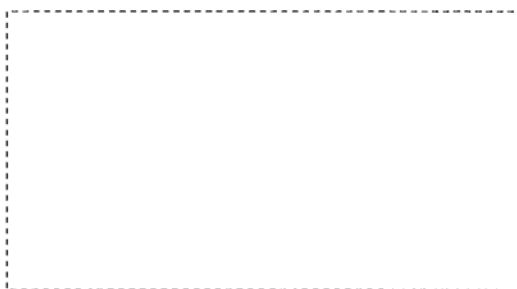
Phone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_

E-mail: \_\_\_\_\_

Recipient signature: \_\_\_\_\_

The personal information indicated on this document may be available for public access and/or disclosure under NSW Government legislation.

**Photograph here**



**Recipient signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

7.7 Inward Loan Agreement

**TWEED RIVER REGIONAL MUSEUM**



**INWARD LOAN AGREEMENT**

Object Number: \_\_\_\_\_

Object Name: \_\_\_\_\_

Object Description: \_\_\_\_\_  
\_\_\_\_\_

Agreed value: \_\_\_\_\_  
\_\_\_\_\_

(For further objects please provide a separate sheet)

Conservation note: (attached Condition Report Form 7.9)

Date: \_\_\_\_\_

Duration of loan: \_\_\_\_\_

Reason for loan: \_\_\_\_\_  
\_\_\_\_\_

Lender: \_\_\_\_\_  
\_\_\_\_\_

Position : \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Postcode: \_\_\_\_\_

Phone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_

E-mail: \_\_\_\_\_  
\_\_\_\_\_

**Inward Loan Conditions**

1. The Museum will give the same care and protection to borrowed objects as it does to objects in its own collection
2. Evidence of damage at the time of receipt or while in the museum's custody will be promptly reported to the lender.
3. The Museum will not clean, repair, restore, or otherwise alter the objects without the lender's written permission.
4. The lender certifies that the objects lent are in good condition and able to withstand the ordinary strains of packing, shipping and handling.
5. All loans are subject to prior agreement with the senior museum curator concerning appropriate arrangements for packing and transport.
6. The Museum will provide insurance for damage or loss for each loan item up to the value specified against it on the form, for the full period of absence from the lender, including transport to and from the loan destination, unless otherwise indicated on the form.
7. Where a loan item is exhibited or an illustration of it published a suitable acknowledgment of the lender must accompany the exhibit or picture, the exact form of wording to be agreed with the lender.

Lender's signature: \_\_\_\_\_ Print Name: \_\_\_\_\_

Senior Museum Curator: \_\_\_\_\_

---

**RETURN OF OBJECT(S) IS HEREBY ACKNOWLEDGED**

Return date: \_\_\_\_\_

Received in good order: Yes /No

Signature of Lender: \_\_\_\_\_ Print Name: \_\_\_\_\_

Senior Museum Curator signature: \_\_\_\_\_

---

To be completed in duplicate.  
Original to be retained by the Museum; One copy to be retained by the Owner.

7.8 Outward Loan Agreement

**TWEED RIVER REGIONAL MUSEUM**



**OUTWARD LOAN AGREEMENT**

Object Number: \_\_\_\_\_

Object Name: \_\_\_\_\_

Object Description:

\_\_\_\_\_

Insurance value:

\_\_\_\_\_

(For further objects please detail on schedule A and attach).

Conservation note: (attached Condition Report Form 7.9)

Date: \_\_\_\_\_

Duration of loan: \_\_\_\_\_

Reason for loan:

\_\_\_\_\_

Loan recipient:

\_\_\_\_\_

Position: \_\_\_\_\_

Address:

