

The Meeting commenced at 4.30pm.

## **IN ATTENDANCE**

Administrators Mr Garry Payne, (Chairman), Mr Max Boyd, Mr John Patterson (Item P3, Planning Committee).

Also present were Mr Patrick Knight (Acting General Manager), Mr Troy Green (Director Technology & Corporate Services), Mr Stewart Brawley (Acting Director Engineering & Operations), Mr Garry Smith (Acting 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 Michelle Swaney (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, Pastor Andrew Brown.

'Who am I, O Sovereign LORD, and what is my family, that you have brought me this far?' King David, 2 Samuel 7:18

Sovereign Lord, you have allowed us to live in a wonderful part of the world, and one of the stand-out parts of Australia. It is warm, fertile, well-watered, and beautiful. It would be negligent of us to fail to express our gratitude to You for this kindness. Help us to take seriously our responsibility to care for our local environment and for the people who live in it, who matter so much to You. Help the decision-makers present here to manage this amazing shire honestly and well. We want to take care of what you have given us to enjoy.

## **APOLOGIES**

Nil.

## **DISCLOSURE OF INTEREST**

Administrator Boyd declared a non-pecuniary interest in Item P3 of the Planning Committee Agenda.

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The nature of the interest is due to a relation having a part ownership of a property on the Tweed Coast Road in close proximity to this proposed development.

## **CONFIRMATION OF MINUTES**

### **Minutes of the Ordinary Council Meeting held Tuesday 12 February 2008**

#### **23 COUNCIL DECISION:**

**Administrator Boyd  
Administrator Payne**

**RESOLVED** that the Minutes of the Ordinary Council Meeting held Tuesday, 12 February 2008 be adopted as a true and accurate record of proceedings of that meeting. With the following amendment. ...

Administrator Boyd advised a non-pecuniary interest relating to Item P2 of the Planning Agenda. The nature of the interest is due to a relation having a part ownership of a property on the Tweed Coast Road in close proximity to this proposed development.

**Note: The Amendment to the Minutes held Tuesday 12 February 2008 has been carried out**

***FOR VOTE - Unanimous***

## **PLANNING COMMITTEE**

#### **24 COUNCIL DECISION:**

**Administrator Boyd  
Administrator Payne**

**RESOLVED** that Council resolves itself into the Planning Committee under the Chairmanship of Administrator Boyd for Items P1 and P2.

***FOR VOTE - Unanimous***

## **REPORTS THROUGH GENERAL MANAGER**

## **REPORTS FROM DIRECTOR PLANNING & REGULATION**

**P1 [PR-PC] Review of Determination of Development Application DA06/1237 for the Erection of a Second Dwelling to Create a Detached Dual occupancy at Lot 13 Section 4 DP 8568, No. 39 Adelaide Street, Tweed Heads**

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

Ms Bronwynne Luff  
Mr James Sullivan

**P 11 COMMITTEE DECISION:**  
**Administrator Boyd**  
**Administrator Payne**

**RECOMMENDED** that the Review of Determination of Development Application DA06/1237 for the erection of a second dwelling to create a detached dual occupancy at Lot 13 Section 4 DP 8568, No. 39 Adelaide Street Tweed Heads be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos
  - G2428 (Sheets 1-4) prepared by Gavin Duffie and dated 10/03/2006.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. The verandah to the new dwelling is to have a privacy screen (min height of 1.5m) attached to the southern elevation to protect the privacy of adjoining properties.

[GENNS01]

5. The landscaping of the site shall be finished to the satisfaction of Council's General Manager of his delegate.

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. Section 94 Contributions

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

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

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

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

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

(a) Tweed Road Contribution Plan:	\$3,874
S94 Plan No. 4 (Version 4.0)	
Sector1_4	
(b) Open Space (Structured):	\$240
S94 Plan No. 5	
(c) Open Space (Casual):	\$51
S94 Plan No. 5	
(d) Shirewide Library Facilities:	\$212
S94 Plan No. 11	
(e) Eviron Cemetery/Crematorium Facilities:	\$49
S94 Plan No. 13	
(f) Emergency Facilities (Surf Lifesaving)	\$62
S94 Plan No. 16	
(g) Extensions to Council Administration Offices & Technical Support Facilities	\$614.22
S94 Plan No. 18	
(h) Cycleways	\$108
S94 Plan No. 22	
(i) Regional Open Space (Structured)	\$715
S94 Plan No. 26	
(j) Regional Open Space (Casual)	\$263
S94 Plan No. 26	

[PCC0215/PSC0175]

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

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

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

Water DSP4: 1 ET @ \$9997 \$9,997

Sewer Banora: 1 ET @ \$4804 \$4,804

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

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

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

[PCC0265/PSC0165]

8. 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]

9. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for any works within the road reserve.

[PCC0885]

10. 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]

11. 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]

12. To eliminate the potential of any overland flow entering the adjoining property from the subject site, a minimum 300mm block edging is to be constructed along the driveway and concrete turnaround facility within No 39 Adelaide Street to ensure that all stormwater overland flow for No 39 is conveyed down the driveway of No 39 and not onto the adjoining property.

