

The Meeting commenced at 4.30pm.

IN ATTENDANCE

Administrators Mr Garry Payne, (Chairman), Mr Frank Willan, Mr Max Boyd.

Also present were Mr Mike Rayner (General Manager), Mr Troy Green (Director Technology & Corporate Services), Mr Patrick Knight (Director Engineering & Operations), Mr Noel Hodges (Director Planning & Regulation), Mr Don Buckley (Director Community & Natural Resources), Ms Genevieve Slattery (Executive Officer), Mr Neil Baldwin (Manager Risk and Human Resources/Public Officer) and Mrs Meredith Smith (Minutes Secretary)

ABORIGINAL STATEMENT

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

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

PRAYER

The meeting opened with a Prayer by Council's Chaplain, Rev Andrew Unwin.

"Eternal God, you are the one who governs all things in heaven and on earth. Hear us as we come before you to pray for our country and all those who live here.

As your word encourages us, we pray for those who You have given authority too. We pray that you will guide their thoughts and actions that they may serve us with true Christian compassion. Strengthen them in their resolve to care for every member of our community regardless of who they are.

Remove every hindrance to the advancement of our peoples that in love we might find unity in our community. We pray that you will give us tolerance and acceptance of each other and that peace will spread through our valley. We ask this to the glory of your name through Jesus your Son. Amen."

CONFIRMATION OF MINUTES

Minutes of the Ordinary and Confidential Council Meeting held Tuesday 8 May 2007

82 COUNCIL DECISION:

Administrator Willan
Administrator Boyd

RESOLVED that the Minutes of the Ordinary and Confidential Council Meetings held Tuesday 8 May 2007 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

83 COUNCIL DECISION:

Administrator Payne
Administrator Willan

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

FOR VOTE - Unanimous

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR PLANNING & REGULATION

P1 [PR-PC] Section 96 Applications DA06/0698.01 & 0770/2000DA.04 for Amendment to Development Consents DA06/0698 & 0770/2000DA for the Expansion of Tavern Fitout & Operations into Tenancies 1 and 2 as Part of Hotel Development & Fitout for Bait & Tackle Shop

P 50 COMMITTEE DECISION:

**Administrator Payne
Administrator Willan**

RECOMMENDED that: -

1. Section 96 Application DA06/0698.01 for amendment to Development Consent DA06/0698 for the expansion of tavern fitout and operations into tenancies 1 and 2 as part of hotel development and fitout for bait and tackle shop at Lot 437 DP 755740, No. 156 Wharf Street, Tweed Heads be approved, subject to the following amendments to consent DA06/0698: -

- Condition No. 2, which reads:

“Development consent 0770/2000DA is to be amended to be consistent with the provisions of the Noise Level Impact Assessment report prepared by Craig Hill Acoustics dated 31 August 2006 (Reference: Pier 2 310806/1).”

Is to be DELETED.

- Condition No. 26, which reads:

“All plant and equipment as specified in the Noise Level Impact Assessment report prepared by Craig Hill Acoustics dated 31 August 2006 (Reference: Pier 2 310806/1), is to be mounted on resilient mounts to reduce vibration and the transmission of noise with tonal components.”

Is to be DELETED, and new condition 26A to be INSERTED which reads:

"26a. All plant and equipment as specified in the Noise Level Impact Assessment Revisions 2, Ivory Hotel Pier 2 Marina, Tweed Heads prepared by Craig Hill Acoustics dated 29 January 2007 (Ref Pier2 290107/3), or subsequent noise report approved in writing by Council's General Manager or his delegate, is to be mounted on resilient mounts to reduce vibration and the transmission of noise with tonal components."

- Condition 27, which reads:

"Where plant and equipment is proposed to be provided or is placed different than that used for the basis of the Noise Level Impact Assessment Report prepared by Craig Hill Acoustics dated 31 August 2006 (Reference: Pier 2 310806/1), then such plant and equipment is not to be installed until Council is provided with a Noise Level Impact Assessment from an appropriately qualified Acoustic Engineer which is based upon the manufacturer specified sound pressure level rating for the proposed plant or equipment."

Is to be DELETED and new condition 27A to be INSERTED, which reads:

"27a. Where plant and equipment is proposed to be provided or is placed different than that used for the basis of the Noise Level Impact Assessment Revisions 2, Ivory Hotel Pier 2 Marina, Tweed Heads prepared by Craig Hill Acoustics dated 29 January 2007 (Ref Pier2 290107/3), or subsequent noise report approved in writing by Council's General Manager or his delegate, then such plant and equipment is not to be installed until Council is provided with a Noise Level Impact Assessment from an appropriately qualified Acoustic Engineer which is based upon the manufacturer specified sound pressure level rating for the proposed plant or equipment."

- Condition No. 31, which reads:

"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

Trading Hours of the Bait and Tackle Shop are restricted to the following:

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- * 8.30am to 5.00pm - Monday to Friday
- * 8.00am to 3.00pm - Saturday and Sunday
- * All deliveries and pickups relating to the business are to occur within the approved hours"

Is to be DELETED and new condition 31A is to be INSERTED which reads:

"31a. Trading hours of the Tavern are restricted to the following: -

- * 7.00am to 11.00pm - Monday to Wednesday*
- * 7.00am to 12 midnight - Thursday to Saturday*
- * 7.00am to 10.00pm - Sunday*

The sale of alcohol is prohibited before 10.00am on any day. The Ivory Hotel Hotelier's Licence shall be amended to allow the restricted areas of the tavern to be open for service of breakfast between the hours of 7.00am to 10.00am seven days a week, excluding the sale of alcohol. A copy of the amended license shall be forwarded to Council for its records.

Trading Hours of the Bait and Tackle Shop are restricted to the following: -

- * 8.30am to 5.00pm - Monday to Friday*
- * 8.00am to 3.00pm - Saturday and Sunday*
- * All deliveries and pickups relating to the business are to occur within the approved hours"*

- Condition No. 38, which reads:

"Garbage collection shall be limited to between the hours of 8.00am and 10.00am Monday, Wednesday and Friday in accordance with the Noise Impact Assessment report prepared by Craig Hill Acoustics dated 31 August 2006 (reference: Pier 2 310806/1) or to the satisfaction of Council's Director of Environment and Community Services."

Is to be DELETED, and new condition 38A is to be INSERTED which reads:

"38a. Garbage collection shall be limited to between the hours of 8.00am and 10.00am Monday, Wednesday and Friday in accordance with the Noise Level Impact Assessment Revisions 2, Ivory Hotel Pier 2 Marina, Tweed Heads prepared by Craig Hill Acoustics dated 29 January 2007 (Ref Pier2 290107/3) or to the satisfaction of Council's general Manager or his delegate."

- Condition No. 43, which reads:

"The premises shall comply with the requirements of The Liquor Administration Board."

Is to be DELETED, and new condition 43A is to be INSERTED which reads:

“43a. The premises shall comply with the requirements of the NSW Office of Liquor, Gaming and Racing.”

- Condition No. 47, which reads:

“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.”

Is to be DELETED

2. Section 96 Application 0770/2000DA.04 for amendment to Development Consent 0770/2000DA for the establishment of a tavern (pier two development site) at Lot 437 DP 755740, No. 156 Wharf Street, Tweed Heads be approved, subject to the following amendments to consent 0770/2000DA: -

- Condition No. 16, which reads:

“Hours of operation of the tavern are restricted to 10am to 10pm Sunday to Wednesday and 10am to 11pm Thursday to Saturday”

Is to be DELETED and new condition 16A is to be INSERTED, which reads:

“16a. Trading hours of the Tavern are restricted to the following: -

- * 7.00am to 11.00pm - Monday to Wednesday
- * 7.00am to 12 midnight - Thursday to Saturday
- * 7.00am to 10.00pm - Sunday

The sale of alcohol is prohibited before 10.00am on any day. The Ivory Hotel Hotelier’s Licence shall be amended to allow the restricted areas of the tavern to be open for service of breakfast between the hours of 7.00am to 10.00am seven days a week, excluding the sale of alcohol. A copy of the amended license shall be forwarded to Council for its records.

Trading Hours of the Bait and Tackle Shop are restricted to the following: -

- * 8.30am to 5.00pm - Monday to Friday
- * 8.00am to 3.00pm - Saturday and Sunday
- * *All deliveries and pickups relating to the business are to occur within the approved hours”*

- Condition No. 39, which reads:

“All plant and equipment as specified in the Noise Level Impact Assessment Report by Craig Hill Acoustics dated April 2000 is to be mounted on resilient mounts to reduce vibration and the transmission of noise with tonal components.”

Is to be DELETED, and new condition 39A is to be INSERTED which reads:

“39a. All plant and equipment as specified in the Noise Level Impact Assessment Revisions 2, Ivory Hotel Pier 2 Marina, Tweed Heads prepared by Craig Hill Acoustics dated 29 January 2007 (Ref Pier2 290107/3), or subsequent noise report approved in writing by Council’s General Manager or his delegate, is to be mounted on resilient mounts to reduce vibration and the transmission of noise with tonal components.”

- Condition No. 40, which reads:

“Where plant and equipment is proposed to be provided or is placed different than that used for the basis of the noise level Impact assessment Report by Craig Hill Acoustics dates April 2000, then such plant and equipment is not to be installed until Council is provided with a Noise Level Impact Assessment from an appropriately qualified Acoustic Engineer which is based upon the manufacturer specified sound pressure level rating for the proposed plant or equipment.”

Is to be DELETED and new condition 40A is to be INSERTED, which reads:

“40a Where plant and equipment is proposed to be provided or is placed different than that used for the basis of the Noise Level Impact Assessment Revisions 2, Ivory Hotel Pier 2 Marina, Tweed Heads prepared by Craig Hill Acoustics dated 29 January 2007 (Ref Pier2 290107/3), or subsequent noise report approved in writing by Council’s General Manager or his delegate, then such plant and equipment is not to be installed until Council is provided with a Noise Level Impact Assessment from an appropriately qualified Acoustic Engineer which is based upon the manufacturer specified sound pressure level rating for the proposed plant or equipment.”

- Condition No. 42, which reads:

“If levels of internal amplified music are proposed other than that which has been allowed for in the Noise Level Assessment Report prepared by Craig Hill Acoustics dated April 2000, then the recommendations in the report relating to sound shell isolation are to be examined. A report from a suitable qualified Acoustic Engineer is to be provided to Council detailing any sound shell isolation measures proposed for approval prior to installation.”

Is to be DELETED and new condition 42A is to be INSERTED, which reads:

“42a.If levels of internal amplified music are proposed other than that which has been allowed for in the Noise Level Impact Assessment Revision 2, Ivory Hotel Pier 2 Marina, Tweed Heads prepared by Craig Hill Acoustics dated 29 January 2007 (ref Pier2 290107/3), or subsequent noise report approved in writing by the general Manager or his delegate, then the recommendations in the report relating to sound shell isolation are to be examined. A report from a suitable qualified Acoustic Engineer is to be provided to Council detailing any sound shell isolation measures proposed for approval prior to installation.”

- Condition No. 46, which reads:

“Garbage collection is to be limited to between the hours and on the days as specified within the Noise Impact Assessment Report prepared by Craig Hill Acoustics dated April 2000. A letter from Solo Waste is to be supplied to Council confirming such arrangements”.

Is to be DELETED, and new condition 46A is to be INSERTED which reads:

“46a.Garbage collection shall be limited to between the hours of 8.00am and 10.00am Monday, Wednesday and Friday in accordance with the Noise Level Impact Assessment Revisions 2, Ivory Hotel Pier 2 Marina, Tweed Heads prepared by Craig Hill Acoustics dated 29 January 2007 (Ref Pier2 290107/3) or to the satisfaction of Council's general Manager or his delegate.”