\_\_\_\_\_

\_\_\_\_\_ Postcode: \_\_\_\_\_

Phone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_

E-mail

\_\_\_\_\_

C:\DATA\WRKS\TEMP\1489844\Collection Policy FINAL FINAL.docPage 31

**Outward Loan Conditions**

1. All loans are subject to prior agreement with the Senior Museum Curator concerning appropriate arrangements for packing and transport.
2. All loan items must be returned by the due date unless a new loan agreement has been negotiated.
3. The loan recipient is authorised to enter this loan agreement on behalf of the recipient organisation.
4. The loan recipient will provide insurance for damage or loss for each loan item up to the value specified against it on the form, for the full period of absence from the Museum including transport to and from the loan destination. A copy of the insurance cover note is to be provided prior to the loan taking place.
5. Loan items must be clearly identified as belonging to the Museum, be housed securely, and remain in the borrowing institution for the duration of the loan.
6. Where a loan item is exhibited or an illustration of it published a suitable acknowledgment of the Museum must accompany the exhibit or picture, the exact form of wording to be agreed with the lending curator.
7. Where artifacts or images held by the Museum are published, the borrower will forward an agreed number of copies of all publications to the Museum, including full bibliographic details. Conditions of use must be agreed with the Museum prior to use in print/publication or media
8. The Museum reserves the right to request the object's return if the need arises, particularly in the case of long-term loans.

Recipient Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_

Loan Approved by: \_\_\_\_\_

---

**RETURN OF OBJECT(S) IS HEREBY ACKNOWLEDGED**

Return date: \_\_\_\_\_

Received in good order: Yes /No

Signature of Borrower: \_\_\_\_\_ Print Name: \_\_\_\_\_

Senior Museum Curator signature: \_\_\_\_\_

---

To be completed in duplicate  
Original to be retained by the Museum; One copy to be retained by the Borrower.





7.9 Condition Report - Loans

**TWEED RIVER REGIONAL MUSEUM**



**CONDITION REPORT - LOANS**

Date: \_\_\_\_\_ Accession Number: \_\_\_\_\_

Object Name: \_\_\_\_\_

Object Dimensions: \_\_\_\_\_

**Completeness:** Complete:  Incomplete:  \_\_\_\_\_

**General condition:** Excellent:  Good:  Fair:  Poor:  Stable:  Unstable:

**Material:** Ceramic:  Glass:  Ivory, bone etc:  Leather:  Metal:

Paper:  Photograph:  Stone:  Textile:  Wood:

Other: \_\_\_\_\_

**Condition note:** Bent:  Brittle:  Chipped/gouged:  Creased:

Corroded/tarnished:  Faded:  Frayed:  Worn:

Insect attack:  Mould:  Stained/soiled:  Scratched:

Other: \_\_\_\_\_

*Insert  
Photograph  
If applicable*

Detail flaws: \_\_\_\_\_

**Object treatment:** (i.e. fumigation) \_\_\_\_\_

**Packing & handling requirements:** \_\_\_\_\_

**Display requirements:** (including lighting) \_\_\_\_\_

**Storage requirements:** \_\_\_\_\_

**Other comments:** \_\_\_\_\_

Name of Person completing report: \_\_\_\_\_ Signature: \_\_\_\_\_

7.10 Research Collection Receipt Form

**TWEED RIVER REGIONAL MUSEUM**



**RESEARCH COLLECTION RECEIPT**

I (Full name of Donor) .....  
(Please Print)

of .....  
(Full address of donor) (hereinafter called "the Donor")

for myself, and my executors, administrators, assigns and heirs, HEREBY GIVE to Tweed Shire Council as administrator of **Tweed River Regional Museum** (hereinafter called "the Museum") the goods and property described in the schedule below, and I the Donor do:

1. Warrant to the Museum that I am the sole beneficial and unencumbered owner of the goods and property described in the Schedule hereunder, free from all claims and encumbrances.
2. Hereby give, convey, dispose and deliver to the Museum all my right title and interest in the goods and property described in the Schedule hereunder including all rights of copyright, if applicable, to the Museum absolutely.
3. Declare that this gift shall not be determined upon my death and shall bind my legal personal representatives.
4. Declare that this gift shall ensure for the benefit of the Museum, its successors, assigns and transferees in perpetuity.
5. Declare that I have entered into this gift of my own free will, voluntarily and without influence.
6. Declare that I have held or obtained all permits and licenses of/and incidental to the goods and property.

The personal information indicated on this document may be available for public access and/or disclosure under NSW Government legislation.

Dated this.....day of ....., 20.....