[PCCNS01]

13. The dwelling and associated works shall be designed by a Chartered Professional Structural Engineer of The Institution of Engineers Australia or the equivalent in accordance with the recommendations of the Geotechnical Engineers report by "Morrison Geotechnic" dated 16 July, 2007 and endorsed by the same. Details of such are to be submitted with the Construction Certificate application to and approved by the Principal Certifying Authority.

[PCCNS02]

#### PRIOR TO COMMENCEMENT OF WORK

14. 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]

15. 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]

16. 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]
17. 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]
18. 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]
19. 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
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- (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]

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

[PCW0955]

21. 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.

This sign is to remain in position for the duration of the project.

[PCW0985]

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

[PCW1005]

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]

#### DURING CONSTRUCTION

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

[DUR0005]



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25. The provision of 4 off street car parking spaces including parking for the disabled where applicable. The layout and construction standards to be in accordance with Tweed Shire Council Development Control Plan, Part A2 - Site Access and Parking Code.
- [DUR0085]
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 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]
28. 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]
29. 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]
30. 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]
31. 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]

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

[DUR0445]

33. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications, Development Control Plan, Part A5 - Subdivision Manual and Development Control Plan, Part A14 - Cut and Fill on Residential Land to the satisfaction of the Principal Certifying Authority.

Please note timber retaining walls are not permitted.

[UR0835]

34. 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]

35. All work associated with this approval is to be carried out so as not to impact on neighbourhood, adjacent premises or 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]

36. 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]

37. 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]

38. 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]

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39. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.  
[DUR2505]
40. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.  
[DUR2515]
41. 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]
42. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
  - \* 50<sup>0</sup>C in all other classes of buildings.
- A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.  
[DUR2555]
43. 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]

#### PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

44. 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]
45. 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]

46. 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]

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

[POC1045]

48. A Structural Engineer's "Certificate of Adequacy" certifying that the dwelling and associated works have been erected in accordance with the approved details and recommendations of the Geotechnical Engineer is to be submitted to the Principal Certifying Authority.

[POCNS01]

49. 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, odours or the like.

[USE0125]

50. 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]

***FOR VOTE - Unanimous***

**P2 [PR-PC] Tweed LEP 2000 Review: Tweed LEP 2008**

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

Ms Barbara Fitzgibbon

**P 12 COMMITTEE DECISION:**

**Administrator Boyd**

**Administrator Payne**

**RECOMMENDED** that Council:

1. Notes the status of its Planning Reform Unit's ongoing project schedule and continues with a commitment to completing Draft LEP 2008.
2. Upon receipt of a Section 65 Certificate from the Department of Planning, formally publicly exhibits draft Tweed Local Environmental Plan 2008 (Stage 1).
3. Resolves to exhibit draft Tweed Local Environmental Plan 2008 (Stage 1 and Stage 2) in accordance with the Department's Best Practice Guidelines - "LEPs and Council Land".

***FOR VOTE - Unanimous***

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## **DISCLOSURE OF NON PECUNIARY INTEREST**

Administrator Boyd declared an Interest in Item P3 withdrew from the chair and any involvement with the item, and took no part in the discussion or voting. The nature of the interest is due to a relation having a part ownership of a property on the Tweed Coast Road in close proximity to this proposed development.

### **Substitute Administrator**

Administrator Patterson has been appointed by the Minister as a substitute Administrator for the limited purpose of determining Development Application DA07/0529 (Item P3) before the Council and its Committees for which Mr Boyd has declared a non-pecuniary interest.

### **Chairman**

Administrator Payne assumed the Chair for consideration of Item P3 of the Planning Committee Agenda.

### **P3 [PR-PC] Development Application DA07/0529 for Multi-Dwelling Housing Comprising 20 Units in a Three (3) Storey Configuration at Lot 1 DP 717669, No. 79-83 Tweed Coast Road, Hastings Point**

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

Mr Garry Thorpe  
Ms Tracey McGrath  
Ms Di Morrison  
Mr John O'Reilly  
Mr Alan McIntosh  
Mr Bede Emmett  
Mr Danny Gillies

Administrator Payne addressed the meeting and read the following statement:

Last week I became aware of questions raised in Parliament by a Member of Parliament suggesting, but offering no evidence, of unethical conduct by senior council staff in relation to the development of Hastings Point, collusion, contrived documentation, use of fictitious boundaries and breaches of local and state planning laws among other things.

Also, last week I received eight pages of allegations along similar lines as those raised by the Member of Parliament but with more detail. These were addressed to the Director General as well as the Ministers for Planning and Local Government.

Both sets of allegations are obviously related.

At the same time, the Administrators and General Manager received a request from John O'Reilly solicitor at Hastings Point to have application No. 07/0529 being considered tonight deferred because of the questions raised by the Member of Parliament.

The questions raised by the Member of Parliament and the allegations received by me as Director General suggest an improper interference in due process.

I am concerned that reputations may be damaged before these allegations have been tested for truth and accuracy.

Because of the nature of the allegations, I have instructed the Department of Local Government to refer all allegations received by me and the questions raised by the Member of Parliament to the Independent Commission against Corruption immediately. I will also be directing the General Manager to refer any allegations received by Council relating to the same matter to the ICAC.

The Administrators are confident that there is no substance to the allegations.

Finally, as Administrators we have a legal obligation under the EP&A Act to consider all applications in accordance with the law and we have to do so on an objective, fair and good faith basis. That we will do.