FOR VOTE - Unanimous

P2 [PR-PC] Development Application DA07/0189 for Multi Dwelling Housing Comprising 11 x 3 Bedroom Terrace Style Dwellings at Lot 1 & 2 DP 263730, No. 2 & 4 Overall Drive, Pottsville

P 51 COMMITTEE DECISION:

**Administrator Willan
Administrator Payne**

RECOMMENDED that Development Application DA07/0189 for multi dwelling housing comprising 11 x 3 bedroom terrace style dwellings at Lot 1 & 2 DP 263730, No. 2 & 4 Overall Drive, Pottsville 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 DA.00 - DA.13 prepared by Lesiuk Architects Pty Ltd and dated 19.02.07, 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 within the public road reserve including (but not limited to) the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

[GEN0045]

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

[GEN0115]

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

[GEN0135]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for 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. The developer shall provide 25 off street car parking spaces (including parking for 3 designated visitor spaces, with one having the provisions as a designated car wash bay) in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code, AS 2890 and Austroads Part 11.

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

[PCC0065]

7. Section 94 Contributions

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

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

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

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

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

(a) Tweed Road Contribution Plan: S94 Plan No. 4 (Version 4.0) Sector8a_4	\$15,502
(b) Open Space (Structured): S94 Plan No. 5	\$4,050
(c) Open Space (Casual): S94 Plan No. 5	\$865
(d) Shirewide Library Facilities: S94 Plan No. 11	\$3,574
(e) Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$728
(f) Community Facilities (Tweed Coast - South) S94 Plan No. 15 South Coast	\$5,256

(g) Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$1,041
(h) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$10,366.99
(i) Cycleways S94 Plan No. 22	\$1,826
(j) Regional Open Space (Structured) S94 Plan No. 26	\$12,076
(k) Regional Open Space (Casual) S94 Plan No. 26	\$4,439

[PCC0215]

8. 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 DSP6:	6.8 ET @ \$4598	\$31,266
Sewer Hastings Point:	9 ET @ \$2863	\$25,767

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]

9. Any filling of the site to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. The construction of any perimeter retaining structures or batters shall at no time result in additional ponding occurring within neighbouring properties.

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

[PCC0485]

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) Shake down area shall be installed prior to any earthworks being undertaken.

[PCC1105]

11. 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]

12. 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 (including the connection of a private stormwater drain to a public stormwater dish drain, the installation of stormwater quality control devices and erosion and sediment control works) prior to the issue of a construction certificate.

[PCC1195]

13. The legal point of discharge for piped stormwater from the site is via direct connection into the kerbside inlet pit within Overall Drive. Full engineering details of this connection shall be submitted with a s68 Stormwater Application for approval, prior to the issue of a Construction Certificate.

[PCCNS01]

14. Plans to accompany the Construction Certificate application shall provide a minimum aisle width of 5.8m along the frontage of each proposed carport / garage, with a minimum aisle width of 5.5m being provided for the remainder of the internal driveway.

[PCCNS02]

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

[PCC0585]

PRIOR TO COMMENCEMENT OF WORK

16. 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]

17. 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]

18. Residential building work:

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

[PCW0235]

19. 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]

20. 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]

21. 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]

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

In addition to these measures 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]

23. 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]

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

[PCW0705]

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. 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]

27. 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]

28. 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]

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. 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]

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

[DUR0445]

32. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent.

[DUR0905]

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. The habitable floor area of the building shall be at a level not less than RL 3.0m AHD.
- [DUR1435]
35. A survey certificate signed by a registered surveyor is to be submitted to the Principal Certifying Authority at floor stage to certify that the habitable floor level of the building to be at a level of not less than RL 3.0m AHD.
- [DUR1445]
36. 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 or prior to any use or occupation of the buildings.
- [DUR1875]
37. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".
- [DUR2195]
38. 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]
39. 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]
40. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
- [DUR2505]

41. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.

[DUR2535]

42. 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]

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

- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- * 50⁰C in all other classes of buildings.

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

[DUR2555]

44. 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]

45. 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]

46. Provision to be made for the designation of one (1) durable and pervious car wash-down area/s. The area/s must be identified for that specific purpose and be supplied with an adequate water supply for use within the area/s. Any surface run-off from the area must not discharge directly to the stormwater system.
[DUR0975]
47. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.
[DUR2185]
48. 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.
[DUR2205]
49. 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]
50. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads.
[DUR2415]
51. Excavations below 1m of the natural ground surface level are not permitted without prior permission from Council's Building & Environmental Health Unit.
[DURNS01]
52. 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]
53. Sediment & erosion controls measures are to be installed in accordance with the Erosion & Sediment Control Plan prepared by Cozens Regan Williams Prove Pty Ltd dated 21 December 2006.
[DURNS01]
54. Regular inspections are to be carried out by the site supervisor to ensure that proper sediment & erosion control measures are maintained during construction.
[DURNS01]
55. 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]

56. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter to the satisfaction of the General Manager or his delegate.
57. Such to specifically include the following:
- (a) 150 millimetres thick reinforced with SL72 mesh, (unless modified by the approved Section 138 Application)
 - (b) Minimum Sight Lines for pedestrian safety at the property boundary, in accordance with Council's "Driveway Access To Property - Design Specification - Part 1 July 2004".

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

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

[DUR0065]

58. The provision of 25 off-street car parking spaces (including 3 designated visitor parking spaces, with one having the provisions as a designated Car Wash Bay) The layout and construction standards to be in accordance with Tweed Development Control Plan Section No. A2 - *Site Access and Parking Code*

[DUR0085]

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

[DUR0815]

60. 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]

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

[DUR0995]

62. 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]

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

[DUR1845]

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, 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. 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]

67. 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]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

68. 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]

69. 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]

70. Prior to the issue of a final occupation certificate adequate proof and/or documentation is to be submitted to the Principal Certifying Authority to identify that all commitment on the BASIX "Schedule of Commitments" have been complied with.

[POC0435]

71. 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]

72. 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]

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

[POC0855]

74. 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]

USE

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

[USE0235]

76. 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]

77. 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]

FOR VOTE - Unanimous

P3 [PR-PC] Development Application DA06/1215 for a Six Storey Apartment Building Comprising 15 Units - 5 x 2 Bedroom, 9 x 3 Bedroom and 1 x 4 Bedroom at Lot 1 & 2 DP 360543, No. 1 Brett Street & No. 26 Recreation Street, Tweed Heads

P 52 COMMITTEE DECISION:

**Administrator Willan
Administrator Payne**

RECOMMENDED that Development Application DA06/1215 for a six storey apartment building comprising 15 units - 5 x 2 bedroom, 9 x 3 bedroom and 1 x 4 bedroom at Lots 1 & 2, DP 360543, No. 1 Brett Street & No. 26 Recreation Street, Tweed Heads be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan No's:
 - P516 - SK03 (Issue B) - Site Plan, dated 14 July 2006;
 - P516 - SK04 (Issue C) – Basement Floor Plan, dated 18 May 2007;
 - P516 - SK05 (Issue C) – Ground Level Floor Plan, dated 18 May 2007;
 - P516 - SK06 (Issue C) – Level 1-3 Typical Floor Plan, dated 29 March 2007;
 - P516 - SK07 (Issue C) – Level 4 Floor Plan, dated 29 March 2007;
 - P516 - SK08 (Issue B) – Level 5 Floor Plan, dated 14 July 2006;
 - P516 - SK09 (Issue C) – Level 6 Roof Terrace, dated 29 March 2007;
 - P516 – SK10 (Issue A) – Stair Cross Sections, dated 22 June 2006;
 - P516 – SK11 (Issue B) – Long Section, dated 14 July 2006;
 - P516 – SK12 (Issue B) – North Elevation, dated 14 July 2006;
 - P516 – SK13 (Issue B) – South Elevation, dated 14 July 2006; and

- P516 – SK14 (Issue B) – East & West Elevations, dated 14 July 2006, prepared by Glen Petersen Architect, except where varied by the conditions of this consent.

[GEN0005]
- 2. 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]
- 3. The proposed demolition of the existing buildings on the subject site is not covered by this approval and is subject to separate development consent.
- 4. There shall be unrestricted access provided to the visitor parking and refuse areas within the basement level of the building.
- 5. No roofing or shade structure shall be permitted on the roof terrace level.

[GENNS03]
- 6. Council will not permit ground anchors (to retain sacrificial sheet piling for basement excavations) within Council or private property, without prior consent from the property owner being obtained. If the landowner is Council, approval is required from the Director of Engineering and Operations. The anchors are required to be removed upon completion of the works, unless a substantial compensation amount is negotiated with Council.
- 7. The site is flood prone and is therefore subject to the provisions of Tweed Shire Council Development Control Plan Part A3 – Development of Flood Liable Land.

[GENNS02]
- 8. All works shall be carried out in accordance with the Preliminary Acid Sulfate Soil Assessment & Management Plan and Dewatering Management Plan for Lots 1 & 2 DP 360543 Cnr Recreation & Brett Sts, Tweed Heads prepared by HMC Environmental Consulting Pty Ltd dated February 2007 (Report No – 2006.87).
- 9. All waters pumped from the site in the de-watering process are to be treated with an effective deodoriser to the satisfaction of Council's General Manager or his delegate to neutralise any offensive odours. The point of discharge shall also be approved by Council's General Manager or his delegate prior to installation and shall include a water-sampling outlet.

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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. 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) Shake down area shall be installed prior to any earthworks being undertaken.
- (ii) The basement oil/grit arrestor shall be sized in accordance with Section D7.12 of Councils *Development Design Specification D7 - Stormwater Quality*.
- (iii) The external car wash bay and bin storage area shall be constructed of permeable material or be provided with appropriate facilities such that runoff from these areas are treated to remove oil and sediment prior to discharge into the stormwater system.

[PCC1105]

12. The basement car parking is to be protected against the inflow of water to a level of 500mm above the design flood level of RL 2.6m AHD in accordance with Tweed Shire Council *Development Control Plan Part A3 - Development of Flood Liable Land*. This immunity shall be provided at all accesses including external stairs to the basement car park.

The pump system shall be designed for a storm event with a 10 year average return interval (ARI 10) and shall have failsafe measures in place such that property (on site and adjacent) is protected against pump failure. Consequences of the 100 year ARI storm event must also be addressed. Details of the basement stormwater pump-out system shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

Installed pumps must be designed and installed in accordance with Section 9 of AS/NZS 3500.3.2.1998 "*Natural Plumbing and Drainage – Part 3.2 : Stormwater Drainage – Acceptable Solutions*"

[PCC0685]

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. The landscaping plan is to be certified by a qualified Landscape Architect and shall be in general accordance with the submitted Statement of Landscape Intent (SLI/01 and 02), prepared by Planit Consulting and dated September 2006.

[PCC0585]

14. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. The construction of any retaining wall structure or fill batters must at no time result in additional ponding occurring within neighbouring properties.

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

[PCC0485]

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

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

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

Water DSP4:	6.2 ET @ \$4598	\$28,508
Sewer Banora:	10.75 ET @ \$2863	\$30,777

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]

16. 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: \$7,728

S94 Plan No. 4 (Version 4.0)

Sector1_4

Heavy Haulage Component

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

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

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

(b) Open Space (Structured): \$5,850

S94 Plan No. 5

(c) Open Space (Casual): S94 Plan No. 5	\$1,250
(d) Shirewide Library Facilities: S94 Plan No. 11	\$5,162
(e) Bus Shelters: S94 Plan No. 12	\$182
(f) Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$1,039
(g) Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$1,503
(h) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$14,974.80
(i) Cycleways S94 Plan No. 22	\$2,638
(j) Regional Open Space (Structured) S94 Plan No. 26	\$17,445
(k) Regional Open Space (Casual) S94 Plan No. 26	\$6,412

[PCC0215]

17. The developer shall provide 27 parking spaces including parking for the disabled in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code as well as provisions for one Car Wash Bay.

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

The driveway entrance shall be graded such that stormwater runoff within the kerb and gutter of the Road Reserve does not enter the basement.

[PCC0065]

18. 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 within the public road reserve including (but not limited to) the construction or removal of driveway accesses or footpaths, the installation of site hoarding fences or sheet pile ground anchors. Applications for consent under Section 138 must be submitted on Council's standard application form, be accompanied by the required attachments and prescribed fee.

Receipt of approval is to be obtained prior to the issue of a construction certificate for works within the development site.

[PCC0075]

19. Surcharge overflow from any installed rainwater detention tank must discharge by visible surface flow directly to the kerb and guttering of either Brett Street or Recreation Street along the frontage of the site. No surcharge flow is allowed onto neighbouring private property.