Donor signature: \_\_\_\_\_

Signature of witness: \_\_\_\_\_

Print Name: \_\_\_\_\_

SCHEDULE OF GOODS AND PROPERTY

<p><b>THE SCHEDULE</b> (Please Tick)    <input type="checkbox"/> Address   <input type="checkbox"/> Family History   <input type="checkbox"/> Interview   <input type="checkbox"/> Library Book   <input type="checkbox"/> Printed Matter</p> <p><input type="checkbox"/> Other (specify) _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><b>Photograph/s:</b> (Please tick)   <input type="checkbox"/> Original    <input type="checkbox"/> Original for copy and return    <input type="checkbox"/> Digital</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>[ Original returned to owner: (circle) YES / NO ]</p>
--

ACKNOWLEDGEMENT OF MUSEUM

The Museum hereby accepts the gift of goods and property described by the Donor in the Schedule above.

Museum Representative: Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_ Position: \_\_\_\_\_

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**OFFICE USE ONLY**

To be completed in duplicate.

Original to be retained by the Museum; One copy to be retained by the Donor.

Original document/s returned to Owner on .....day of.....20.....

Signature of Owner: .....

Signature of Museum Representative: .....

7.11 Oral History Release Form

**TWEED RIVER REGIONAL MUSEUM**

**ORAL HISTORY RELEASE FORM**

To be developed



## 7.12 Tweed Shire Council Disposal of Assets Policy

**Tweed Shire Council Policy Document**  
**Adopted at Council Meeting held 14 December**  
**2005 at Minute No O 213**  
wp\policies\Disposal Of Assets.Doc



### Objectives

The objectives of Tweed Shire Council's Disposal of Assets Policy is as follows:-

- To clearly define a framework, responsibilities and guidelines for Council Officers to manage the disposal of assets and scrap materials.
- This Policy does not apply to Disposal of Land, as there is a separate Disposal of Land Policy.
- Sourcing Of Council Policy.
- The Disposal of Assets Policy is listed on the Council's Intranet and Internet under Policies.
- Legal Requirements.
- The disposal of goods and services by Council is not prescribed in the Local Government Act other than: Section 55 of the Local Government Act 1993

This section of the Act does not apply in respect to:-

- a contract for the sale of goods by Council at public auction.

### **Disposal of Plant, Equipment and Goods**

The General Manager has the delegation to authorise the sale of items of plant, equipment and goods.

Internal controls for goods with a value over and under \$1,000 have been developed to manage disposal of assets, which includes scrap materials.

Value over \$1,000 Council will dispose of plant, equipment and goods with an apparent value of \$1,000 or more by auction or by invitation of tenders or quotations with the Unit Director or Manager recommending the most appropriate method of disposal.

The General Manager must authorise the sale of the item of plant, equipment or goods.

Tweed Shire Council Policy Document in determining the most appropriate method of disposal, the Unit Director or Manager must evaluate the best value for money return on the item being disposed.

The Officer will take into consideration the costs that Council will incur if the item was being disposed of separately, in comparison to bottom line of change-over price of the replacement item being purchased.

The Council Officer responsible for disposing of the item of plant, equipment or goods must advise the Finance Section – Assets of the item being disposed to enable the Asset Register to be managed effectively and efficiently.

#### Value under \$1,000

The method of disposal of plant, equipment and goods with an apparent value of under \$1,000 shall be at the discretion of the Unit Director or Manager.

Council Officers are to ensure that they determine the most appropriate method of disposing of these assets, managing potential risks of corruption and that the process is documented.

### **Low Value Assets and Scrap Materials**

#### Definition

Consumable materials – sand, gravel, chemicals, paint, turf, hardware items, pavers;

Off-cut materials – pipe, cables, timber, plumbing fittings;

Recyclable metals- scrap metals, steel posts, brass, street signs; Office Furniture;

Technology – IT equipment, mobile phones, cameras, calculators, computers, printers

Council has identified low value assets and scrap materials as potential targets for misappropriation of its assets.

Council Officers will monitor the disposition of low value assets and scrap materials to ensure that no inappropriate activities are being conducted by employees.

### **Disposal of Assets Administration**

This policy has identified who is responsible for managing the processes for disposing of the assets.