Any undue pressure, real or perceived, to that process will be dealt with accordingly.

**P 13 COMMITTEE DECISION:**  
**Administrator Payne**  
**Administrator Patterson**

**RECOMMENDED** that: -

- A. State Environmental Planning Policy No. 1 objection to Clause 32B(4)(b) of the North Coast Regional Environmental Plan regarding overshadowing be supported and the concurrence of the Director-General of the Department of Planning be assumed.
- B. Development Application DA07/0529 for multi-dwelling housing comprising 20 units in a three (3) storey configuration at Lot 1 DP 717669, No. 79-83 Tweed Coast Road Hastings Point be approved subject to the following conditions: -

**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and the following Plans;
  - TP01 Rev C dated 24 November 2007 -Site Plan & Level 1 Plan
  - TP02 Rev C dated 24 November 2007 - Basement Plan
  - TP03 Rev A dated 23 April 2007 - Level 2 Plan
  - TP04 Rev A dated 23 April 2007 - Level 3 Plan
  - TP05 Rev A dated 23 April 2007 - Rooftop Plan
  - TP06 Rev A dated 23 April 2007 - Elevations

prepared by R.H. Frankland & Associates, except where varied by the conditions of this consent.

[GEN0005]

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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. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.  
[GEN0265]
  5. The front fence is to have a total maximum height of 1.5m, the solid wall height can be up to 1.2m. Above the solid wall the fence is to have a minimum openness ratio of 60%.  
[GENNS01]
  6. No shade structures or roofing is to be erected on the rooftop terrace.  
[GENNS02]
  7. Frosted glass balustrading is to be utilised on the balconies facing the northern boundary and one metre wide planter boxes along these balcony edges are also to be incorporated to minimise privacy impacts onto the adjoining property  
[GENNS03]
  8. The colours and materials utilised in this development are to be sympathetic with its natural surrounds.  
[GENNS04]
  9. Demolition of the existing structures requires the submission and approval of a separate development application.  
[GENNS05]

#### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

10. The developer shall provide the following parking facilities including parking for the disabled (as required) in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.
  - A minimum of 32 car parking spaces for residents,
  - A minimum of 5 visitor car spaces with unrestricted access,
  - A minimum of 2 car wash bays,
  - Storage for a minimum of 40 bicycles.

Note – Council will only accept tandem car parks if each pair of tandem spaces is allocated to an individual unit.

Full design detail of the proposed parking and maneuvering areas shall be submitted to and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate.

The access and basement car park must be designed accordingly to provide sufficient height clearance to allow appropriate vehicles to access the basement stormwater treatment device.

[PCC0065]

#### 11. Section 94 Contributions

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

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

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

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

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

(a) Tweed Road Contribution Plan:	\$51,815
S94 Plan No. 4 (Version 4.0)	
Sector8a_4	
(b) Open Space (Structured):	\$6,630
S94 Plan No. 5	
(c) Open Space (Casual):	\$1,417
S94 Plan No. 5	
(d) Shirewide Library Facilities:	\$5,850
S94 Plan No. 11	
(e) Bus Shelters:	\$208
S94 Plan No. 12	
(f) Eviron Cemetery/Crematorium Facilities:	\$1,170
S94 Plan No. 13	
(g) Community Facilities (Tweed Coast - South)	\$7,592
S94 Plan No. 15	
South Coast	
(h) Emergency Facilities (Surf Lifesaving)	\$1,703
S94 Plan No. 16	



(i)	Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$16,971.60
(j)	Cycleways S94 Plan No. 22	\$2,990
(k)	Regional Open Space (Structured) S94 Plan No. 26	\$19,772
(l)	Regional Open Space (Casual) S94 Plan No. 26	\$7,267

[PCC0215]

12. 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.

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.

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. The contribution shall be based on the following formula:-

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

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

[PCC0225]

13. 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:	9.8 ET @ \$9997	\$97,971
Sewer Hastings Point:	10.25ET @ \$4804	\$49,241

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]

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

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

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

[PCC0275]

15. 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]

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16. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided. 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]

17. 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]

18. 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 and shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Safe public access shall be provided at all times.

[PCC0865]

19. 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) Provision of a vehicular access in accordance with Council's "Access to Property" pamphlet, consolidated Tweed DCP and Development Design and Construction Specifications

The access shall provide the required 2m x 2m "sight triangle" envelope.

- (b) Construction of vertical face kerb and gutter along the full frontage of the site to Tweed Coast Road on an alignment approved by Council. The works shall also incorporate an indented bus bay at the existing shelter location. Detailed engineering drawings for these works including any shoulder widening required shall be submitted for approval by the Director Engineering & Operations prior to issue of a Construction Certificate.

The Applicant may make application to Council to make payment in the form of a contribution towards the road works in lieu of undertaking the works at the time the development. The applicant shall provide Council with detailed drawings and supporting costings with any such application.

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]

20. 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 land owner is Council, approval is required from the General Manager or his delegate, and the anchors are required to be removed upon completion of the works, unless a compensation amount is negotiated with Council.