Details of any proposed rainwater detention, including surcharge overland flow paths are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. These details shall include likely landscaping within the overland flow paths.

The legal point of discharge for piped stormwater from the site is via direct connection into the kerbside inlet pit within Brett Street. Full engineering details of this connection shall be submitted with a s68 Stormwater Application for approval, prior to the issue of a Construction Certificate.

[PCCNS01]

20. Development consent (separate to this consent) is required for the demolition of the existing buildings upon the subject site, prior to the issue of a Construction Certificate.

[PCCNS02]

21. 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]

22. 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]

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 (including the connection of a private stormwater drain to a public stormwater drain, the installation of stormwater quality control devices and erosion and sediment control works) prior to the issue of a construction certificate.

Connection to the existing sewer is to be done under Council supervision. The proposed sewer relocation shall be constructed in 300mm dia pipe as per Council's Development Design Specification D12 – Sewerage System. The sewer alignment shall comply with Council's Works in Proximity to Sewers policy.

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

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

[PCW0080]

26. 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]

- 27. 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]

- 28. Residential building work:

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

[PCW0235]

- 29. 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]

- 30. 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]

31. 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]

32. Prior to commencement of building works a stormwater drainage plan is to be submitted to and approved by the Principal Certifying Authority.

[PCW0955]

33. 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]

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

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

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

[PCW0985]

35. 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. Prior to start of building works provide a certificate of adequacy of design, signed by a practising Structural Engineer on any proposed retaining wall in excess of 1.2m in height. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall and be supported by Geotechnical assessment of the founding material.

[PCW0745]

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

[PCW0125]

PRIOR TO COMMENCEMENT OF WORK

39. It is the responsibility of the contractor to locate and identify all existing 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

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

[DUR0005]

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. 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]

44. 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]

45. 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]

46. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Occupational Health and Safety Regulation 2001.

[DUR0415]

47. Excavation

- (a) All excavations and backfilling associated with the erection of a building must be executed safely and in accordance with WorkCover 2000 Regulations.
- (b) All excavations associated with the erection of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

[DUR0425]

48. If the work involved in the erection 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.

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

[DUR0435]

49. 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]

50. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent.

[DUR0905]

51. 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]

52. Swimming Pools (Building)

- (a) The swimming pool is to be installed and access thereto restricted in accordance with Council's "Code for the Installation of New Swimming Pools" and Australian Standard AS 1926-1986 (Copy of code enclosed).
- (b) Swimming pools shall have suitable means for the drainage and disposal of overflow water.
- (c) The pool pump and filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.

[DUR2075]

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

[DUR2085]

54. The spa filter and any pumps or aerators are to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.

[DUR2135]

55. 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]

56. 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]

57. 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]

58. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.

[DUR2515]

59. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.

[DUR2525]

60. 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]

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

- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- * 50⁰C in all other classes of buildings.

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

[DUR2555]

62. The proponent shall comply with all requirements tabled within any approval issued under Section 68 of the Local Government Act.

[DUR2625]

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

[DUR2445]

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

[DUR2435]

65. 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]

66. 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]

67. 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]

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

[DUR2195]

69. A certificate from a suitably qualified practicing structural engineer shall be submitted to Council and the Principle Certifying Authority within seven (7) days of the site being excavated certifying the adequacy of the sheet piling or other retaining method used to support adjoining properties.

[DUR1965]

70. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction. Certification to be provided to the Private Certifying Authority prior to the issue of an Occupation Certificate.

[DUR1955]

71. 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]

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

[DUR1885]

73. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils adopted Design and Construction Specifications prior to any use or occupation of the buildings.

[DUR1875]

74. Pram ramps are to be provided at road intersections in accordance with Council's Standard Drawing No. SD 014 within all kerb types including roll top kerb.

[DUR1855]

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

[DUR1845]

76. 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]

77. A concrete ribbon footpath 1.2 metres wide (minimum) shall be provided on a compacted base along the entire frontage of the site in accordance with Councils adopted Development Design and Construction Specification and Standard Drawing S.D. 013. This may require the reconstruction of the existing footpath along the frontage of the site, such that it complies with Council's standards.

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]

78. Landscaping of the site shall be carried out and maintained in accordance with the submitted/approved landscaping plans.
[DUR1045]
79. 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]
80. 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 an Occupation Certificate.
[DUR0995]
81. 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]
82. Provision to be made for the designation of one (1) durable and pervious car wash-down area. The area must be identified for that specific purpose and be supplied with an adequate water supply for use within the area. Any surface run-off from the area must not discharge directly to the stormwater system.
[DUR0975]
83. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
[DUR0815]
84. Proposed earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments".
[DUR0785]
85. Pumps used for dewatering operations are to be electrically operated. Diesel pumps are not to be used unless otherwise approved by the General Manager or his delegate.
[DUR0255]
86. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of the buildings with direct line of sight to the proposed building.
[DUR0245]
87. All pumps used for onsite dewatering operations shall be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises, and be acoustically shielded to the satisfaction of the General Manager or his delegate so as to prevent the emission of offensive noise as a result of their operation.
[DUR0235]

88. 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]

89. The provision of twenty seven (27) off street car parking spaces including parking for the disabled where applicable. The seven (7) visitor spaces indicated on the Basement Plan shall be nominated and maintained as such. The layout and construction standards to be in accordance with Tweed Shire Council Development Control Plan, Part A2 - Site Access and Parking Code.

[DUR0085]

90. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter to the satisfaction of the General Manager or his delegate.

Such to specifically include the following:

- (a) 150 millimetres thick reinforced with SL72 Mesh (unless modified by the approved Section 138 Application).
- (b) Minimum Sight Lines for pedestrian safety at the property boundary, in accordance with Council's "Driveway Access To Property – Design Specification – Part 1 July 2004".

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

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

[DUR0065]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

91. 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]

92. 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]

93. 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]

94. 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]

95. Prior to the issue of a final occupation certificate adequate proof and/or documentation is to be submitted to the Principal Certifying Authority to identify that all commitment on the BASIX "Schedule of Commitments" have been complied with.

[POC0435]

96. 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]

97. Prior to the issue of a final occupation certificate, all conditions of consent are to be met.

[POC1055]

98. 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]

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

[POC0855]

100. 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]

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

[POC0475]

102. 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]

USE

103. 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]

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

[USE0235]

105. Swimming Pools (Building)

- (a) It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the adjoining premises. Due regard must be given to the affect that landscaping will have on the future effectiveness of the security fencing. (Section 7 Swimming Pool Act 1992).
- (b) The resuscitation poster must be permanently displayed in close proximity to the swimming pool. (Section 17 Swimming Pool Act 1992).

[USE1295]

106. The swimming pool is not to be used for commercial purposes without prior Development Consent.

[USE1305]

107. The premises shall be suitably identified by Unit No. (where appropriate) and Street Number displayed in a prominent position on the facade of the building facing the primary street frontage, and is to be of sufficient size to be clearly identifiable from the street.

[USE0435]

108. The use being restricted to the floor area designated on the approved plan.

[USE0415]

109. 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 or glare creating a nuisance to neighbouring or adjacent premises.

[USE0225]

GENERAL TERMS OF APPROVAL FOR A LICENSE UNDER THE WATER ACT 1912
FOR DEVELOPMENT APPLICATION NUMBER 06/1215

- Before commencing any works or using any existing works for the purpose of Temporary Dewatering for Construction Purposes, an approval under Part 5 of the Water Act 1912 must be obtained from the Department. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.
- An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the Water Act 1912.
- When the Department grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or to let lapse.
- All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.
- All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.
- The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.
- All vegetation clearing must be authorised under the Native Vegetation Conservation Act 1997, if applicable.
- The approval to be granted may specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.
- A license fee calculated in accordance with the Water Act 1912 must be paid before a license can be granted.
- If and when required by the Department, suitable devices must be installed to accurately measure the quantity of water extracted or diverted by the works.

- All water measuring equipment must be adequately maintained. It must be tested as and when required by the Department to ensure its accuracy.
- Works for construction of bores must be completed within such period as specified by the Department.
- Within 2 months after the works are completed the Department must be provided with an accurate plan of the location of the works and notified of the results of any pumping tests, water analysis and other details as are notified in the approval.
- Officers of the Department or other authorised persons must be allowed full and free access to the works for the purpose of inspection and testing.

Water shall not be pumped from the works for any purpose other than dewatering for construction purposes.

- The use of water shall be conditional on no tailwater drainage being discharged into or onto -
 - any adjoining public or crown road
 - any crown land
 - any river, creek or watercourse
 - any groundwater aquifer
 - any area of native vegetation
 - any wetlands
- The work shall be managed in accordance with the constraints set out in the “Preliminary Acid Sulfate Soil Assessment and Management Plan and Dewatering Management Plan” produced by HMC Environmental Consulting dated September 2006 Report No.2006.87 presented as Appendix D of the Statement of Environmental Effects for the proposed development.
- The volume of groundwater extracted as authorised must not exceed 5 megalitres.
- The Department has the right to vary the volumetric allocation or the rate at which the allocation is taken in order to prevent the overuse of an aquifer.

The licence shall lapse within six (6) months of the date of issue of the licence.

FOR VOTE - Unanimous

- P4 [PR-PC] Development Application DA06/1029 for a 3 Storey Multi-Dwelling Housing Comprising 8 x 2 Bedroom and 2 x 3 Bedroom Apartments with Basement Car Parking at Lot 2 DP 517382, No. 1 Seymour Street, Tweed Heads South**

P 53 COMMITTEE DECISION:

**Administrator Payne
Administrator Willan**

RECOMMENDED that Development Application DA06/1029 for a 3 storey multi-dwelling housing comprising 8 x 2 bedroom and 2 x 3 bedroom apartments with basement car parking at Lot 2 DP 517382, No. 1 Seymour Street, 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 6705/DA01 - 6705/DA/22 prepared by Pat Twohill Designs Pty. Ltd. and dated 02/09/06, except where varied by the conditions of this consent.
[GEN0005]
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
[GEN0115]
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. All works shall comply with the Preliminary Acid Sulfate Soil Assessment and Management Plan and Dewatering Management Plan for 1 Seymour St, Tweed Heads South prepared by HMC Environmental Consulting Pty Ltd dated December 2006 (Report No: 2006.121).
[GENNS01]
5. All waters pumped from the site in the de-watering process are to be treated with an effective deodoriser to the satisfaction of Council's Director of Environment and Community Services to neutralise any offensive odours. The point of discharge shall also be approved by Council's Director of Environment and Community Services prior to installation and shall include a water-sampling outlet.
[GENNS02]
6. A Management Strategy is to be prepared as per Section 17 of the Preliminary Acid Sulfate Soils Assessment and Management Plan and Dewatering Management Plan, December 2006, prepared by HMC Environmental Consulting Pty Ltd.
[GENNS03]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. The developer shall provide fifteen (15) parking spaces including parking for the disabled in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.

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]

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: S94 Plan No. 4 (Version 4.0) Sector2_4	\$8,420
(b) Open Space (Structured): S94 Plan No. 5	\$4,320
(c) Open Space (Casual): S94 Plan No. 5	\$923
(d) Shirewide Library Facilities: S94 Plan No. 11	\$3,812
(e) Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$769
(f) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$11,058.28

- (g) Cycleways \$1,948
S94 Plan No. 22
- (h) Regional Open Space (Structured) \$12,882
S94 Plan No. 26
- (i) Regional Open Space (Casual) \$4,735
S94 Plan No. 26

[PCC0215]

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

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

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

Water DSP4:	4.4 ET @ \$4598	\$20,231
Sewer Banora:	7 ET @ \$2863	\$20,041

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]

10. All imported fill material shall be from an approved source. Prior to the issue of a construction certificate details of the source of fill, documentary evidence that the fill material is free of any contaminants and haul route shall be submitted to Council's General Manager or his delegate.

[PCC0465]

11. Submission for approval by the Principal Certifying Authority design detail including surcharge loads for any retaining walls to be erected on the site in accordance with AS 4678, Tweed Shire Council Development Control Plan Part A14 - Cut and Fill on Residential Land and Councils Development Design and Construction Specifications. Design detail is to be supported by certification of adequacy of design from a suitably qualified structural engineer.

