



TWEED SHIRE COUNCIL

MINUTES

ORDINARY COUNCIL MEETING

Thursday 28 May 2009

Mayor: Cr J van Lieshout

**Councillors: Cr B Longland, Deputy Mayor
Cr D Holdom
Cr K Milne
Cr W Polglase
Cr K Skinner
Cr P Youngblutt**

COUNCIL'S CHARTER

Tweed Shire Council's charter comprises a set of principles that are to guide Council in the carrying out of its functions, in accordance with Section 8 of the Local Government Act, 1993.

Tweed Shire Council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
- to exercise community leadership;
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism;
- to promote and to provide and plan for the needs of children;
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- to have regard to the long term and cumulative effects of its decisions;
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government;
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants;
- to keep the local community and the State government (and through it, the wider community) informed about its activities;
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected;
- to be a responsible employer.

The Meeting commenced at 4.33pm.

IN ATTENDANCE

Cr Joan van Lieshout (Mayor), Cr Barry Longland (Deputy Mayor), Cr Dot Holdom, Cr Katie Milne, Cr Warren Polglase, Cr Kevin Skinner, Cr Phil Youngblutt

Also present were Mr Mike Rayner (General Manager), Mr Troy Green (Director Technology & Corporate Services), Mr Patrick Knight (Director Engineering & Operations), Mr Vince Connell (Director Planning & Regulation), Mr David Oxenham (Director Community & Natural Resources), Mr Neil Baldwin (Manager Corporate Governance/Public Officer) and Mrs Kerrie McConnell (Minutes Secretary).

ABORIGINAL STATEMENT

The Deputy Mayor 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 Mayor, Cr J van Leishout.

CONFIRMATION OF MINUTES

1 Minutes of the Ordinary and Confidential Council Meeting held Tuesday 21 April 2009

95

**Cr P Youngblutt
Cr D Holdom**

RESOLVED that the Minutes of the Ordinary and Confidential Council Meetings held Tuesday 21 April 2009 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

FOR VOTE - Unanimous

2 Minutes of the Extraordinary Council Meeting held Tuesday 5 May 2009

96

Cr P Youngblutt

Cr D Holdom

RESOLVED that the Minutes of the Extraordinary Council Meeting held Tuesday 5 May 2009 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Nil.

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

97

Cr D Holdom

Cr K Skinner

RESOLVED that Item P5 [PR-PC] Development Application DA05/0223.05 for an Amendment to Development Consent DA05/0223 for a Restaurant at Lot 1 DP 553728, No. 4 Wharf Street, Tweed Heads be moved from the Planning Committee to Confidential Council.

The Motion was **Carried**

FOR VOTE - Unanimous

PLANNING COMMITTEE

98

Cr D Holdom
Cr K Skinner

RESOLVED that Council resolves itself into the Planning Committee under the Chairmanship of Cr J van Leishout.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR PLANNING & REGULATION

P1 [PR-PC] Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards

P 61

Cr D Holdom
Cr W Polglase

RECOMMENDED that Council notes the April 2009 Variations to Development Standards under State Environmental Planning Policy No 1 - Development Standards.

The Motion was **Carried**

FOR VOTE - Unanimous

P2 [PR-PC] Development Application DA08/1265 for a Two Storey Dwelling at Lot 9 DP 627840, Clothiers Creek Road, Nunderi