[PCC0955]

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

[PCC1105]

## 22. Stormwater

- (a) Details of the proposed roof water disposal, including surcharge overland flow paths are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. These details shall include likely landscaping within the overland flow paths.
- (b) All roof water shall be discharged to infiltration pits located wholly within the subject allotment.
- (c) The infiltration rate for sizing infiltration devices shall be 3m per day:
  - \* As a minimum requirement, infiltration devices are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) over a range of storm durations from 5 minutes to 24 hours and infiltrate this storm within a 24 hour period, before surcharging occurs.
- (d) Surcharge overflow from the infiltration area to the street gutter, inter-allotment or public drainage system must occur by visible surface flow, not piped.
- (e) Runoff other than roof water to remove contaminants prior to entry into the infiltration areas (to maximise life of infiltration areas between major cleaning/maintenance overhauls).
- (f) If the site is under strata or community title, the community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
- (g) All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.
- (h) All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.
- (i) All infiltration devices are to be located clear of stormwater or sewer easements.

[PCC1135]

## 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 (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.

[PCC1195]

26. Prior to issue of a construction certificate the applicant is required to prepare and submit a Remediation Action Plan to manage the contaminants as identified by the Pre-Demolition Underslab Soil Contamination Investigation prepared by HMC Environmental PTY LTD Report No. 2007.048A dated September 2007.

[PCNS01]

#### PRIOR TO COMMENCEMENT OF WORK

27. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]

28. 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]

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

[PCW0225]

30. 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]

- 31. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (15) persons employed at the site. Each toilet provided must be:-

- (a) a standard flushing toilet connected to a public sewer, or
- (b) if that is not practicable, an accredited sewage management facility approved by the council

[PCW0245]

- 32. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the site is prohibited.

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

[PCW0255]

- 33. Prior to 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]

- 34. 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:

- (a) The person must, at the person's own expense:
  - (i) preserve and protect the building from damage; and
  - (ii) if necessary, underpin and support the building in an approved manner.
- (b) 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.

[PCW0765]

35. 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]

36. 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.

This sign is to remain in position for the duration of the project.

[PCW0985]

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

[PCW1065]

#### DURING CONSTRUCTION

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

[DUR0005]

39. 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]

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. 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]

42. 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]

43. 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]

44. 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]

45. All works shall comply with the Pre-Demolition Soil Contamination Investigation and Remediation Management Plan. Sub-slab contaminated material shall not be placed in or below the groundwater table. Upon completion of sub-slab remediation (placement) works on site, Council shall be provided with a post remediation validation report to the satisfaction of the General Manager or his delegate. Construction works shall not commence until this report is reviewed and approved by the General Manager or his delegate.

[DUR0685]

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

[DUR0795]

47. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house or building is strictly prohibited.  
[DUR0815]
48. 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]
49. Provision to be made for the designation of 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]
50. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate.  
[DUR0985]
51. 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]
52. All work associated with this approval is to be carried out so as not to impact on neighbourhood, adjacent premises or 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]
53. The concrete footpath is to be saw cut and removed to facilitate the construction of the concrete driveway access.  
[DUR1745]
54. 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 (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]
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55. 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]

56. 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 Development Design and Construction Specifications prior to any use or occupation of the building.

[DUR1875]

57. During construction, a "satisfactory inspection report" is required to be issued by Council for all works required under Section 138 of the Roads Act 1993. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection.

[DUR1925]

58. 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 from a suitably qualified engineer experienced in structures is to be provided to the PCA prior to the issue of an Occupation Certificate.

[DUR1955]

59. 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]

60. 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]

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

[DUR2085]

62. 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]

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

[DUR2195]

64. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

[DUR2375]

65. Appropriate measures are to be put in place during the construction and/or demolition 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. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the Tweed Shire Council General Manager or his delegate.

[DUR2425]

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]

68. 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]

69. 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]

70. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.  
[DUR2505]
71. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.  
[DUR2515]
72. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.  
[DUR2525]
73. 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]
74. 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]
75. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
  - \* 50<sup>0</sup>C in all other classes of buildings.
- A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.  
[DUR2555]
76. 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]
77. The proponent shall comply with all requirements tabled within any approval issued under Section 68 of the Local Government Act.  
[DUR2625]

#### PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

78. 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]
79. Prior to the issue of an Occupation Certificate a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.
-

The bond shall be based on 5% of the value of the works approved under Section 138 of the Roads Act (minimum \$1,000.00) which will be held by Council for a period of 6 months from the date on which the Occupation Certificate is issued. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

[POC0165]

80. 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]

81. 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]

82. 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]

83. Prior to the issue of an occupation certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all works required under Section 138 of the Roads Act 1993.

[POC0745]

84. Redundant road pavement, kerb and gutter or foot paving including any existing disused vehicular laybacks/driveways or other special provisions shall be removed and the area reinstated to match adjoining works in accordance with Councils adopted Development Design and Construction Specifications.

[POC0755]

85. 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]

86. 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]

## USE

87. 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]

88. 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 offensive, or intrusive noise to any occupant of neighbouring or adjacent premises.