Council actively encourages employees to come forward when they suspect corrupt conduct or waste of its resources.

Employees are to return from the work site with goods and materials resources that have been purchased and not used on the project. These items must be placed in the relevant compound or left on vehicles to be used on the next project.

Where Council has established storage facilities for scrap materials, employees are to ensure that surplus goods and materials are placed in the storage facilities upon return to the depot and not left for potential misuse.

Adopted at Council Meeting held 14 December 2005 at minute No O 213.

***FOR VOTE - Unanimous***

**O 323 COMMITTEE DECISION:**

**Administrator Willan  
Administrator Boyd**

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

***FOR VOTE - Unanimous***

**214 COUNCIL DECISION:**

**Administrator Willan  
Administrator Turnbull**

**RESOLVED** that the recommendations of the Operations Committee held Tuesday 28 November 2006 be adopted.

***FOR VOTE - Unanimous***

**SCHEDULE OF OUTSTANDING RESOLUTIONS**

**Schedule of Outstanding Resolutions**

**215 COUNCIL DECISION:**

**Administrator Boyd  
Administrator Turnbull**

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

***FOR VOTE - Unanimous***



## **ADMINISTRATOR'S MINUTE**

### **[AM] Signing of Documents**

#### **216 COUNCIL DECISION:**

**Administrator Boyd**  
**Administrator Turnbull**

**RESOLVED** that the information be received and noted.

#### ***FOR VOTE - Unanimous***

Administrator Boyd provided advice that in relation to DA06/0933 and condition 2a:- The boat and trailer spaces next to the jetty be determined by Administrator Boyd, after further consideration of their appropriateness for the parking of boats and trailers, that these boat and trailer spaces have not been approved and have been deleted from the proposed works.

## **ORDINARY ITEMS FOR CONSIDERATION**

### **REPORTS FROM THE GENERAL MANAGER**

Nil.

### **REPORTS FROM THE DIRECTOR PLANNING & DEVELOPMENT**

Nil.

### **REPORTS FROM THE DIRECTOR GOVERNANCE & 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**

**1 [SUB-TRC] Minutes of the Tweed River Committee Meeting held 11 October 2006**

**217 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Turnbull**

**RECOMMENDED** that the:-

1. Minutes of the Tweed River Committee Meeting held Wednesday 11 October 2006 be received and noted; and
2. Director's recommendations be adopted as follows:-

***Agenda Items***

**5. *Cobaki and Terranora Broadwater Cultural Heritage Management Plan***

*Cobaki Broadwater/Terranora Broadwater*

*"That Council adopts the Cobaki and Terranora Broadwater Cultural Heritage Management Plan"*

***General Business***

**8. *Vegetation Management Plan***

*Vegetation Management*

*"That a detailed report be prepared for Council to consider adoption of the Vegetation Management strategy."*

***FOR VOTE - Unanimous***

**2 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 19 October 2006**

**218 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Turnbull**

**RECOMMENDED** that the:-

1. Minutes of the Local Traffic Committee Meeting held Thursday 19 October 2006 be received and noted; and
2. Director's recommendations be adopted as follows:-

**GENERAL BUSINESS:**

**PART A**

**1. Tweed Coast Road, Peninsula Street, Hastings Point**

*That the 50kph be extended to the service station at the southern end of the village on Tweed Coast Road.*

**4. Casuarina Way, Salt Water Crescent, Shipstern St, Bells Blvde**

*That the event be approved subject to the following conditions:-*

- *Casuarina Way - traffic will be controlled by authorised controllers and the north bound lane will be used for north bound and south bound traffic at alternate times;*
- *Maximum number of riders to be restricted to 50;*
- *All signage specified on the Traffic Control Plan to be installed;*
- *Written approval by the NSW Police is required.*

**5. Sunnyside Mall Undercover Car Park**

*That:-*

1. *Council endorses the request from the Sunnyside Shopping Centre management for the installation of 2 hour parking restrictions in the undercover area subject to a plan of the parking restrictions and signage being submitted;*

2. *Council accepts the invitation from the shopping centre management for Council's rangers to enter the car park and undertake enforcement of (1) above.*