P 62

Cr D Holdom

Cr P Youngblutt

RECOMMENDED that:-

1. Council assumes the concurrence of the Director-General of the Department of Planning for the approval of the State Environmental Planning Policy No. 1 objection to vary the 30 metre setback requirement.
2. Development Application DA08/1265 for a two storey dwelling at Lot 9 DP 627840, Clothiers Creek Road, Nunderi be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by conditions of this consent.
[GEN0015]
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
[GEN0115]
3. New construction is to comply with Appendix 3 – Site Bush Fire Attack Assessment of *Planning for Bush Fire Protection 2006*. In this regard the following design standards for construction are to be incorporated into the development:
New construction shall comply with Australian Standard AS3959-1999 'Construction of buildings in bushfire-prone areas' Level 2
4. Roofing shall be gutterless or have leafless guttering and valleys to prevent the build up of flammable material. Any materials used shall have a Flammability Index no greater than 5.
5. Screen-less door systems, including glazing and supporting framework shall be designed and constructed to withstand 19kW/m² of radiant heat flux to prevent the entry of embers into the building. Draught excluders, seals and door furniture shall be manufactured from materials having a flammability index no greater than 5 (with the exception of intumescent seals which are permissible) and ensure that there are no gaps >2.0mm in diameter when the door is closed.
6. Roller doors, tilt-a-doors and the like shall be sealed to prevent the entry of embers into the building.
7. At the commencement of building works the property around the building to a distance of 31 metres or the boundary if less, shall be maintained as

an inner protection area (IPA) as outlined within section 4.1.3 and appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document '*Standards for asset protection zones*'.

8. Water, electricity and gas are to comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*.
9. Where the rear or most distant part of the building is greater than 70 metres from the nearest hydrant, a new hydrant is required to be installed as per Australian Standard AS 2419.1– 2005 '*Fire Hydrant Installations*'. Locations of fire hydrants are to be delineated by blue pavement markers offset 150mm from the centre of the road. The direction of offset shall indicate on which side of the road the hydrant is located. Alternatively an onsite supply of 10,000 litres of water shall be provided with a minimum 3kW (5hp) petrol or diesel powered pump. If a tank is provided a 65mm storz fitting and ball or gate valve shall be installed in the tank. If the tank is in ground, it shall be fitted with a 200mm x 200mm child proof access hole. Fire fighting appliance must be able to gain access to within 5 metres of the water supply may be provided.
10. Property access roads shall comply with section 4.1.3 (2) of *Planning for Bush Fire Protection 2006*.

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

11. 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]

12. 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]

PRIOR TO COMMENCEMENT OF WORK

13. 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]
14. 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]
15. 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]

16. 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]

17. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.

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

[PCW0255]

18. 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]

19. 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]

DURING CONSTRUCTION

20. 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]

21. 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]

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

[DUR0245]

23. 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]

24. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0395]

25. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

[DUR0405]

26. It is the responsibility of the applicant to restrict public access to the 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]

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

[DUR0445]

28. 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.

[DUR0835]

29. 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]

30. 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]

31. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. All such materials should be chipped on site and used in landscaping unless it is not possible due to size, non suitability of the material or some other limitation, in which case the material will be disposed of at Council's Stotts Creek depot.

[DUR1015]

32. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.
[DUR1025]
33. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils adopted Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
[DUR1875]
34. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.
[DUR1945]
35. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.
[DUR2185]
36. 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]
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]
39. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
[DUR2515]
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40. 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]

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

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

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

[DUR2555]

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

[DUR2705]

43. The On-site Sewage Management System shall be installed in accordance with an Approval to Install an On-site Sewage Management System under Section 68 of the Local Government Act 1993.

[DUR2775]

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 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]

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
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identify that all commitment on the BASIX "Schedule of Commitments" have been complied with.

[POC0435]

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

[POC1035]

USE

48. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.

[USE0175]

49. 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]

50. The building is to be used for single dwelling purposes only.

[USE0505]

51. A roof catchment water supply source shall be provided for domestic purposes where a Council reticulated supply is unavailable. Any domestic water supply roof collection system is to be fitted with a first flush device. Minimum storage tank capacity shall reflect the dry seasonal periods experienced with the locality and shall be separate to any fire fighting requirements stipulated by the NSW Rural Fire Services.