[USE0235]

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

[USE0875]

## NSW RURAL FIRE SERVICE CONDITIONS

1. At the commencement of building works and in perpetuity the entire property shall be managed as an 'Inner Protection Area' as outlined within Planning for Bush Fire Management Protection 2006 and the Service's document 'Standards for asset protection zones'
2. Water, electricity and gas are to comply with Section (4.1.3 and 4.2.3 of Planning for Bush Fire Protection 2006.
3. Where the rear of the structure is greater than 70m from the nearest hydrant, a new hydrant/s is required to be installed as per AS2419.1 – 2005 'Fire Hydrant Installations'. Locations of fire hydrants are to be delineated by blue pavement markers offset 100mm from the centre of the road. The direction of offset shall indicate on which side of the road the hydrant is located.
4. Construction shall comply with AS3959-1999 'Construction of buildings in Bush Fire Prone Areas' Level 1.
5. Roofing shall be gutter less or have leafless guttering and valley to prevent the building up of flammable material. Any materials used shall have a Flammability Index no greater than 5.
6. All Class 10 structures as defined per the Building Code of Australia 2006 attached to or within 10 metres of the habitable building shall comply with AS3959-1999 'Construction of buildings in Bush Fire Prone Areas' Level 1.



7. All Class 10 structures as defined per the Building Code of Australia 2006 attached to or within 10 metres of the eastern side of the habitable building shall comply with AS3959-1999 'Construction of buildings in Bush Fire Prone Areas' Level 2.
8. No brushwood or treated pine fencing shall be used.
9. Roller doors tilt a doors and the like shall be sealed to prevent the entry of embers into the structure.
10. Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2006.
11. As the units have been assessed under 79BA for residential purposes and not 100B for Special Protection Development (tourist facility) the building/s shall not be used as a tourist facility.

***FOR VOTE - Unanimous***

Administrator Payne vacated the Chair on the return of Administrator Boyd.

**25 COUNCIL DECISION:**  
**Administrator Payne**  
**Administrator Boyd**

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

***FOR VOTE - Unanimous***

**26 COUNCIL DECISION:**  
**Administrator Payne**  
**Administrator Boyd**

**RESOLVED** that the recommendations of items P1 and P2 of the Planning Committee held Tuesday, 11 March 2008 be adopted.

***FOR VOTE - Unanimous***

**27 COUNCIL DECISION:**  
**Administrator Payne**  
**Administrator Patterson**

**RESOLVED** that the recommendation of item P3 of the Planning Committee held Tuesday, 11 March 2008 be adopted.

***FOR VOTE - Unanimous***

**Note:** Administrator Boyd declared an Interest in Item P3 withdrew from the chair and any involvement with the item, and took no part in the discussion or voting. The nature of the interest is due to a relation having a part ownership of a property on the Tweed Coast Road in close proximity to this proposed development.



## **ADJOURNMENT OF MEETING**

Adjournment for Community Access at 5.55pm.

## **RESUMPTION OF MEETING**

The Meeting resumed at 6.12pm

## **OPERATIONS COMMITTEE**

### **28 COUNCIL DECISION: Administrator Boyd Administrator Payne**

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

***FOR VOTE - Unanimous***

## **REPORTS THROUGH THE GENERAL MANAGER**

**O1 [PR-OC] Development Application DA07/1374 for the Upgrade to Safety Baffle for the Existing Pistol Club at Lot 10 DP 258122 Lundberg Drive, Murwillumbah - Request for Waiving of Development Application Fee**

### **O 42 COMMITTEE DECISION: Administrator Boyd Administrator Payne**

**RECOMMENDED** that the Murwillumbah Pistol Club's request for the waiving of the development application fee of \$110.00 in relation to DA07/1374 not be supported.

***FOR VOTE - Unanimous***

**O2 [TCS-OC] Policy - Investment**

### **O 43 COMMITTEE DECISION: Administrator Payne Administrator Boyd**

**RECOMMENDED** that Council adopts the Investment Policy as amended in this report.

***FOR VOTE - Unanimous***

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**O3 [TCS-OC] Application for Financial Assistance - Pottsville Beach Tennis Club**

**O 44 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that Council:-

1. Donates an amount of \$492.00 to the Pottsville Beach Tennis Club, being the amount equivalent to the 2007/2008 sewerage charge.
2. Amends its Donations and Subsidies Policy to authorise an annual donation to the Pottsville Beach Tennis Club of the equivalent amount to the sewerage charge provided that the toilets continue to be available to the general public.

***FOR VOTE - Unanimous***

**O4 [TCS-OC] Council's Investment Portfolio for the Period Ending 29 February 2008**

**O 45 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that Council notes the downgrade in Helium and the possible outcomes to its Argon investment.

***FOR VOTE - Unanimous***

**a4 [TSC-OC] Investment Report for Period Ending 29 February 2008**

**LATE ITEM**

**O 46 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that Item a4 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

***FOR VOTE - Unanimous***

**O 47 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that in accordance with Section 625 of the Local Government Act 1993 the monthly investment reported as at 29 February 2008 totalling \$115,523,868.85 be received and noted.

**FOR VOTE - Unanimous**

**05 [EO-OC] Naming of Beach at Fingal Head**

**O 48 COMMITTEE DECISION:  
Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that Council provides its concurrence to the Geographic Names Board for the advertising of the proposed name of Fingal Head Beach for the beach which extends from the northern end of the Fingal Head Settlement to Fingal Head point.