Please note timber retaining walls are not permitted.

[PCC0475]

12. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided. The construction of any retaining wall or cut/fill batter must at no time result in additional ponding occurring within neighbouring properties.

All earthworks shall be contained wholly within the subject land. Detailed engineering plans of cut/fill levels and perimeter drainage shall be submitted with a S68 stormwater application for Council approval.

[PCC0485]

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. The site is to be filled to a minimum level of RL 2.6m AHD. The fill is to be retained by perimeter structural walls with concrete lined perimeter drainage or other approved treatment. Site filling and associated drainage is to be designed to address drainage on the site as well as existing stormwater flows onto or through the site, and minimizing the impact of filing on local drainage. Detailed engineering plans of fill levels and perimeter drainage shall be submitted with a S68 stormwater application for Council approval.

[PCC0675]

15. The basement car parking is to be protected against the inflow of water to a level of 500mm above the design flood level of RL 2.6m AHD in accordance with Tweed Shire Council Development Control Plan Part A3 - Development of Flood Liable Land. A detailed design of the basement stormwater pump out system is to be provided designed for a storm event with a 10 year average return interval (ARI 10) and the consequences of pump failure and the 100 year ARI storm event must be addressed and included with the above details prior to the issue of a Construction Certificate.

[PCC0685]

16. Design detail shall be provided to address the flood compatibility of the proposed structure including the following specific matters:

- (a) The habitable area of the building is to be at a level no less than 300mm above the design flood level of RL 2.6m 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.

[PCC0705]

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

- (a) vehicular access
- (b) footpath construction

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]

18. 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]

19. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be submitted to and approved by the Principal Certifying Authority PRIOR to the issue of a construction certificate.

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

[PCC1065]

20. 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) Shake down area along the haul route immediately before the intersection with the road reserve.
 - (ii) The car wash bay shall be constructed using permeable paving materials. Permeable paving is not permitted for use in the construction of the basement driveway, which must be reinforced concrete to Council's specifications.
- [PCC1105]
21. 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]
22. A construction certificate application for works that involve any of the following:-
- connection of a private stormwater drain to a public stormwater drain
 - installation of stormwater quality control devices
 - erosion and sediment control works
- 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.
- Where Council is requested to issue a construction certificate for civil works associated with this consent, the abovementioned works can be incorporated as part of the cc application, to enable one single approval to be issued. Separate approval under section 68 of the LG Act will then NOT be required.
- [PCC1145]
23. Erosion and Sediment Control shall be provided in accordance with the following:
- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
 - (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".
- [PCC1155]

24. Medium density/integrated 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]

25. 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]

26. Details of the intended method of water storage are to be submitted to the Principal Certifying Authority for approval. It should be noted that Council does not support the timber deck as a supporting structure for the proposed water tanks.

[PCC1215]

27. 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]

28. Stormwater discharge management controls (peak discharge and on site detention) shall be implemented according to Cozens Regan Williams Prove Stormwater Management Plan (December 2006), or amended versions approved by Council officers, unless otherwise directed by these consent conditions.

- (i) OSD devices, including discharge control pits (DCP), are to comply with standards in the Upper Parramatta River Catchment Trust "On-Site Detention Handbook" (Third Edition 1999) except that permissible site discharge and site storage requirements do not apply to Tweed Shire.
- (ii) All stormwater must initially be directed to the DCP.
- (iii) Roof water shall be conveyed to OSD devices by gravity means only. Driveway and basement water may be pumped to OSD devices. Pumps will not be accepted as a means of controlling discharge. Runoff from all impervious areas, excluding roof water, must be treated prior to entering OSD devices.
- (iv) Surcharge flows from rainwater reuse tanks must be directed to the DCP.

- (v) The utilisation of infiltration to dispose of water from the OSD storage must be supported by soil permeability test results to demonstrate acceptable draw down duration (24-48 hours), and engineering certification of the compatibility of infiltration devices in proximity to structural building elements.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

29. 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]

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

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

[PCW0080]

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

[PCW0125]

32. 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]
33. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.
- [PCW0225]
34. Residential building work:
- (a) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - * in the name and licence number of the principal contractor, and
 - * the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - * the name of the owner-builder, and
 - * if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
 - (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0235]

35. 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]

36. 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]

37. 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]

38. Prior to commencement of building works a stormwater drainage plan is to be submitted to and approved by the Principal Certifying Authority.

[PCW0955]

39. 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]

40. 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]

41. 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]

42. Prior to the commencement of any works on the site all required plumbing and drainage inspection fees are to be submitted to Council.

[PCW1095]

DURING CONSTRUCTION

43. 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]

44. 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]

45. 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]

46. Any pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring residential areas. Such location is to be to the satisfaction of the General Manager or his delegate.

[DUR0225]

47. All pumps used for any onsite dewatering operations shall be acoustically shielded to the satisfaction of the General Manager or his delegate so as to prevent the emission of offensive noise as a result of their operation.

[DUR0235]

48. 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]

49. 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]

50. 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]

51. 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]

52. 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]

53. Excavation

- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with WorkCover 2000 Regulations.
- (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

[DUR0425]

54. 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]

55. 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]

56. 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]

57. 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]
58. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped.
[DUR0755]
59. No filling to is be placed hydraulically within twenty metres (20m) of any boundary that adjoins private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.
No filling of any description is to be deposited, or remain deposited, within adjacent properties.
[DUR0765]
60. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
[DUR0815]
61. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent.
[DUR0905]
62. All new residential dwellings (and extensions comprising over 50% of the original floor area) are to fully comply with Tweed Shire Council Development Control Plan, Part A9 - Energy Smart Housing Policy. In order to comply with the Policy consideration must be given to the building envelope, orientation, insulation, ventilation, thermal mass and zoning.
[DUR0915]
63. Provision to be made for the designation of two (2) durable and pervious car wash-down area/s. The area/s must be identified for that specific purpose and be supplied with an adequate water supply for use within the area/s. Any surface run-off from the area must not discharge directly to the stormwater system.
[DUR0975]
64. 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]
65. 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]
66. 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]

67. 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]

68. Landscaping of the site shall be carried out in accordance with the submitted/approved landscaping plans.

[DUR1045]

69. A certificate is to be submitted by a Registered Surveyor certifying that all habitable floor areas are constructed above 3.1 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]

70. A concrete ribbon footpath 1.2 metres wide and 100 millimetres thick is to be constructed on a compacted base along the entire frontage of the site to Seymour Street in accordance with Councils adopted Development Design and Construction Specification.

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

[DUR1735]

71. 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]

72. 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]

73. The proponent shall comply with all requirements tabled within any approval issued under Section 138 of the Roads Act.
[DUR1885]
74. 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]
75. 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]
76. 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]
77. Prior to any works commencing, appropriate measures are to be put in place to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up prior to cessation of same days work and/or commencement of any rain event.
[DUR2405]
78. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads.
[DUR2415]
79. All waters that are to be discharged from the site shall a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/kg. The contractor shall nominate a person responsible for monitoring of the quality of such discharge waters on a daily basis and the results recorded. Such results shall be made available to Council's Environmental Health Officer(s) upon request.
[DUR2435]
80. 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]
81. 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]

82. 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]

83. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.

[DUR2515]

84. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.

[DUR2525]

85. 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]

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

- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- * 50⁰C in all other classes of buildings.

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

[DUR2555]

87. 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]

88. The proponent shall comply with all requirements tabled within any approval issued under Section 68 of the Local Government Act.

[DUR2625]

89. The proponent shall notify Councils Engineering and Operations Division upon excavation of any disused sewer junction awaiting capping by Council.

[DUR2715]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

90. 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]

91. 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]

92. 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]

93. 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]

94. Prior to the issue of a final occupation certificate adequate proof and/or documentation is to be submitted to the Principal Certifying Authority to identify that all commitment on the BASIX "Schedule of Commitments" have been complied with.

[POC0435]

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

[POC0475]

96. A survey certificate signed by a registered surveyor is to be submitted to the PCA at floor stage to certify that the habitable floor level of the building to be at a level of not less than RL 3.1m AHD.

[POC0565]

97. 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]

98. 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]

99. 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]

100. Prior to the issue of a final occupation certificate, all conditions of consent are to be met.

[POC1055]

USE

101. 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]

102. 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]

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

[USE0235]

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

[USE0875]

GENERAL TERMS OF APPROVAL UNDER SECTION 10 OF THE WATER ACT 1912 (Licence to construct and use a work and to take and use water if any conserved or obtained by the work and to dispose of the water for the use of occupiers of the land)

1. 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 of Natural Resources. 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.

2. 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.
3. 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.
4. 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.
5. 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.
6. The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.
7. All vegetation clearing must be authorised under the Native Vegetation Conservation Act 1997, if applicable.
8. 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.
9. A license fee calculated in accordance with the Water Act 1912 must be paid before a license can be granted.
10. If and when required by the Department, suitable devices must be installed to accurately measure the quantity of water extracted or diverted by the works.
11. All water measuring equipment must be adequately maintained. It must be tested as and when required by the Department to ensure its accuracy.
12. Works for construction of bores must be completed within such period as specified by the Department.
13. 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.
14. 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.
15. Water shall not be pumped from the works for any purpose other than dewatering for construction purposes.
16. The use of water shall be conditional on no tailwater drainage being discharged into or onto -
 - any adjoining public or crown road
 - any crown land
 - any river, creek or watercourse
 - any groundwater aquifer

- any area of native vegetation
 - any wetlands
17. The work shall be managed in accordance with the constraints set out in the "Preliminary ASS Assessment and Management Plan, and Dewatering Management Plan", December 2006, prepared by HMC Environmental Consulting Pty. Ltd. for the proposed development.
 18. Any water extracted under a Part 5 Water Act licence must be discharged to Tweed Shire Council's sewerage system as detailed in Section 13.4 of the Preliminary ASS Assessment and Management Plan, and Dewatering Management Plan for the proposed development.
 19. Written documentation of approval from Council must be provided for the above, prior to the issuing of the licence
 20. The volume of groundwater extracted as authorised must not exceed 5 megalitres.
 21. The Department has the right to vary the volumetric allocation or the rate at which the allocation is taken in order to prevent the overuse of an aquifer.
 22. The licence shall lapse within six (6) months of the date of issue of the licence.

FOR VOTE - Unanimous

P5 [PR-PC] Development Application DA06/0800 for a Three (3) Storey Mixed Development Comprising 16 Tourist Units Two (2) Retail Shops/Commercial Units and Two (2) Restaurants at Lot 1 & 2 DP 842350, No. 25-27 Tweed Coast Road, Bogangar

P 54 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that:-

- A. State Environmental Planning Policy No. 1 objection to Clause 16 of Tweed Local Environmental Plan 2000 regarding the height of the building be supported and the concurrence of the Director-General of the Department of Planning be assumed.
- B. Development Application DA06/0800 for a three (3) storey mixed development comprising 16 tourist units two (2) retail shops/commercial units and two (2) restaurants at Lot 1, 2 DP 842350, No. 25 Tweed Coast Road Bogangar No. 27 Tweed Coast Road Bogangar be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos DA0.00, DA0.01, DA0.02, DA0.03, DA1.01 (as amended in red), DA1.02, DA1.03, DA1.04, DA1.05, DA1.06, DA1.07, DA2.01, DA2.02, DA3.01 and DA4.01 prepared by Lightwave Architects, except where varied by the conditions of this consent.

[GEN0005]
2. 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]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]
4. The development is to be carried out in accordance with Tweed Shire Council Development Control Plan Part A5 - Subdivision Manual and Councils adopted Development Design and Construction Specifications.

[GEN0125]
5. 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

6. Any carparking floodlighting shall not spill beyond the boundaries of the site.

[PCC0055]
7. 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, be accompanied by the required attachments and prescribed fee.