**FOR VOTE - Unanimous**

**3 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 16 November 2006**

**219 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Turnbull**

**RECOMMENDED** that the:-

1. Minutes of the Local Traffic Committee Meeting held 16 November 2006 be received and noted; and
2. Director's recommendations be adopted as follows

**PART A**

**1. Cudgera Creek Road**

Bus Services - Stops; Cudgera Creek Road; DW483780

*"That a bus zone be installed on Cudgera Creek Road on the north west corner of the intersection with Mooball Road, at appropriate operational times specified by the bus company."*

**4. Cudgen Road, Kingscliff**

DW1484896; Tumbulgum Road, Parking - Pool - Kingscliff

*"That the double centrelines on Cudgen Road be removed 20m north east of the Kingscliff Swimming Pool and 'No Parking - Buses Excepted' signs be installed."*

**5. Eastlakes Drive and Soorley Street, Tweed Heads South**

DW1484931; Traffic - Committee; Local Area Traffic Management

*"That 'Give Way' signage be installed on Eastlakes Drive at Soorley Street."*

**6. Kyogle Road, Murwillumbah**

DW1488344; Kyogle Road; Speed Zones

*"That the 80/50kph signage on Kyogle Road, Murwillumbah, near the SES building, be moved 100m west of the current location."*

**11. Hungerford Lane, Kingscliff**

DW1495529; Hungerford Lane;  
Local Area Traffic Management; LN 10163

*"That Council supports the temporary conversion of the eastbound lane of Hungerford Lane at the Azura Development to one-way until the development is completed."*

**12. Tweed Heads Hospital Car Park**

DW1494381; LN; 10897; Traffic - Parking Zones;  
Parking Illegal; SN: 669; SN: 1222

*"That Council accepts the invitation from the Tweed Heads Hospital to undertake parking patrols of their car parks adjacent to Powell Street and the new car park adjacent to Florence Street."*

**FOR VOTE - Unanimous**

**4 [SUB-TDAC] Minutes of the Tweed Shire Council Disability Access Committee Meeting held Thursday 19 October 2006**

**220 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Turnbull**

**RECOMMENDED** that the:-

1. Minutes of the Tweed Shire Council Disability Access Committee Meeting held Thursday 19 October 2006 be received and noted; and
2. Director's recommendations be adopted as follows

**Items from Meeting held 24 August 2006**

**4. International Day of People with a Disability 2006**

*"That Council endorse and support International Day of People with a Disability 2006 and authorise the fancy dress party as an activity of Council."*

**FOR VOTE - Unanimous**

5 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held Tuesday 24 October 2006

221 COMMITTEE DECISION:

Administrator Boyd  
Administrator Turnbull

**RECOMMENDED** that the:-

1. Minutes of the Sports Advisory Committee Meeting held Tuesday 24 October 2006 be received and noted; and
2. Director's recommendations be adopted as follows
  1. **Assets Reserve Trust Funding – Uki Application**

*"That Council contributes \$4,000 from the Assets Reserves Trust Fund toward the upgrade of existing sports fields lights".*

**FOR VOTE - Unanimous**

**ORDERS OF THE DAY**

6 [NOM] War Memorial at Burringbar

222 COUNCIL DECISION:

Administrator Boyd  
Administrator Turnbull

**RESOLVED** that a letter of congratulations from Tweed Shire Council be forwarded to Mr Alan Vincent, President of the Burringbar Branch of the RSL and his members on the very impressive "World War II, Other Conflicts and Peace Keeping Operations" memorial which they unveiled on Saturday 21 October 2006.

**FOR VOTE - Unanimous**

7 [NOM] Burringbar Sewerage Scheme

223 COUNCIL DECISION:

Administrator Boyd  
Administrator Willan

**RESOLVED** that in view of the fact that Council commenced a levy on the residents of Burringbar and Mooball in 2003 to the value of \$350 per year for 10 years, and

purchased the site for the Treatment Plant, on the basis that Burringbar Mooball Sewerage Scheme was an approved scheme under the State Government's Country Towns Water Supply and Sewerage Scheme and therefore would have received 70% subsidy as per the previous grant assistance guidelines, Council seeks the urgent assistance of the State Member for Tweed, Mr Newell, to have the State honour its original commitment.