[USENS01]

The Motion was **Carried**

FOR VOTE - Unanimous

P3 [PR-PC] Development Application DA09/0187 to Replace Existing Old Structure with General Workshed/Garage- Boat Storage Structure & SEPP 1 Objection to Building Setback at Lot 14 DP 729137, No. 797 Clothiers Creek Road, Clothiers Creek

P 63

**Cr W Polglase
Cr P Youngblutt**

RECOMMENDED that: -

- A. State Environmental Planning Policy No. 1 objection to Clause 22 of Tweed Local Environmental Plan 2000 regarding the building setback from a designated road be supported and the concurrence of the Director-General of the Department of Planning be assumed.
- B. Development Application DA09/0187 to replace an existing old structure with general workshed/garage – boat storage structure and SEPP1 objection to building setback at Lot 14 DP 729137 No. 797 Clothiers Creek Road, Clothiers Creek be approved subject to the following conditions: -

GENERAL

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

[GEN0015]

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

[GEN0115]

PRIOR TO COMMENCEMENT OF WORK

- 3. The erection of a building in accordance with a development consent must not be commenced until:
 - (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - (c) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and

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

[PCW0215]

4. 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]

5. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.

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

[PCW0255]

DURING CONSTRUCTION

6. 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]

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

[DUR0245]

8. 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]

9. 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]

10. 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]

11. 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]

12. 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]

13. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.

[DUR2185]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

14. 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]

USE

15. The building is not to be used for any habitable commercial or industrial purpose.

[USE0455]

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Milne

P4 [PR-PC] Development Application DA09/0037 for a Two Storey, and Part Three Storey Addition and Deck with Building Line Variation to Existing Dwelling at Lot 3 DP 211861, No. 53 Adelaide Street, Tweed Heads

The following person addressed the Planning Committee:-

Mr Henry (Ross) Kemp

P 64

Cr D Holdom
Cr K Milne

PROPOSED that: -

- A. State Environmental Planning Policy No. 1 objection to Clause 16 of Tweed Local Environmental Plan 2000 regarding the height of the building be supported and the concurrence of the Director-General of the Department of Planning be assumed.
- B. Development Application DA09/0037 for a two storey and part three storey addition existing dwelling at Lot 3 DP 211861, No. 53 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 Dem 01(B), Site (B), CC-01-01(B), CC-01-02(B), CC-02-01(B), CC-02-02(B), CC-02-03(B), prepared for D & M Collins and dated 21/08/08, and Plan Nos. SUN-01(4 sheets) prepared for D & M Collins and dated 21/12/08 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]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

4. The footings and floor slab are to be designed by a practising Structural Engineer after consideration of a soil report from a NATA accredited soil testing laboratory and shall be submitted to and approved by the

Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0945]

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

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]

6. Prior to the issue of a Construction Certificate the Principal Certifying Authority shall be provided with amended plans which identify the deck at the front of the dwelling observing a 6 metre building alignment.
7. Prior to the issue of a Construction Certificate a landscaping plan is to be submitted to and approved by Council. Such plan is to demonstrate a suitable vegetative screening of that section of the northern boundary adjacent to the proposed two storey addition.

PRIOR TO COMMENCEMENT OF WORK

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

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

[PCW0215]

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

[PCW0225]

10. 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]

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

[PCW0985]

12. 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

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

[DUR0005]

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

Monday to Friday from 8.00am to 5.00pm

Saturday from 8.00am to 4.00pm

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]

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

[DUR0245]

16. 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]

17. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0395]

18. 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]

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

[DUR0445]

20. 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]

21. 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]

22. 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]

23. The additional rainwater drains must be connected to the existing rainwater disposal system; to provide satisfactory stormwater disposal in accordance with Australian Standard AS/NZS3500.3.2.

[DUR2255]

24. 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]

25. 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]

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

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

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

[DUR2555]

27. The Principal Certifying Authority shall be provided with a certificate from a Registered Surveyor which states that the highest point of the roof of the additions is no higher than RL 110.5 m relative to the assumed bench
-

mark drill hole of RL 98.19 m at the south eastern corner of the allotment at frame stage prior to any lining being provided.

[POCNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

28. 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]

29. 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]

30. 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]

31. All landscaping adjacent to the northern boundary is to be completed in accordance with the landscaping plan approved by Council.

Motion 1 was **Lost**

FOR VOTE - Cr D Holdom, Cr W Polglase, Cr J van Lieshout

AGAINST VOTE - Cr P Youngblutt, Cr K Skinner, Cr B Longland, Cr K Milne

P 65

Cr K Milne

Cr B Longland

PROPOSED that this item be deferred.

Motion 2 was **Lost**

FOR VOTE - Cr D Holdom, Cr B Longland, Cr K Milne

AGAINST VOTE - Cr P Youngblutt, Cr K Skinner, Cr W Polglase, Cr J van Lieshout

P 66

Cr K Skinner

Cr P Youngblutt

RECOMMENDED that: -

- A. State Environmental Planning Policy No. 1 objection to Clause 16 of Tweed Local Environmental Plan 2000 regarding the height of the building be supported and the concurrence of the Director-General of the Department of Planning be assumed.

- B. Development Application DA09/0037 for a two storey and part three storey addition existing dwelling at Lot 3 DP 211861, No. 53 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 Dem 01(B), Site (B), CC-01-01(B), CC-01-02(B), CC-02-01(B), CC-02-02(B), CC-02-03(B), prepared for D & M Collins and dated 21/08/08, and Plan Nos. SUN-01(4 sheets) prepared for D & M Collins and dated 21/12/08 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]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

[PCC0945]

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

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

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]

6. Prior to the issue of a Construction Certificate the Principal Certifying Authority shall be provided with amended plans which identify the deck at the front of the dwelling observing a 6 metre building alignment.
7. Prior to the issue of a Construction Certificate a landscaping plan is to be submitted to and approved by Council. Such plan is to demonstrate a

suitable vegetative screening of that section of the northern boundary adjacent to the proposed two storey addition.

PRIOR TO COMMENCEMENT OF WORK

8. The erection of a building in accordance with a development consent must not be commenced until:
- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - (c) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.
- [PCW0215]*
9. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

[PCW0225]

10. 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]

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

[PCW0985]

12. 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

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

[DUR0005]

14. 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]

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

[DUR0245]

16. 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]

17. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0395]

18. 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]

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

[DUR0445]

20. 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]

21. 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]

22. 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]

23. The additional rainwater drains must be connected to the existing rainwater disposal system; to provide satisfactory stormwater disposal in accordance with Australian Standard AS/NZS3500.3.2.

[DUR2255]

24. 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]

25. 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]

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

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

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

[DUR2555]

27. The Principal Certifying Authority shall be provided with a certificate from a Registered Surveyor which states that the highest point of the roof of the additions is no higher than RL 110.5 m relative to the assumed bench mark drill hole of RL 98.19 m at the south eastern corner of the allotment at frame stage prior to any lining being provided.

[POCNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

28. 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]

29. 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]

30. 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]

31. All landscaping adjacent to the northern boundary is to be completed in accordance with the landscaping plan approved by Council.

Motion 3 was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr W Polglase, Cr J van Lieshout

AGAINST VOTE - Cr B Longland, Cr K Milne

ADJOURNMENT OF MEETING

Adjournment for Community Access at 5.55pm.

Adjournment for Dinner at 6.50pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.30pm.

- P5 [PR-PC] Development Application DA05/0223.05 for an Amendment to Development Consent DA05/0223 for a Restaurant at Lot 1 DP 553728, No. 4 Wharf Street, Tweed Heads**

This item was moved from the Planning Agenda to Confidential (refer Minute No. 97).