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:	\$51,195
S94 Plan No. 4 (Version 4.0)	
Sector7a_4	
(b) Open Space (Structured):	\$7,332
S94 Plan No. 5	
(c) Emergency Facilities (Surf Lifesaving)	\$1,696
S94 Plan No. 16	
(d) Extensions to Council Administration Offices & Technical Support Facilities	\$15,421.69
S94 Plan No. 18	
(e) Cycleways	\$4,080
S94 Plan No. 22	
(f) Regional Open Space (Casual)	\$3,488
S94 Plan No. 26	

[PCC0215/PSC0175]

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

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

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

Water DSP6:	7.622 ET @ \$4598	\$35,046
Sewer Hastings Point:	12.6428 ET @ \$2863	\$36,196

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]

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

[PCC0285]

11. The basement car parking is to be protected against the inflow of water to a level of 500mm above the design flood level of RL 3.4m AHD in accordance with Tweed Shire Council Development Control Plan Part A3 - Development of Flood Liable Land. A detailed design of the basement stormwater pump out system is to be provided designed for a storm event with a 10 year average return interval (ARI 10) and the consequences of pump failure and the 100 year ARI storm event must be addressed and included with the above details prior to the issue of a Construction Certificate.

[PCC0685]

12. 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 a Section 138. Safe public access shall be provided at all times.

[PCC0865]

13. 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]

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

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

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.

Where Council is requested to issue a construction certificate for civil works associated with this consent, the abovementioned works can be incorporated as part of the cc application, to enable one single approval to be issued. Separate approval under section 68 of the LG Act will then NOT be required.

[PCC1145]

15. 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]

16. The peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the ARI 100 year design storm, shall be 200 l/s/ha. This can be achieved by On site stormwater detention (OSD) utilising above and or below ground storage. OSD devices including discharge control pits (DCP) are to comply with standards in the current version of *The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook"* except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire.

All stormwater must initially be directed to the DCP. Details are to be submitted with the construction certificate application.

[PCC1165]

17. Medium density/integrated 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]

18. 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]

19. 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 the General Manager or his delegate PRIOR to the issuing of a Construction Certificate to discharge to Councils sewerage system.

[PCC1255]

20. The construction certificate application shall include engineering plans for the following roadworks, designed in accordance with Councils adopted Design and Construction specifications;

- The right of carriageway is to have a 5.5 metre wide pavement suitable for the carrying of heavy vehicles from the Rosewood Avenue boundary to the southern boundary of the site. The construction is also to include kerb & gutter offset 0.5 metres from the new western boundary of the property and any associated drainage.
- The existing sewer main is to be shown on the design plans.

The right of carriageway is also to be extended through to Rosewood Avenue and registered with the Land Title Office.

[PCCNS01]

21. Prior to the issue of a Construction Certificate, Council shall be provided with a construction management plan to the satisfaction of the Director of Environment and Community Services.

[PCCNS02]

22. 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. The landscaping plan is to be certified by a qualified Landscape Architect.

[PCC0585]

PRIOR TO COMMENCEMENT OF WORK

23. 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]

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

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

[PCW0080]

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

[PCW0215]

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

[PCW0225]

27. 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]

28. 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]

29. 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]

30. 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]

31. 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]

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

[PCW1065]

33. 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]

34. Prior to the commencement of any works on the site all required plumbing and drainage inspection fees are to be submitted to Council.

[PCW1095]

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

[PCW1165]

36. A separate Construction Certificate approval is to be obtained for all commercial tenancy fitouts unless included in any previously issued Construction Certificates.

[PCWNS01]

DURING CONSTRUCTION

37. The concrete driveway across the footpath is to be constructed in accordance with the approved plan and be a minimum of 150 millimetres thick reinforced with F82 mesh.

[DUR0105]

38. 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]

39. 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]

40. 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]

41. 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]

42. 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]

43. 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]

44. 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]

45. 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]

46. Proposed earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments".

[DUR0785]

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

[DUR0815]

48. 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]

49. 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 an Occupation Certificate.

[DUR0995]

50. 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]

51. 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]

52. The land to be filled to the design flood level of RL 3.4m AHD.

[DUR1385]

53. 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]

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

[DUR1535]

55. 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]

56. 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]

57. 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]

58. 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]

59. 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]

60. A certificate from a suitably qualified practicing structural engineer shall be submitted to Council and the Principle Certifying Authority within seven (7) days of the site being excavated certifying the adequacy of the sheet piling or other retaining method used to support adjoining properties.

[DUR1965]

61. Swimming Pools (Building)

- (a) The swimming pool is to be installed and access thereto restricted in accordance with Council's "Code for the Installation of New Swimming Pools" and Australian Standard AS 1926-1986 (Copy of code enclosed).
- (b) Swimming pools shall have suitable means for the drainage and disposal of overflow water.
- (c) The pool pump and filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.

[DUR2075]

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

[DUR2085]

63. 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]

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

[DUR2195]

65. 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]

66. 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]

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

[DUR2415]

68. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the General Manager or his delegate.

[DUR2425]

69. All waters that are to be discharged from the site shall a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/kg.

[DUR2435]

70. 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]

71. 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]

72. 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]

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

[DUR2505]

74. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.

[DUR2515]

75. 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]

76. 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]

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

- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- * 50⁰C in all other classes of buildings.

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

[DUR2555]

78. Pre-treatment devices must be serviced by a Council approved waste contractor. The applicant will be required to enter into a service agreement with this waste contractor. Pre-treatment device service frequency will be approved by Councils Manager Water.

[DUR2595]

79. 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]

80. The proponent shall comply with all requirements tabled within any approval issued under Section 68 of the Local Government Act.

[DUR2625]

81. 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]

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

[DUR2705]

83. Acid sulfate soils shall not be exposed or disturbed.

[DURNS01]

84. Internal partition walls which form part of the proposed future restaurants shall be of solid construction as per Australian Standard 4674.

[DURNS02]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

85. 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]

86. 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]

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

[POC0855]

88. 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]

89. 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]

90. The registered Right of Carriageway (located on Lot 3 DP1088746) from Hastings Road through to the boundary of the newly constructed roadworks located within the perpendicular section of the right of carriageway is to be relinquished prior to occupation.

The right of carriageway located on Lot 3 DP1088746 is to be extended through to Rosewood Avenue and registered as a right of carriageway.

The owner is to enter into a legal agreement with Council within 3 months of the service lane being constructed from Rosewood Avenue to the Council car park on Lot 3 DP 1088746.

Documentary evidence is to be provided prior to release of the occupation certificate.

[POCNS01]

91. The owner is to dedicate at no cost to Council a 1.5 metre by 5.5 metre strip of land on the north western corner of the site to Council, extending the existing dedicated strip for the full frontage of the property.

Documentary evidence is to be provided prior to release of the occupation certificate.

[POCNS02]

92. Prior to the issue of the occupation certificate, a restriction shall be placed on the consolidated title under Section 88B of the Conveyancing Act stating each unit is approved only for tourist accommodation and the tourist accommodation units are not to be used for residential purposes.

[POCNS03]

USE

93. 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]

94. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.

[USE0135]

95. 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]

96. 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]

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

Retail: 7am to 7pm, 7 days a week

Refreshment Rooms: breakfast/lunch 7am to 2:30pm, evening 5pm to 11pm

[USE0185]

98. 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]

99. 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 Food Regulation 2004 and the Food Act 2003.

[USE0825]

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

[USE0875]

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

[USE0965]

102. 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]

103. The premises must be provided with facilities that are adequate for the purpose of keeping towels, appliances and utensils clean.

[USE1005]

104. A minimum two (2) metre wide clear unobstructed pedestrian pathway shall be maintained on the footpath.

[USE1115]

105. Swimming Pools (Building)

(a) It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the adjoining premises. Due regard must be given to the affect that landscaping will have on the future effectiveness of the security fencing (Section 7 Swimming Pool Act 1992).

(b) The resuscitation poster must be permanently displayed in close proximity to the swimming pool (Section 17 Swimming Pool Act 1992).

[USE1295]

106. A backflow containment device will be installed adjacent to Councils water meter installation at the property boundary in accordance with AS3500. The device is to be maintained in accordance with the provisions of AS3500 by the owner of the property at the owners expense.

[USE1455]

107. The gates into the basement car park are not to obstruct public access to the commercial component of the car park and are to remain open for public use.

[USENS01]

108. Access to toilet and handwashing facilities shall be available to diners at all times that the restaurants are trading.

[USENS02]

FOR VOTE - Unanimous

P6 [PR-PC] Development Application DA06/0627 for a Staged Development for a Rural Land Sharing Community Comprising 14 Dwellings at Lot 1 DP 783885 Cobaki Road and Lot 6 DP 614304 No. 290 Cobaki Road; Cobaki

The following persons addressed the meeting of the Planning Committee on this matter.

Mrs Jan Fletcher
Mr Richard Jobson
Ms Kathryn Leary

P 55 COMMITTEE DECISION:

**Administrator Boyd
Administrator Willan**

RECOMMENDED that Development Application DA06/0627 for a staged development for a rural land sharing community comprising 14 dwellings at Lot 1 DP 783885; Lot 6 DP 614304 Cobaki Road, Cobaki be deferred for further consideration.

FOR VOTE - Unanimous

P7 [PR-PC] Development Application DA07/0205 for a 30 Bed Inpatient Extension to Tweed Heads District Hospital at Lot 628 DP 755740, Keith Compton Drive, Tweed Heads

P 56 COMMITTEE DECISION:

**Administrator Boyd
Administrator Willan**

RECOMMENDED that: -

1. Council defers determination of this development application pending further discussions between the Director of Planning and Regulation and NSW Health negotiating in kind works in lieu of payment of contributions.
2. The General Manager be given delegated authority to determine DA07/0205 for a 30 bed inpatient extension to Tweed Heads District Hospital at Lot 628 DP 755740, Keith Compton Drive Tweed Heads.

FOR VOTE - Unanimous

P8 [PR-PC] DQ2007-018 - Tender Evaluation of Six Stage II LEP Review Projects Comprising Locality Plans for Kingscliff, Pottsville, South Tweed Heads, Employment Lands Strategy, Urban Release Strategy and DCP & S94 Plan for

P 57 COMMITTEE DECISION:

**Administrator Willan
Administrator Payne**

RECOMMENDED that Council takes the following action in accordance with *Environmental Planning and Assessment Act, 1979*: -

1. Council awards contract DQ2007-018 (Part A); Employment Lands Strategy for the amount up to \$71,273 (exc. GST) to GHD Pty Ltd, subject to Director Planning & Regulation refining the scope of the project, and
2. Council defers the awarding of contract DQ2007-018, Kingscliff Locality Plan, pending the outcome of court actions involving Gales Holdings.
3. Council awards contract DQ2007-018 (Part C); Pottsville Locality Plan for the amount up to \$92,500 (exc. GST) to Architectus Pty Ltd, subject to Director Planning & Regulation refining the scope of the project in relation to the public consultation process, and
4. Council awards contract DQ2007-018 (Part D); DCP & S94 Plan for Tweed Heads for the amount up to \$97,500 (exc. GST) to JBA Pty Ltd, subject to Director Planning & Regulation refining the scope of the project in relation to the public consultation process, and
5. Council awards contract DQ2007-018 (Part E); South Tweed Heads Locality Plan for the amount up to \$130,000 (exc. GST) to JBA Pty Ltd, subject to Director Planning & Regulation refining the scope of the project in relation to the public consultation process, and
6. Council awards contract DQ2007-018 (Part F); Urban Release Strategy for the amount up to \$51,044 (exc. GST) to GHD Pty Ltd, subject to Director Planning & Regulation refining the scope of the project in relation to the public consultation process, and
7. The General Manager be given delegated authority to approve variations up to 20% of the initial contract sum, and
8. The General Manager be delegated authority to negotiate these variations to reduce these tenders if a separate coordinated approach to the public consultation for these contracts can provide a better outcome.

FOR VOTE - Unanimous

P 58 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that the Planning Committee resumes in open Council under the Chairmanship of Administrator Payne.

FOR VOTE - Unanimous

84 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

RESOLVED that the recommendations of the Planning Committee held Tuesday 29 May 2007 be adopted.

FOR VOTE - Unanimous

OPERATIONS COMMITTEE

85 COUNCIL DECISION:

**Administrator Payne
Administrator Boyd**

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

FOR VOTE - Unanimous

REPORTS THROUGH THE GENERAL MANAGER

O1 [TCS-OC] Monthly Investment Report for Period Ending 30 April 2007

O 125 COMMITTEE DECISION:

Administrator Payne
Administrator Boyd

RECOMMENDED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at 30 April 2007 totalling \$97,771,657.76 be received and noted.