***FOR VOTE - Unanimous***

## **ITEMS 8 THROUGH 13 OF THE AGENDA WERE WITHDRAWN**

### **QUESTION TIME**

#### **[QT] Illegal Building Activity - "The Beach"**

##### **Administrator Boyd**

Asked have staff investigated alleged illegal building activity at the south-eastern boundary of "The Beach".

The Director Environment and Community Services responded that an instruction has been issued for work to cease and that work will be reinstated in line with the original plans and if required a further report will be provided.

#### **224 COUNCIL DECISION:**

**Administrator Boyd**  
**Administrator Willan**

**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:-

## REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

### REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

#### 1 [EO-CM] Riverside Drive, Tumbulgum - Acquisition for Road Widening

##### 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 88 COUNCIL DECISION:

That:-

1. Council approves the acquisition of part of Lots 4-8 and 15 of Section 1 in DP 1223 for public road; and
2. Council approves the amount of compensation payable to each landowner as shown in the body of the report; and
3. The subject land be dedicated as road following gazettal of the acquisition; and
4. All necessary documentation be executed under the Common Seal of Council.

#### ***FOR VOTE - Unanimous***

#### 2 [EO-CM] Kallaroo Circuit Bund, Options for Resolution of Dispute with Byron Shire Council

##### REASON FOR CONFIDENTIALITY:

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

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege



**C 89 COUNCIL DECISION:**

That:-

1. The General Manager be authorised to negotiate with Byron Shire Council for the purpose of reaching an agreement on a revised configuration of the bund remediation culverts based on an invert level of around 0.8m AHD, provided it can be demonstrated that such configuration will have equal or better impact than the previously agreed culvert configuration at -1.0m, on flood durations in the Wooyung area.
2. Council agrees to the current wording of the draft Byron LEP (Clause 24) amendment for the basis of exhibition only, but, reserve the right to make submissions for the deletion of subclause (4)f) during the exhibition and post exhibition phases.
3. The General Manager, or his delegate, be authorised to attend the bund stakeholders meeting to be held 18 December 2006 for the purpose of securing agreement of all stakeholders to progress the approval and construction of the agreed bund remediation works.
4. The Department of Local Government be advised of the above and requested:-
  - (a) To obtain a timetable from Byron Shire Council that details activities and milestones for the LEP approval process, DA approval process and construction of the bund remedial works to achieve completion by 31 July 2007.
  - (b) If there is no agreement on a technical solution to the bund problem by 18 December 2006, to proceed with a s742 Formal Inquiry to determine the technical solution for the bund remedial works and recommend the Minister make the required s742 order for the works to be done.
  - (c) If there is agreement on a technical solution to the bund problem by 18 December 2006, then the Department be requested to monitor Byron Shire Council's compliance with each timetable milestone, and if the milestones are not achieved, then recommend the Minister make an order under s742 of the Local for Byron Shire Council to perform the necessary works.

***FOR VOTE - Unanimous***

**REPORTS FROM THE DIRECTOR ENVIRONMENT & COMMUNITY SERVICES**

**3 [EC-CM] Development Application DA05/1049 - Dwelling at Lots 15 & 18 DP755685; Lots 17 & 18 DP 252179 Dulguigan Road North Tumbulgum - Unauthorised Works**

**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 90 COUNCIL DECISION:**

That Council:-

1. Notes this report and delegates to the General Manager to consider any submission regarding the Notice of Intention to Issue an Order and determine the action to be taken in relation to the proposed Orders.
2. Requests a further report be presented regarding further legal action to be taken if the applicant fails to comply with Orders issued.

***FOR VOTE - Unanimous***

**C 91 COUNCIL DECISION:**

**Administrator Willan  
Administrator Boyd**

**RESOLVED** that the Committee resumes in Open Council.

***FOR VOTE - Unanimous***

**225 COUNCIL DECISION:**

**Administrator Willan  
Administrator Boyd**

**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 7.00pm



**Minutes of Meeting Confirmed by Council**

**at Meeting held .....**

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**Chairman**

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