**FOR VOTE - Unanimous**

**06 [EO-OC] Naming of Council Public Roads**

**O 49 COMMITTEE DECISION:  
Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that:-

1. Council approves the renaming of Gillett Court and adopts in its place the name "*Casuarina Way*"; and
2. Council adopts the name "*Casuarina Way*" for the newly created road between Gillett Court and Casuarina Way; and
3. Council adopts the name "*Sterculia Court*" for the section of Casuarina Way which runs from Gillett Court east to Lot 13 in DP 1014470 as; and
4. Council adopts the name "*Dryandras Court*" for the newly created road reserve which runs off Casuarina Way east through Lot 30 in DP 1027531 as; and
5. The naming of the public roads be gazetted under the provisions of the Roads (General) Regulation, 1994 and the Roads Act, 1993.

**FOR VOTE - Unanimous**

**07 [EO-OC] Transfer of Temporary Road - Lot 4 in DP 1017336 - Silkwood Road, Tweed Heads West**

**O 50 COMMITTEE DECISION:  
Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that:-

1. Council approve the closure of the temporary public road currently known as Lot 4 in DP 1017336 whereupon all rights of public access are extinguished;
2. Council approves the transfer of Lot 4 in DP 1017336 to the developer Greenvale Developments Pty Ltd;
3. All necessary documentation be executed under the Common Seal of Council.

**FOR VOTE - Unanimous**

**O8 [EO-OC] Blackspot Funding**

**O 51 COMMITTEE DECISION:  
Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that Council accepts the funding allocation from the Federal and State Government for the identified blackspot areas of Wommin Bay Road and Terranora and votes the expenditure as per the funding guidelines as follows:-

1. Wommin Bay Road and Phillip Street intersection, \$225,000.
2. Terranora Road, \$650,000.

**FOR VOTE - Unanimous**

**O9 [EO-OC] EQ2008-005 Supply of Industrial Clothing and Industrial Footwear**

**O 52 COMMITTEE DECISION:  
Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that :-

1. The tender from Armstrong's Store be accepted as the supplier of Industrial Clothing and Industrial Footwear to Council for a twelve month period from the date determined by Council with a further two by twelve (12) month extension options.

The ATTACHMENT be treated as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.

***FOR VOTE - Unanimous***

**O10 [EO-OC] Pacific Highway and Adjacent Arterial Roads Master Plan between Barneys Point Bridge and Stewart Road Technical Committee**

**O 53 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that Council notes this report.

***FOR VOTE - Unanimous***

**O11 [EO-OC] Classification of Land as Operational, South Murwillumbah**

**O 54 COMMITTEE DECISION:**

**Administrator Payne  
Administrator Boyd**

**RECOMMENDED** that:-

1. Council approves the transfer of proposed Lot 518 in a Subdivision of Lot 227 in DP 1122768 at South Murwillumbah as Drainage Reserve.
2. Proposed Lot 518 be classified as "Operational" pursuant to Section 31 of the Local Government Act, 1993; and
3. All necessary documentation be executed under the Common Seal of Council.

***FOR VOTE - Unanimous***

**O12 [EO-OC] Upgrading of Council's Driveway Access to Property Guidelines and Design Specifications and Proposed Change of Access to Property Guidelines Driveway Policy and to a Council Protocol**

**O 55 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that:-

1. Council adopts the amended Driveway Access to Property Design Specification Policy V1.1.
2. The Driveway Access to Property Guide be deleted as a Council Policy and reclassified as a Council Protocol.

***FOR VOTE - Unanimous***

**O13 [EO-OC] Safe Pedestrian Access - Greenhills Primary School to Smith Street via Tweed Valley Way**

**O 56 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that Council accepts the grant allocation of \$25,000 from the Roads & Traffic Authority of NSW and allocates \$45,000 from the current Pedestrian Facilities Program to construct the footpath and associated works on Tweed Valley Way from South Murwillumbah Infants School to Smith Street.

***FOR VOTE - Unanimous***

**O14 [EO-OC] Rayles Lane Reservoir - Rayles Lane, Terranora - Lease to Tweed Coast Community Radio Inc - Part Lot 1 in DP 844845**

**O 57 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that:-

1. Council enters into a lease agreement with Tweed Coast Community Radio Inc for use of part of the pump station building located within Lot 1 in DP 844845 at Rayles Lane, Terranora for a period of twelve months at a rental of \$1,000 plus GST per annum;
2. All documentation be executed under the Common Seal of Council.

***FOR VOTE - Unanimous***

**O15 [EO-OC] Ministry of Transport Public Transport Infrastructure Grants Scheme**

**O 58 COMMITTEE DECISION:**  
**Administrator Boyd**  
**Administrator Payne**

**RECOMMENDED** that Council accepts the Grant from the Ministry of Transport of \$161,581 exclusive of GST for the installation of 9 bus shelters and 200 j-poles and votes the expenditure.

***FOR VOTE - Unanimous***

**O16 [EO-OC] Traffic Signals Kennedy Drive and Limosa Drive, Tweed Heads West**

**O 59 COMMITTEE DECISION:**  
**Administrator Boyd**  
**Administrator Payne**

**RECOMMENDED** that Council accepts the grant offer from the Roads and Traffic Authority for \$200,000 (incl GST) to design and install traffic signals at the intersection of Kennedy Drive and Limosa Drive, Tweed Heads West and votes the expenditure for same.

***FOR VOTE - Unanimous***

**O17 [EO-OC] Cudgen Creek Footbridge, Kingscliff**

**O 60 COMMITTEE DECISION:**  
**Administrator Payne**  
**Administrator Boyd**

**RECOMMENDED** that:-

1. The information be received and noted.
2. The payment of the piling contractor claims totalling \$293,263.37 (incl. GST) be approved.