FOR VOTE - Unanimous

O2 [TCS-OC] Quarterly Budget Review - March 2007

O 126 COMMITTEE DECISION:

Administrator Payne
Administrator Boyd

RECOMMENDED that the:

1. Quarterly Budget Review Statement as at 31 March 2007 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
General Fund		
<u>Expenses</u>		
Operating	0	3,366
Capital	1,790,513	0
Loan Repayments	0	0
Transfers to Reserves	25,000	0
	<u>1,815,513</u>	<u>3,366</u>
<u>Income</u>		
Operating	0	245,852
Capital Grants & Conts	0	787,513
Loan Funds	0	400,000
Recoupments	0	325,195
Transfers from Reserves	0	53,587
Asset Sales	0	0
	<u>0</u>	<u>1,812,147</u>
Net Surplus/(Deficit)		<u>0</u>

Description	Change to Vote	
	Deficit	Surplus
Water Fund		
<u>Expenses</u>		
Operating	19,380	0
Capital	0	2,489,000
Loan Repayments	0	0
Transfers to Reserves	0	561,080
	19,380	3,050,080
<u>Income</u>		
Operating	0	0
Capital Grants & Conds	45,375	0
Loan Funds	0	0
Recoupments	532,485	0
Transfers from Reserves	2,452,840	0
Loan Funds	0	0
	3,030,700	0
Net Surplus/(Deficit)		0
Sewer Fund		
<u>Expenses</u>		
Operating	0	986,284
Capital	0	637,200
Loan Repayments	0	0
Transfers to Reserves	0	0
	0	1,623,484
<u>Income</u>		
Operating	0	20,000
Capital Grants & Conds	0	0
Loan Funds	0	0
Recoupments	1,316,600	0
Transfers from Reserves	346,884	0
Asset Sales	0	20,000
	1,663,484	40,000
Net Surplus/(Deficit)		0

FOR VOTE - Unanimous

03 [TCS-OC] Corporate Quarterly Report - January to March 2007

O 127 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that the 2006-2007 Management Plan update, January to March 2007 be received and noted.

FOR VOTE - Unanimous

04 [TCS-OC] Tender AC2007-035 Master Operating Lease for IT, Laboratory & Communications Equipment

O 128 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Council:

1. Appoints Macquarie Bank Limited as the preferred provider of operating lease finance for desktop computers, file servers, notebooks, communications equipment and other hand held devices and Key Equipment Finance Australia Pty Ltd as the alternative provider for Tender AC2007-035 Master Operating Lease for IT Laboratory & Communications Equipment for a period of 24 months.
2. Appoints Key Equipment Finance Australia Pty Ltd as the preferred provider of operating lease finance for scientific laboratory equipment and Macquarie Bank Limited as the alternative provider for Tender AC2007-035 Master Operating Lease for IT Laboratory & Communications Equipment for a period of 24 months.
3. Executes any documentation under the Common Seal of Council.

FOR VOTE - Unanimous

O5 [EO-OC] Covent Gardens Way, Banora Point

O 129 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that:-

1. Traffic calming "speed cushions" be installed in Covent Gardens Way, subject to consultation with residents in Covent Gardens Way.
2. Council allocates \$20,800 from the minor traffic facilities budget to fund the works in (1) above.

FOR VOTE - Unanimous

O6 [EO-OC] Application to close and purchase Road Reserves - Stoddarts Road, Parish of Tyalgum

O 130 COMMITTEE DECISION:

**Administrator Payne
Administrator Boyd**

RECOMMENDED that :-

1. The section of unformed Crown road reserve running from Lot 4 in DP 774793 and through Lot 18 in DP 755748 be added to the road closure application currently held by Department of Lands.
2. A right of carriageway is created over Lot 4 in DP 774793, benefiting Lot 18 in DP 755748.
3. The applicants bear all the survey and legal costs and purchase the subject land as determined in value by a registered Valuer and following gazettal transfers the section of closed road reserve within Lot 18 in DP 755748 to the owner of Lot 18 at no cost.
4. All documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

07 [EO-OC] EC2007-007 Tenders for the Supply of Contract Truck Haulage

O 131 COMMITTEE DECISION:

**Administrator Willan
Administrator Boyd**

RECOMMENDED that contracts for Contract Truck Haulage for the period 1 July 2007 until 30 June 2009 be offered to the following tenderers ;-

11.5 – 15 Tonne A Rate

Ranking	Name	Truck Capacity	Truck A Rate
1	CM & SM Fraser Pty Ltd	13.5	\$55.00
1	Carool Water	13	\$55.00
1	Carool Water	13	\$55.00
1	Carool Water	13	\$55.00
1	Carool Water	13	\$55.00
1	Brett Backhouse	12	\$55.00
2	O'Keeffe Quarries	12.5	\$59.00
3	Bernard Wayne Leveridge	11.5	\$60.00
3	CM & SM Fraser Pty Ltd	13.5	\$60.00
4	Cam Earthworx	12	\$61.50
5	Steven John Currant	13.5	\$62.00
6	Craig James Ryan	12.5	\$62.50
6	Craig James Ryan	13.75	\$62.50
7	Brian Jeffery Booth	12.3	\$64.00
8	Darrell Keith Porter	12	\$64.50
8	Christopher Glen Wilson	13	\$64.50
9	Jake Sydney Stanborough	14	\$64.90
9	Cam Earthworx	12.5	\$64.90
9	Col Moore and Sons	14	\$64.90
9	Col Moore and Sons	14	\$64.90
10	Mathew James Milsom	13	\$65.00
10	Gary David Marshall	13.21	\$65.00
11	Brims' Coaches Pty Ltd	12.7	\$65.50
12	Mark O'Keeffe Tipper Hire	12.5	\$66.00
12	Dennis Davies	12	\$66.00
12	Robert Barry Turner & Leone Joy Turner	14	\$66.00
13	Beacon Trust Tipper Hire	13	\$68.00
13	Beacon Trust Tipper Hire	12	\$68.00
14	Sutton Excavations	12	\$68.20
14	Sutton Excavations	12	\$68.20
15	Warren Richard Ambrose	13.5	\$70.00
15	Peter Lawler	13	\$70.00
15	Peter Lawler	13	\$70.00
15	Christopher Leon Reeve	12	\$70.00

15	Mark Andrew Piper and Jennifer Jane Piper	13	\$70.00
15	Mark Andrew Piper and Jennifer Jane Piper	13	\$70.00
16	Brims' Coaches Pty Ltd	12.7	\$71.50
16	David & Karen Colleton	13	\$71.50
17	Christopher Leon Reeve	12	\$73.00
17	Christopher Leon Reeve	13	\$73.00
18	Robert William Clapham	12	\$74.80
19	Keith Dunn Earthmoving	12	\$75.90
20	Ian Tagget Earthmoving	13	\$76.00
20	Ian Tagget Earthmoving	13	\$76.00
20	Ian Tagget Earthmoving	13	\$76.00
20	Ian Tagget Earthmoving	13	\$76.00
20	Ian Tagget Earthmoving	13	\$76.00
21	Col Moore and Sons	13	\$77.00
21	Col Moore and Sons	13	\$77.00
21	Col Moore and Sons	12	\$77.00
21	Col Moore and Sons	13	\$77.00
21	Col Moore and Sons	12	\$77.00
21	Col Moore and Sons	12	\$77.00
22	Brims Earthmoving Pty Ltd	12	\$82.50
23	Byrnesys A1 Excavations	12	\$85.00
24	Hardy's Excavations Pty Ltd	12.5	\$88.00
24	Stacka Enterprises	13.5	\$88.00
24	Geoffrey Neil Barnard	14	\$88.00
24	Shackell Haulage	12	\$88.00
24	V & S Flemming Pty Ltd	11.8	\$88.00
25	Francis John Karam	13	\$93.50

Truck and Dog A Rate

Ranking	Name	Truck & Dog Capacity	Truck & Dog A Rate
1	CM & SM Fraser Pty Ltd	33.5	\$85.00
1	Carool Water	28.5	\$85.00
1	Carool Water	28.5	\$85.00
1	Carool Water	28.5	\$85.00
1	Carool Water	28.5	\$85.00
2	O'Keeffe Quarries	30	\$90.00
3	Cam Earthworx	28	\$92.00
4	CM & SM Fraser Pty Ltd	33.5	\$95.00
5	Brims' Coaches Pty Ltd	32.7	\$96.80
6	Cam Earthworx	30	\$98.45
7	Mark O'Keeffe Tipper Hire	32.5	\$99.00
7	Brian Jeffery Booth	26	\$99.00
7	Sutton Excavations	25.5	\$99.00

8	Steven John Currant	29	\$99.50
9	Christopher Leon Reeve	26	\$100.00
9	Peter Lawler	28	\$100.00
9	Peter Lawler	32.5	\$100.00
9	Mark Andrew Piper and Jennifer Jane Piper	28	\$100.00
9	Mark Andrew Piper and Jennifer Jane Piper	28.5	\$100.00
10	Mathew James Milsom	T.B.A.	\$101.00
11	Brims' Coaches Pty Ltd	32.7	\$104.50
12	Ian Tagget Earthmoving	25	\$105.00
12	Ian Tagget Earthmoving	25	\$105.00
12	Ian Tagget Earthmoving	25	\$105.00
12	Ian Tagget Earthmoving	25	\$105.00
12	Ian Tagget Earthmoving	25	\$105.00
12	Christopher Leon Reeve	26	\$105.00
12	Christopher Leon Reeve	27.5	\$105.00
13	Christopher Glen Wilson	28	\$110.00
13	Col Moore and Sons	33	\$110.00
13	Col Moore and Sons	33	\$110.00
14	Sutton Excavations	31	\$115.00
15	Stacka Enterprises	31	\$115.50
16	Byrnesys A1 Excavations	24	\$120.00
17	David & Karen Colleton	33	\$123.20
18	Col Moore and Sons	33	\$130.00
18	Col Moore and Sons	33	\$130.00
18	Col Moore and Sons	33	\$130.00
18	Col Moore and Sons	33	\$130.00
18	Col Moore and Sons	33	\$130.00
19	Shackell Haulage	31.5	\$132.00
20	Gary David Marshall	T.B.A.	\$135.00
21	Brims Earthmoving Pty Ltd	32	\$137.50

Truck with 500mm Rock Rate

Ranking	Name	Truck Capacity	Truck w/500mm dia Rock Rate
1	CM & SM Fraser Pty Ltd	13.5	\$65.00
1	CM & SM Fraser Pty Ltd	13.5	\$65.00
2	Bernard Wayne Leveridge	11.5	\$70.00
3	Keith Dunn Earthmoving	12	\$75.90
4	Col Moore and Sons	14	\$77.00
4	Col Moore and Sons	14	\$77.00
5	Cam Earthworx	12	\$84.70
6	Christopher Leon Reeve	12	\$85.00
7	Dennis Davies	12	\$88.00
8	Warren Richard Ambrose	13.5	\$90.00
8	Christopher Leon Reeve	12	\$90.00
8	Christopher Leon Reeve	13	\$90.00

9	Vos Flemming Pty Ltd	11.8	\$94.00
10	Darrell Keith Porter	12	\$95.00
11	Robert William Clapham	12	\$99.00
12	Carool Water	13	\$100.00
12	Carool Water	13	\$100.00
12	Carool Water	13	\$100.00
12	Carool Water	13	\$100.00
12	Steven John Currant	13.5	\$100.00
13	Stacka Enterprises	13.5	\$105.60
14	Ian Tagget Earthmoving	13	\$106.00
14	Ian Tagget Earthmoving	13	\$106.00
14	Ian Tagget Earthmoving	13	\$106.00
14	Ian Tagget Earthmoving	13	\$106.00
14	Ian Tagget Earthmoving	13	\$106.00
15	Hardy's Excavations Pty Ltd	12.5	\$110.00
15	O'Keeffe Quarries	12.5	\$110.00
15	Christopher Glen Wilson	13	\$110.00
15	Gary David Marshall	13.21	\$110.00
15	Geoffrey Neil Barnard	14	\$110.00
16	Mathew James Milsom	13	\$115.00
17	Beacon Trust Tipper Hire	13	\$120.00
17	Shackell Haulage	12	\$120.00
18	Mark O'Keeffe Tipper Hire	12.5	\$130.00
19	Byrnesys A1 Excavations	12	\$140.00
20	Brian Jeffery Booth	12.3	\$200.00
20	Peter Lawler	13	\$200.00
20	Peter Lawler	13	\$200.00
20	Mark Andrew Piper and Jennifer Jane Piper	13	\$200.00
20	Mark Andrew Piper and Jennifer Jane Piper	13	\$200.00