Confidential Nature of this Item: The Local Government Act 1993 Clause 10A(2)

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

The following person addressed the Planning Committee:

Mr Adrian Wright

- P6 [PR-PC] Development Application DA08/1254 for Relocation of Existing Rural Workers Dwelling to a New Location on the Same Site at Lot 1 DP 1110417, No. 489 Duranbah Road, Duranbah**

P 67

Cr W Polglase

Cr D Holdom

RECOMMENDED that: -

- A. State Environmental Planning Policy No. 1 objection to Clause 18(3) of Tweed Local Environmental Plan 2000 regarding the erection of a rural workers dwelling on an allotment of land having less than 10 hectares in Zone 1(b1) be supported and the concurrence of the Director-General of the Department of Planning be assumed.
-

- B. Development Application DA08/1254 for a relocation of existing rural workers dwelling to a new location on the same site at Lot 1 DP 1110417, No. 489 Duranbah Road Duranbah 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 DA00-DA11 prepared by Barefoot Sustainable Design and dated 12/12/2008, 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]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

3. 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]

4. Prior to the issue of a construction certificate the applicant is required to lodge an application to install/operate an onsite sewerage management system under Section 68 of the Local Government Act 1993, pay the appropriate fee and be issued with an approval.

[PCC1285]

PRIOR TO COMMENCEMENT OF WORK

5. The erection of a building in accordance with a development consent must not be commenced until:
- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - (c) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and

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

[PCW0215]

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

[PCW0225]

7. 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]

-
8. 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]

9. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.

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

[PCW0255]

DURING CONSTRUCTION

10. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

[DUR0375]

11. 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]

12. 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]

13. 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]

14. 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]

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

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

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

[DUR2555]

15A. 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.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

16. 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]

17. 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]

18. 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]

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

[POC1035]

USE

20. 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 and odours or the like.

[USE0125]

21. 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]

22. The dwelling is to be occupied only by a person engaged in agricultural pursuits on the property.

[USE0425]

23. In the event that untreated or untested water is supplied a warning sign shall be displayed at all fixtures. Such signs shall state the source of raw water and method of treatment, if any.

[USENS01]

24. The water supplied for human consumption must comply with the NSW HEALTH *Private Water Supply Guidelines* and the *Australian Drinking Water Guidelines* published in 2004 by the National Health and Medical Research Council.

[USENS02]

25. A Drinking Water Management Plan shall be compiled & implemented and made available on-site as a reference document.

[USENS03]

26. Prior to the commencement of operations the operator of the rural workers dwelling shall be registered with Tweed Shire Council's Public Health Register for Private Water Supplies and pay the associated fee.

[USENS04]

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Milne

P7 [PR-PC] Development Application DA08/1202 for a Saddlery at Lot 2 SP 79933, No. 2/11 Buchanan Street, South Murwillumbah

P 68

Cr W Polglase
Cr P Youngblutt

RECOMMENDED that Development Application DA08/1202 for a saddlery at Lot 2 SP 79933, No. 2/11 Buchanan Street, South Murwillumbah be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan 1 unauthored and dated 6/3/09, except where varied by the conditions of this consent.
[GEN0005]
2. Advertising structures/signs to be the subject of a separate development application (where statutorily required).
[GEN0065]
3. To enable the loading of bulky goods the roller door at the front of the premises shall not be blocked.
[GENNS02]
4. Hours of operation of the business are restricted to the following hours:-
 - * 8am to 5pm - Mondays to Fridays
 - * 8am to 5pm - Saturdays
 - * 8 am to 12pm Sundays and Public Holidays
 - * All deliveries and pickups relating to the business are to occur within the approved hours
[USE0185]

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr K Skinner, Cr B Longland, Cr K Milne, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr D Holdom

P8 [PR-PC] Development Application DA08/1171 for an Addition of a Deck to Existing Surf Life Saving Club at Lot 7010 DP 1055324; Lot 2 DP 1083851 Pandanus Parade, Cabarita Beach

The following person addressed the Planning Committee:

Mr Des Anderson

P 69

Cr W Polglase

Cr D Holdom

RECOMMENDED that: -

- A. Council assumes the concurrence of the Director-General of the Department of Planning for the variation of the development standard for shadow contained in Clause 32(B) of the North Coast Regional Environmental Plan.
- B. Development Application DA08/1171 for an addition of a deck to the existing Surf Life Saving Club at Lot 7010 DP 1055324; Lot 2 DP 1083851, Pandanus Parade, Cabarita Beach be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plans-
 - Site Plan. Job No. CABA0001. ML Design dated 19/06/2008.
 - Ground Floor Plan Deck Addition. Job NO. CABA0001. ML Design dated 12/06/2008.
 - Elevations. Job No. CABA0001. ML Design dated 12/06/2008.Except where varied by the conditions of this consent.