3. ATTACHMENTS A & B be treated as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because they contain commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.

***FOR VOTE - Unanimous***

**O18 [CNR-OC] NSW Government Inquiry into Water Supply and Sewerage Services for Non Metropolitan NSW**

**O 61 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that Council:-

1. Lodges a written submission to the NSW Minister for Water Utilities on the Inquiry into Secure and Sustainable Urban Water Supply and Sewerage Services for Non-Metropolitan NSW.
2. Officers prepare the submission on the basis of a recommended organisational structure of Councils on the Northern Rivers capable of participating in a Regional Mandatory Alliance and in so doing provide strategic management, delivery of the region's water and sewerage major infrastructure needs, and implementation of Department of Water & Energy Best Practice Guidelines, including responsibility for pricing regulation.
3. Officers prepare the submission outlining the complex regulatory framework under which Council operates its Water Supply and Sewerage Services and recommends a more streamlined approach with clear accountabilities and responsibilities.

***FOR VOTE - Unanimous***

**O19 [CNR-OC] Acceptance of Grants Funding from NSW Government Environmental Trust**

**O 62 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that:-

1. Council accepts the following grants from the NSW Environmental Trust:
  - a. Indian Myna Trapping Program \$100,000 and
  - b. Riparian Vine Weed Mapping and Suppression Project \$100,000 and
3. All documentation be completed under the Common Seal of Council.

**FOR VOTE - Unanimous**

**O20 [CNR-OC] Application for Reduction of Water Consumption Charges - St Cuthbert's Anglican Church Tweed Heads**

**O 63 COMMITTEE DECISION:  
Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that Council abides by its Water Charging Policy - Defective Services dated 15 December 2004 and provides a 50% reduction in water consumption charges over and above the average usage to St Cuthbert's Anglican Church for the period 5 June to 15 November 2007 being a reduction of \$2,191.08.

**FOR VOTE - Unanimous**

**O21 [CNR-OC] Maritime Infrastructure Program 2007/08 – Offer of Financial Assistance for Installation of pontoons at Dry Dock Road Boat Ramp and Foysters Jetty**

**O 64 COMMITTEE DECISION:  
Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that:-

1. Council accepts the financial assistance from the NSW Maritime Authority's Maritime Infrastructure Program of up to \$25,500 for replacement of the floating pontoon at Foysters Jetty, Tweed Heads South and installation of a floating pontoon on the timber jetty adjacent to the Dry Dock Road Boat Ramp and votes the expenditure.
2. All documentation be completed under the Common Seal of Council.

**FOR VOTE - Unanimous**

**O22 [CNR-OC] Annual Licence Fees for Pontoons in Council Drainage Canals****O 65 COMMITTEE DECISION:**

**Administrator Boyd**  
**Administrator Payne**

**RECOMMENDED** that:-

Council includes the Annual Fee of \$200 for approved pontoons in Council Drainage Reserves (Canals) in the Draft 2008/2009 Fees and Charges for public comment.

**FOR VOTE - Unanimous**

**O23 [CNR-OC] Request for "In Kind" Support/Waive Fee****O 66 COMMITTEE DECISION:**

**Administrator Boyd**  
**Administrator Payne**

**RECOMMENDED** that Council:-

1. With reference to the request from Lions Club of Coolangatta and Tweed Heads Inc, Council approves the request for a waiver of fee for use of the South Tweed Community Hall on 24 and 25 May 2008 for the Lions Club Cabinet Meeting and that Council's support is recognised with the following acknowledgement "This programme has been supported by Tweed Shire Council".

**FOR VOTE - Unanimous**

**29 COUNCIL DECISION:**

**Administrator Boyd**  
**Administrator Payne**

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

**FOR VOTE - Unanimous**

**30 COUNCIL DECISION:**

**Administrator Boyd**  
**Administrator Payne**

**RESOLVED** that the recommendations of the Operations Committee held Tuesday, 11 March 2008 be adopted.

**FOR VOTE - Unanimous**

## **SCHEDULE OF OUTSTANDING RESOLUTIONS**

### **Schedule of Outstanding Resolutions**

**31 COUNCIL DECISION:**  
**Administrator Boyd**  
**Administrator Payne**

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

***FOR VOTE - Unanimous***

### **ADMINISTRATOR'S MINUTE**

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

**32 COUNCIL DECISION:**  
**Administrator Boyd**  
**Administrator Payne**

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

***FOR VOTE - Unanimous***

### **ORDINARY ITEMS FOR CONSIDERATION**

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

Nil.

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

Nil.

#### **REPORTS FROM THE DIRECTOR TECHNOLOGY & CORPORATE SERVICES**

Nil.

#### **REPORTS FROM THE DIRECTOR ENGINEERING & OPERATIONS**

Nil.

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**REPORTS FROM THE DIRECTOR COMMUNITY & NATURAL RESOURCES**

Nil.