Semi Tipper A Rate

Ranking	Name	Semi-Tipper Capacity	Semi-Tipper A Rate
1	CM & SM Fraser Pty Ltd	na	\$99.00
2	Ian Tagget Earthmoving	22	\$105.00
2	Ian Tagget Earthmoving	22	\$105.00
2	Ian Tagget Earthmoving	22	\$105.00
2	Ian Tagget Earthmoving	22	\$105.00
2	Ian Tagget Earthmoving	22	\$105.00
3	Byrnesys A1 Excavations	25	\$120.00
3	Peter Lawler	28.5	\$120.00
4	Carool Water	28.5	\$150.00
4	Carool Water	28.5	\$150.00
4	Carool Water	28.5	\$150.00
4	Carool Water	28.5	\$150.00
4	Peter Lawler	28	\$150.00
4	Mark Andrew Piper and Jennifer Jane Piper	28	\$150.00
4	Mark Andrew Piper and Jennifer Jane Piper	24	\$150.00

FOR VOTE - Unanimous

O8 [EO-OC] EC2007-008 Contract Plant Hire

O 132 COMMITTEE DECISION:

Administrator Boyd
Administrator Willan

RECOMMENDED that the following tenderers be offered contracts for the hire of contract plant for the period 10 July 2007 until 30 June 2009:-

FRONT END LOADERS / BACKHOE

Rank	Tenderer	A Rate/ per Hr
1	Cabarita Backhoe Hire	\$65.89
2	Hamers Hoe Hire	\$70.00
3	Shaun Hugh O'Keefe	\$85.00
4	Hardy's Excavations Pty Ltd	\$88.00
4	Hardy's Excavations Pty Ltd	\$88.00
5	Hardy's Excavations Pty Ltd	\$93.00
Front End Loaders		
1	Robert Barry & Leone Joy Turner	\$88.00
2	Kevin John & Karen Joy Porter	\$72.00

SKID STEER LOADER & ATTACHMENTS

Rank	Tenderer	A Rate/ per Hr
1	Cam Earthworks	\$53.45
2	G.S.M. Bobcat Hire	\$53.90
3	Road Tech Environmental Services	\$54.00
4	Cam Earthworks	\$54.50
5	Darren Perandis	\$55.00
5	Brett Backhouse	\$55.00
6	Total Hire	\$60.00
7	Peter Lawler	\$62.00
8	CM & SM Fraser	\$65.00
9	All Action Earthmoving	\$72.00
10	Maccas Crane Hire	\$73.36
11	Dean Rayner	\$73.40
12	Victor Bianchetti	\$75.00
13	Hardy's Excavations	\$77.00
14	Greg Reeve	\$80.00
15	Clough Bros – No Broom	\$80.00
16	Clough Bros – No Broom	\$80.00
17	Byrnesy's Excavation – No Broom	\$82.00
18	Clough Bros – No Broom	\$84.00
19	Alphabets Bobcat & Tipper Hire	\$88.00
20	All Action Earth Moving	\$95.00

EXCAVATORS

Mini 1- 3 Tonne

Rank	Tenderers	A Rate / Per Hr
1	Macca's Crane	\$68.64
2	Hardy's Excavations	\$77.00

3 Tonne

Rank	Tenderers	A Rate / Per Hr
1	Kevin John and Karen Joy Porter	\$60.00
2	Gary David Marshall	\$63.50
3	G & K Neilson	\$68.00
4	Cam Earthworx	\$53.00 (No Att)
5	Clough Bros	\$115.50
6	Tyco Water	\$100.00

Rank	Tenderer	A Rate / Per Hr
1	Road Tech and Environmental Services	\$50.00
2	L.J & S.J Hall	\$53.50
3	Road Tech and Environmental Services	\$56.00
4	All Action Earthmoving	\$59.90 Min 4 Hrs
5	Banora Excavations	\$60.00 - Nth Area Only
6	Murnane Earthmoving Pty Ltd	\$62.00
7	Murnane Earthmoving Pty Ltd	\$67.00
8	Hardings Earthmoving	\$68.00

9	Darren Rochford	\$75.00
9	V & S Flemming Py Ltd	\$75.00
10	Keith Dunn Earthmoving	\$77.00
11	Sutton Excavation	\$78.00
12	Maca's Cane and Border Hire Pty. Ltd.	\$80.08
12 Tonne		
Rank	Tenderer	A Rate / Per Hr
1	Robert Barry & Leone Joy Turner	\$66.00
2	Brett Backhouse	\$77.00
3	O'Keefe earthmoving	\$80.00
4	Darrell Porter	\$86.00
5	V&S Flemming Py Ltd	\$88.00
6	Ian Tagget Earthmoving	\$90.00
20 Tonne		
Rank	Tenderer	A Rate / Per Hr
1	Murnane Earthmoving Pty Ltd	\$82.00
2	O'Keefe earthmoving	\$88.00
2	Robert Barry & Leone Joy Turner	\$88.00
3	CM & SM Fraser Pty Ltd	\$89.90
3	Doug Quinn	\$90.00
4	V&S Flemming Py Ltd	\$92.00
5	Keith Dunn Earthmoving	\$93.50
6	Hardings Earthmoving	\$99.00
7	Ian Tagget Earthmoving	\$100.00
8	Ian Tagget Earthmoving	\$110.00
8	Byrnesy's A1 Excavations Pty Ltd	\$110.00
30 Tonne		
Rank	Tenderer	A Rate / Per Hr
1	O'Keefe Quarries Pty Ltd	\$110.00
2	Clough Bros	\$125.50
2	Ian Tagget Earthmoving	\$125.00
3	On-Trax Crushing & Screening	\$126.50
4	Byrnesy's A1 Excavations Pty Ltd	\$132.00
5	CM & SM Fraser Pty Ltd	\$135.00

ROLLERS

2 - 4 Tonne Twin Drum Vib (CC10)

Rank	Tenderer	A Rate Per Day + Transport
1	Coates Hire Operations Pty Ltd	\$121.51
2	Hakka Hire	\$150.00
3	Robert Barry & Leone Joy Turner	\$154.00
4	Remo Plain	\$145.00
5	Twin City Hire	\$132.00
6	Conplant Ammann Australia	\$165.00

Vib Flat Drum 10-20 Te

Rank	Tenderer	A Rate Per Day + Transport
1	Conplant Ammann Australia	\$242.00
2	Dymar Plant Hire Pty Ltd	\$286.00
3	Remoplains Pty Ltd	\$308.00
4	Coates Hire Operations Pty Ltd	\$375.37

Double Drum 10 - 20 Te

Rank	Tenderer	A Rate Per Day + Transport
1	Coates Hire Operations Pty Ltd	\$195.05
2	Robert Barry & Leone Joy Turner	\$242.00
3	Remoplains Pty Ltd	\$260.00
4	National Hire	\$290.00
5	Dymar Plant Hire Pty Ltd	\$297.00
6	Conplant Ammann Australia	\$308.00

8 - 26 Te Padfoot

Rank	Tenderer	A Rate Per Day + Transport
1	Conplant Ammann Australia	\$264.00
2	Coates Hire Operations Pty Ltd	\$285.43
3	National Hire	\$290.00
4	Remoplains Pty Ltd	\$308.00
5	Dymar Plant Hire Pty Ltd	\$330.00
6	Hardings Earthmoving	\$90.00
7	Robert Barry & Leone Joy Turner	\$242.00

10 - 27 Te Multi Tyred

Rank	Tenderer	A Rate Per Day + Transport
1	Conplant Ammann Australia	\$231.00
2	Remoplains Pty Ltd	\$245.00
3	Dymar Plant Hire Pty Ltd	\$275.00
4	National Hire	\$340.00
5	Coates Hire Operations Pty Ltd	\$390.60

17 - 21 Te 3Pt Roller

Rank	Tenderer	A Rate Per Day + Transport
1	Conplant Ammann Australia	\$198.00
1	Dymar Plant Hire Pty Ltd	\$198.00
2	Robert Barry & Leone Joy Turner	\$200.00
3	Coats Hire Operations	\$230.00

Compactor 17 - 30 Te

Rank	Tenderer	A Rate Per Day + Transport
1	Coates Hire Operations Pty Ltd	\$270.55
2	Dymar Plant Hire Pty Ltd	\$605.00
3	Remoplains Pty Ltd	\$682.00
4	Conplant Ammann Australia	\$704.00

CRANES

Rank	Tenderer	A Rate / Per Hr
1	Maca's Crane Hire Pty. Ltd. - 2.5 Te	\$120.00
	Franna	\$104.66
2	Gold Coast Cranes Franna	\$120.00
	All Terrain 40 Te	\$155
3	Victor Bianchetti 8 Te	\$98.00

Crane Truck

Rank	Tenderer	A Rate / Per Hr
1	Gary Arnold 1.6 Te	\$82.50
2	Maca's Crane Hire 1.6 Te	\$99.00
3	Gregory Reeve 1.0 Te	\$66.00

Tilt Tray Trucks

Rank	Tenderer	A Rate / Per Hr
1	Murnane Earthmoving Pty Ltd	\$66.00
2	Murwillumbah Truck Centre	\$79.20
3	Maca's Crane hire	\$80.08

CONCRETE PUMPS

Rank	Tenderer	A Rate / Per Hr
1	Coastcrete Concrete Pumping	Unit rates

RUBBER TYRED TRACTORS & ATTACHMENTS

Rank	Tenderer	A Rate
1	Craig King	\$45.00
2	Graeme Farrell – 110 HP	\$50.00
3	Graeme Farrell - 80 HP	\$50.00
4	David and Karen Colleton	\$56.10
5	Murnane Earthmoving Pty Ltd	\$58.00
6	Murnane Earthmoving Pty Ltd	\$58.00
7	David and Karen Colleton	\$58.30

LOW LOADERS

Low Loaders

Rank	Tenderer	A Rate /Per Hr
1	Hardings Earthmoving	\$120.00
2	Ian Tagget Earthmoving	\$120.00
3	Byrnesy's A1 Excavations Pty Ltd	\$132.00

WATER TRUCKS

Single Axle

Rank	Tenderer	A Rate/ Per Hr
1	J.L. Wise Water Carrying	\$46.00
2	MA & JJ Piper	\$52.00
3	Tweed Valley Water Supplies x 2	\$55.00
3	Tweed Valley Water Supplies	\$55.00

Dual Axle		
Rank	Tenderer	A Rate / per Hr
1	Brims Coaches Pty Ltd	\$50.60
2	Gary Arnold	\$50.60
3	C&S Fraser	\$51.50
3	Carool Water	\$54.00
3	Carool Water	\$55.00
3	Carool Water	\$57.00
4	MA & JJ Piper	\$56.00
5	Tweed Valley Water Supplies x 2	\$58.00
6	C&P Reeve	\$60.00
7	C&P Reeve	\$65.00
8	B&L Turner	\$66.0
9	Hardinga	\$66.00

UTES

Rank	Tenderer	A Rate /Per Day
1	Network Rentals	\$39.00
2	Murwillumbah Truck Centre	\$51.48
3	Budget	\$58.08

PIPE CLEANING EQUIPMENT & CAMERAS

Rank	Tenderer	A Rate
1	Trans Pacific Industrial Solutions	Unit Rates
2	Barry Bros	Unit Rates
3	Pipe Vision Australia	Unit Rates

BOOM TYPE FLAIL MOWERS & SAWS

Rank	Tenderer	A Rate
1	Eastcoast Slope Mowers and Slashers	\$70.00

TREE MULCHING MACHINERY & GANG

Rank	Tenderer	A Rate/ per Hr
1	Victor Bianchetti – Truck, Chipper & C 'saw Op	\$155
2	Road Tech Environmental Services	Unit Rates
3	Tallow Tree Services	Unit Rates

MILLING & PROFILER MACHINE & ATTACHMENTS

Rank	Tenderer	A Rate/ per Hr
1	W.D Enterprises P/L – 1000 mm Wide	\$374.00
	W.D Enterprises P/L – 1300 mm Wide	\$412.00

SMALL PLANT ITEMS

Rank	Tenderer	A Rate
1	Twin City Hire	Unit Rates
2	Coates Hire	Unit Rates
3	Hakka Hire	Unit Rates

VARIABLE MESSAGE BOARD & PORTABLE TRAFFIC SIGNALS

Rank	Tenderer	Rate Per Day VMB	Rate Per Traffic Signals
1	Ezi - Light	\$77.78	\$110.20
2	National Hire	\$112.53	\$157.90
3	Coates Hire	\$150.00	\$160.00

FOR VOTE - Unanimous

O9 [EO-OC] EC2007-037 Supply of Ready Mixed Concrete

O 133 COMMITTEE DECISION:

**Administrator Boyd
Administrator Willan**

RECOMMENDED that the contract for the Supply and Delivery of Ready Mixed Concrete for the period 1 July 2007 until 30 June 2008 be awarded to Readymix Concrete.