[GEN0005]

2. Adequate privacy screening shall be provided to the south and western facade of the building and deck to protect privacy of adjacent units.

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

3. 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:

4.935 Trips @ \$930 \$4,590

S94 Plan No. 4

Sector7_4

Heavy Haulage Component

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

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

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

(b) Shirewide Car Parking

10 space/s @ \$13619 \$136,190

S94 Plan No. 23

[PCC0215/PSC0175]

4. 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:	0.564 ET @ \$10346.9	\$5,835.70
Sewer Hastings Point:	0.846 ET @ \$4972.1	\$4,206.40

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]

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

[PCC0285]

6. Prior to the issue of a construction certificate the applicant is to provide structural engineering details of the proposed footing design for the deck. Footings must be of a sacrificial nature and incorporate engineering designs to accompany the load. The proposed footings must be approved by the General Manager or his delegate.
7. Prior to the issue of a construction certificate an operational strategy for the deck must be submitted and approved by Council's General Manager or his delegate. The Operational Strategy must outline the stage at which the deck will finish being utilised and measures to be undertaken for removal of the deck.
8. Applicant to apply for license from the Crown to authorise construction of the proposal on Crown Lands.

[PCCNS01]

9. The applicant shall pay contributions for 10 car parking spaces in accordance with section 94 plan number 23 - Off-Site Parking.

[PCCNS02]

10. Prior to commencement of construction the applicant shall provide evidence to the Director of Planning and Regulation that the lease agreements for the use of the air space over the road reserve and Crown Reserve 1001008 have been finalised.

[PCCNS03]

PRIOR TO COMMENCEMENT OF WORK

11. The erection of a building in accordance with a development consent must not be commenced until:
- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - (c) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - (d) the person having the benefit of the development consent, if not carrying out the work as an owner-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]*
12. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.
- [PCW0225]*
13. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
-

(c) stating that unauthorised entry to the site is prohibited.

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

[PCW0255]

DURING CONSTRUCTION

14. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

[DUR0375]

15. 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]

16. 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]

17. 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]

17A. 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.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

18. 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]

19. On completion of work a certificate signed by a practising structural engineer is to be submitted to the Principal Certifying Authority to certify the structural adequacy of the structure.

[POC0805]

-
- C. Refuses the application to waive section 94 and section 64 contributions as well as any cash in lieu requirements for on-site car parking.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

P9 [PR-PC] Development Application DA08/1080 for an Attached Dual Occupancy at Lot 17 Section 16 DP 758571, No. 9 Yao Street, Kingscliff

P 70

**Cr W Polglase
Cr P Youngblutt**

RECOMMENDED that: -

- A. State Environmental Planning Policy No. 1 objection to Clause 51A of the Tweed Local Environmental Plan 2000 regarding dwelling densities in the 2(a) zone be supported and the concurrence of the Director-General of the Department of Planning be assumed, and
- B. Development Application DA08/1080 for an attached dual occupancy at Lot 17 Section 16 DP 758571, No. 9 Yao Street Kingscliff 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 833-S02 and 833-P01 prepared by Storm Consulting and dated October 2008, except where varied by the conditions of this consent.

This plan is relevant for the driveway and associated downstream stormwater works. Upstream internal stormwater works have been superseded by Parameter Designs Plan No. 1062K dated 18 March 2009.