**REPORTS FROM SUB-COMMITTEES/WORKING GROUPS**

- 1            **[SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 February 2008**

**33 COUNCIL DECISION:**  
**Administrator Boyd**  
**Administrator Payne**

**RESOLVED** that the:-

1. Minutes of the Aboriginal Advisory Committee Meeting held Friday, 1 February 2008 be received and noted; and
2. Director's recommendations be adopted as follows

**GB 4 NSW Aboriginal Rugby League Knockout**

*"That Council conveys its best wishes to the organisers of the NSW Aboriginal Rugby League Knockout competition in conducting the event and the matter of 'in kind' support be referred to the General Manager for action and report to Council if required."*

- 2            **[SUB-LTC] Minutes Local Traffic Committee Meeting held Thursday 14 February 2008**

**34 COUNCIL DECISION:**  
**Administrator Boyd**  
**Administrator Payne**

**RESOLVED** that the:-

1. Minutes of the Local Traffic Committee Meeting held Thursday, 14 February 2008 be received and noted; and
2. Director's recommendations be adopted as follows

**A. FORMAL ITEMS SECTION**

**DELEGATIONS FOR REGULATORY DEVICES**

**[A1 - LTC] Murwillumbah Cycle Club Road Race 2008**

As per the Committee's recommendation being:

*That the event be approved subject to relevant Police approval, Council's Standard Conditions and Roads & Traffic Authority of NSW Guidelines for Bicycle Road Races.*

**[A2 - LTC] Marine Parade, Kingscliff**

As per the Committee's recommendation being:

*That no action be taken.*

**[A3 - LTC] Stuart Street, Tweed Heads**

As per the Committee's recommendation being:

*That two spaces be sign posted as '¼ P' parking adjacent to the Ultima Development.*

**[A4 - LTC] Coronation Avenue, Pottsville**

As per the Committee's recommendation being:

*That no action take place as a 40kph shared zone is currently being considered for the CBD section of Coronation Drive.*

**[A5 - LTC] Kennedy Drive, Tweed Heads West**

As per the Committee's recommendation being:

*That "No Stopping" signs be installed in Kennedy Drive opposite Limosa Street.*

**[A6 - LTC] Brett Street, Tweed Heads**

As per the Committee's recommendation being:

*That no action be taken.*

**[A7 - LTC] Crescent Street, Cudgen**

As per the Committee's recommendation being:

*That no action be taken.*

**[A8 - LTC] Smiths Creek Road, Tunnel Road; Stokers Roads, Uki**

As per the Committee's recommendation being:

*That this matter be referred to the Police for enforcement as resources allow.*

**[A9 - LTC] Park Street, Tweed Heads**

As per the Committee's recommendation being:

*That no action be taken.*

**[A10 - LTC] Proposed Bicycle Races**

As per the Committee's recommendation being:

*That the event be approved subject to relevant Police approval, Council's Standard Conditions and Roads & Traffic Authority of NSW Guidelines for Bicycle Road Races.*

**C. CLASSIFIED ROADS SECTION**

**REGULATORY MATTERS**

**[C1 - LTC] Pacific Highway, Banora Point (Sexton Hill)**

As per the Committee's recommendation being:

*That the item be referred to the Roads & Traffic Authority of NSW for consideration.*

**[C2 - LTC] Tweed Valley Way and Station Street, Burringbar**

As per the Committee's recommendation being:

*That the matter be referred to NSW Police for speed enforcement.*

**[C3 - LTC] Numinbah Road, Kynnumboon**

As per the Committee's recommendation being:

*That a convex safety mirror be installed opposite the entry to 386 Numinbah Road subject to a satisfactory Road Safety Audit being completed and the owner being clearly informed of the limitations of convex mirrors.*

**3 [SUB-BSL] Minutes of the Beach Safety Liaison Committee Meeting held Tuesday 19 February 2008**

**35 COUNCIL DECISION:  
Administrator Boyd  
Administrator Payne**

**RESOLVED** that the:-

1. Minutes of the Beach Safety Liaison Committee Meeting held Tuesday, 19 February 2008 be received and noted; and
2. Director's recommendations be adopted as follows
  1. **SALT Surf Life Saving Patrol**  
That Council notes the Committee's concern of the reported proposal to reduce the level of service for Surf Life Saving at SALT.

***FOR VOTE - Unanimous***

**ORDERS OF THE DAY**

Nil.

**QUESTION TIME**

Nil.

**COMMITTEE OF THE WHOLE**

**36 COUNCIL DECISION:**

**Administrator Payne  
Administrator Boyd**

**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***

**CONFIDENTIAL ITEMS FOR CONSIDERATION**

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:-



**1 [CNR-CM] Acquisition of Land for Reservoir - Lot 16 in DP 869748 - Duranbah Road, Duranbah**

**REASON FOR CONFIDENTIALITY:**

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

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

**C6 COMMITTEE DECISION:**

**RECOMMENDED** that:-

1. Council approves the purchase by private treaty of Lot 16 in DP 869748 from Skyluxe Pty Ltd for the sum of \$1,350,000 (GST inclusive);
2. Lot 16 in DP 869748 be classified as operational land following the transfer of the land to Council;
3. The necessary funds for the purchase be voted from the Capital Contributions Reserves in the Water Fund; and
4. All documentation be executed under the Common Seal of Council.

***FOR VOTE - Unanimous***

**37 COUNCIL DECISION:**

**Administrator Boyd  
Administrator Payne**

**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 6.35pm



**Minutes of Meeting Confirmed by Council**  
**at Meeting held .....**

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**Chairman**