FOR VOTE - Unanimous

O10 [EO-OC] Contract EC2007-003 - Installation and Alterations to Traffic Signals at Wollumbin Street, Murwillumbah, Leisure Drive and Winders Place, Banora Point and Wharf and Florence Streets, Tweed Heads

O 134 COMMITTEE DECISION:

**Administrator Payne
Administrator Boyd**

RECOMMENDED that:-

1. Council awards contract EC2007-003 Installation and alterations to traffic signals at Wollumbin Street, Murwillumbah, Leisure Dr/Winders Place, Banora Point and Wharf St/Florence Street, Tweed Heads for the amount of \$220,386 (Excl. GST) to CNJ Electrical Services.
2. The General Manager be given delegated authority to approve variations up to 20% of the initial contract sum

FOR VOTE - Unanimous

O11 [EO-OC] EQ2007-038 Supply of Selected Materials

O 135 COMMITTEE DECISION:

**Administrator Payne
Administrator Boyd**

RECOMMENDED that the contracts for the supply of Selected Materials for the period 1 July 2007 until 30 June 2008 be awarded to the following suppliers:-

ITEM	SUPPLIER
Geotextile Material	Soil Filters Australia
Reinforcing Mesh	Neumann Steel
100mm Dia Slotted / Socked Agriculture Pipe	Neumann Steel
Herbicides	Rural Buying Service
Concrete Surrounds	Rocla
300 mm – 1050 Concrete Pipes	Rocla
Concrete Headwalls	Rocla
Concrete Kerb Inlets	Rocla
Premix Cement Bagged	Budd Mitre 10
General Purpose Bagged Cement	J H Williams
100mm Dia Slotted Agriculture Pipe	J H Williams
Welding Electrodes	J H Williams
Padlocks	J H Williams
90mm PVC Stormwater Pipe	J H Williams
Form Ply	J H Williams
Woven Silt Film / Silt Stop	J H Williams

FOR VOTE - Unanimous

O12 [EO-OC] Park Naming

O 136 COMMITTEE DECISION:

**Administrator Payne
Administrator Boyd**

RECOMMENDED that Council does not consider park naming submissions until the public reserves naming policy is revised and informs applicants accordingly.

FOR VOTE - Unanimous

O13 [EO-OC] Floodplain Management Committee - New Members

O 137 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Council:-

1. Appoints a representative from the Planning & Regulation Division to the Floodplain Management Committee.
2. Invites a representative from the NSW Department of Planning to join the Floodplain Management Committee.

FOR VOTE - Unanimous

LATE ITEM

O 138 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RESOLVED that Item O a13 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

FOR VOTE - Unanimous

O a13 [EO-OC] Surf Life Saving

O 139 COMMITTEE DECISION:

**Administrator Willan
Administrator Boyd**

RECOMMENDED that this report on the background, current issues and proposed actions of Tweed Shire Council with respect to surf life saving be received and noted.

FOR VOTE - Unanimous

O14 [EC-OC] Safe Water Project: Obambo-Kadenge

O 140 COMMITTEE DECISION:

**Administrator Payne
Administrator Boyd**

RECOMMENDED that the report on the Safe Water Project: Obambo-Kadenge be received and noted.

FOR VOTE - Unanimous

O15 [EC-OC] Proposed ComPacks Service Agreement with NSW Department of Health

O 141 COMMITTEE DECISION:

**Administrator Payne
Administrator Boyd**

RECOMMENDED that:

1. Council agrees to enter into a contract of \$261,180 with NSW Department of Health to provide ComPacks services for the period July 2007 to June 2008; and
2. All documentation be executed under the common seal of Council.

FOR VOTE - Unanimous

O16 [EC-OC] Proposed – One-off Funding Agreement between Tweed Shire Council (auspice for Tweed Community Options) and NSW Community Options Projects Inc.

O 142 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that:

1. Council agrees to accept the grant of \$39,000 and enter into a contract with NSW Community Options Projects Inc. to provide episodic case management and brokerage services; and
2. Agrees to affix Council seal to all relevant documents.

FOR VOTE - Unanimous

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

O 143 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Council:-

1. With reference to the request from New South Wales Department of Education & Training (for Far North Coast Disability Interagency), Council provides the South Tweed Community Hall free of charge for an expo for school leavers with a disability to be held on 23 May 2007, and that Council's support is recognised with the following acknowledgement "This programme has been supported by Tweed Shire Council".
2. With reference to the request from Tweed Valley Banana Festival & Harvest Week, Council provides the Murwillumbah Civic Centre Auditorium free of charge for Banana Festival activities on 14, 16-18 and 20-22 August 2007 including Fashion Parade, Battle of the Bands, Rotary Art Show and Short Film Night and that Council's support is recognised with the following acknowledgement "This programme has been supported by Tweed Shire Council".

FOR VOTE - Unanimous

O 145 COMMITTEE DECISION:

**Administrator Willan
Administrator Boyd**

RECOMMENDED that the Operations Committee resumes in open Council under the Chairmanship of Administrator Payne.

FOR VOTE - Unanimous

86 COUNCIL DECISION:

**Administrator Boyd
Administrator Willan**

RESOLVED that the recommendations of the Operations Committee held Tuesday 29 May 2007 be adopted.

FOR VOTE - Unanimous

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

87 COUNCIL DECISION:

Administrator Boyd
Administrator Willan

RESOLVED that the Schedule of Outstanding Resolutions be received and noted.

FOR VOTE - Unanimous

ADMINISTRATOR'S MINUTE

[AM] Signing of Documents

Documents signed by Administrators since 8 May 2007

Administrator Boyd

9 May 2007	Request - Land Acquisition - Minnows Road, Fernvale
9 May 2007	Transfer - Lot 1 DP 1101173 - Goonal Place, Banora Point
15 May 2007	Licence Agreement - Kirkwood Road, Tweed Heads South
17 May 2007	Subdivision Plans - Marie Street, Tweed Heads South

88 COUNCIL DECISION:

Administrator Boyd
Administrator Willan

RESOLVED that the Administrator's Minute, Signing of Documents, be received and noted.

FOR VOTE - Unanimous

ORDINARY ITEMS FOR CONSIDERATION

REPORTS FROM THE GENERAL MANAGER

Nil.

REPORTS FROM THE DIRECTOR PLANNING & REGULATION

Nil.

REPORTS FROM THE DIRECTOR TECHNOLOGY & CORPORATE SERVICES

Nil.

REPORTS FROM THE DIRECTOR ENGINEERING & OPERATIONS

Nil.

REPORTS FROM THE DIRECTOR COMMUNITY & NATURAL RESOURCES

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

[SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 13 April 2007

89 COUNCIL DECISION:

**Administrator Boyd
Administrator Willan**

RESOLVED that the:

1. Minutes of the Minutes of the Aboriginal Advisory Committee Meeting held Friday 13 April 2007 be received and noted; and
2. Director's recommendations be adopted as follows:

BA1 Stella Wheildon

That Council resolves that once the information regarding intervention is received from the Aboriginal Advisory Committee it be forwarded to the Ministry For Aboriginal Affairs requesting that the Ministry Office contact the Tweed Byron Local Aboriginal Land Council for advice before responding.

BA2 Terms of Reference

That Council notes that a separate report is to be submitted to Council on the Terms of Reference and operational guidelines” for the Tweed Shire Council Aboriginal Advisory Committee.

GB6 Local Government Aboriginal Network 2007 Conference – “Working Together”.

That Council approves the attendance of Russell Logan at the Local Government Aboriginal Network 2007 “Working Together” Conference.

FOR VOTE - Unanimous

[SUB-DACMIN] Minutes of the Tweed Shire Council Disability Access Committee Meeting held Thursday 19 April 2007

90 COUNCIL DECISION:

**Administrator Boyd
Administrator Willan**

RESOLVED that:

1. Minutes of the Tweed Shire Council Disability Access Committee Meeting held Thursday 19 April 2007 be received and noted; and
2. Director's recommendations be adopted as follows:

Business Arising

Item 2 ‘Missed Business’ - How to attract more customers by providing better access to your business”

That Council approves the launch and distribution of the “Missed Business” publication to coincide with the inaugural Disability Access Awards ceremony with the aim of raising awareness of access issues within the Shire.

FOR VOTE - Unanimous

[SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held 4 May 2007

91 COUNCIL DECISION:

**Administrator Boyd
Administrator Willan**

RESOLVED that:

1. Minutes of the Minutes of the Aboriginal Advisory Committee Meeting held 4 May 2007 be received and noted; and
2. Director's recommendations be adopted as follows:

BA3 Tugun Bypass

That Council resolves to advise the proponents of the Gold Coast Airport Runway Extension, Tugun Bypass and the Desalination Plant projects that the Aboriginal Advisory Committee objects in the strongest possible way to artefacts being placed on display at the Tugun Tourist Information Centre and that all artefacts should be returned to the Tweed Community as a matter of urgency.

GB3 Jan Tichonow – Aboriginal Mental Health in the Tweed Area

That Council supports Ms Tichonow's project and forwards a letter of support to Ms Sue Follent, Bugalwena Aboriginal Health Service.

GB5 Tweed Shire Council - Museum Advisory Committee

That Council confirms the membership of Lesley Mye to the Museum Advisory Committee and the Wollumbin Consultative Committee.

FOR VOTE - Unanimous

ORDERS OF THE DAY

Nil.

QUESTION TIME

Nil.

92 COUNCIL DECISION:

**Administrator Payne
Administrator Willan**

RESOLVED that the Council Meeting be suspended at 5.30pm for the Community Access session.

FOR VOTE - Unanimous

93 COUNCIL DECISION:

**Administrator Payne
Administrator Willan**

RESOLVED that the Council Meeting be resumed at 6.27pm .

FOR VOTE - Unanimous

COMMITTEE OF THE WHOLE

94 COUNCIL DECISION:

**Administrator Payne
Administrator Willan**

RESOLVED that Council resolves itself into a Confidential Committee of the Whole in accordance with Section 10A(2) of the Local Government Act 1993 (as amended) and that the press and public be excluded 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 reasons of the confidential nature of the business to be transacted

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 FROM THE DIRECTOR ENGINEERING & OPERATIONS

C1 [EO-CM] Naming of a Council Public Bridge

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 34 COMMITTEE DECISION:

That Council:-

1. Publicises its intention to name the bridge over Rous River, on Numinbah Road at Crystal Creek as "*Korns Bridge*" allowing one month for submissions or objections to the proposal;
2. Notifies the relevant authorities under the provisions of the Roads (General) Regulation 2000.

FOR VOTE - Unanimous

95 COUNCIL DECISION:

Administrator Boyd
Administrator Willan

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

FOR VOTE - Unanimous

There being no further business the Meeting terminated at 6.29pm.



Minutes of Meeting Confirmed by Council

at Meeting held

Chairman