[GEN0005]

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

[GEN0135]

3. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on the road reserve or footpath for the "dining blister" for dining purposes. Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

[GEN0245]

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

[GEN0115]

5. All water sensitive design facilities designated in the approved Water Management Plan (WMP) shall be installed in accordance with relevant standards and specifications. The landholder shall operate and maintain in perpetuity all water sensitive design facilities designated in the WMP. This includes retaining in perpetuity the minimum permeable site area and deep planting areas for natural infiltration of stormwater, as specified by Tweed Shire Council Development Control Part A1.

[GEN0175]

6. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.

[GEN0265]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

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]

8. 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]

9. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form, be accompanied by the required attachments and prescribed fee.

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

[PCC0075]

10. Permanent stormwater quality treatment shall be provided in accordance with the following:
 - (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 – Stormwater Quality*.
 - (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 – Stormwater Quality*.
 - (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management. Typical water sensitive features include infiltration, maximising permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.
 - (d) Specific Requirements to be detailed within the Construction certificate application include:
 - (i) Shake down area along the haul route immediately before the intersection with the road reserve.

[PCC1105]

11. Prior to the issue of a Construction Certificate, the applicant shall prepare a front return fence design which is consistent with the Tweed Development Control Plan.

[PCCNS01]

12. A detailed landscape plan shall be prepared by a landscape architect or landscape consultant to a standard acceptable to the General Manager or delegate. The plan shall include the following documentation - .
 - (a) A site plan (at 1:100 to 1:1000 scale) showing the existing features, including north point, access road and an outline of buildings indicating doors and windows and extent of carparking. Any trees to remain in the vicinity are to be located to scale and identified by botanical and common names.
 - (b) Proposed and existing site services with potential to impact on landscape space, including water, gas, electricity, sewer, stormwater, etc.
 - (c) Easements on or adjacent to the site.
 - (d) View lines to and from the development and details of pedestrian access and circulation areas within and around the development, including retaining walls, seating, fences, gates, decorative features etc.

- (e) Additional survey plan showing the location, canopy spread, trunk diameter, height and names of those existing tree/s and significant tree/s adjacent to the site likely to be affected by the development. The plan shall also include the existing ground levels at the base of the trunk of the tree/s as well as at the drip lines of the tree/s.
- (f) Existing and proposed ground levels (shown as spot heights and/or contours over the site and direction and degree of slope) indicating the site boundaries, and the base of the trees proposed to be planted or that are to be retained (if applicable).
- (g) Sectional elevations through the site showing the existing and proposed ground lines, building elevations and proposed plantings.
- (h) Construction details of planter boxes (including width and depth), paving, edging, fencing, screening, panels and other hard landscape components. As far as possible deep root zones must be provided for large trees and paving is to be porous. Paving works within 2m of the trunk of the large trees shall be constructed in such a way as to ensure the existing moisture infiltration and gaseous exchange to the tree root system is maintained.
- (i) Planting details for the preparation and planting of tube and potted plants, super-advanced plants, bare-rooted stock and any other planting.
- (j) A detailed plant schedule and plan at a scale of 1:100 to 1:1000 indicating the location of all proposed planting and any existing vegetation to be retained on and adjacent to the site. The plan is to include a detailed plant schedule which shall include;
 - species listed by botanical and common names, with the majority of plants constituting local native species;
 - expected mature size of the species at the site, taking in to consideration site specific parameters;
 - specific location, planting densities and quantities of each species; pot sizes; the estimated sizes of the plants at maturity, and proposed staking methods, if applicable.
 - maintenance methods including the use of drip irrigation and mulching or groundcovers to reduce bare soils areas and including a maintenance schedule for a minimum period of one year after completion of landscaping on site.

[PCCNS02]

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

-
14. Design detail shall be provided to address the flood compatibility of the proposed structure including the following specific matters:
- (a) Design flood level of RL 3.3m AHD.
 - (b) The minimum habitable floor level for the building is RL 3.8m AHD.
 - (c) All building materials used below Council's design flood level must not be susceptible to water damage.
 - (d) Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should to suitably treated to withstand continuous submergence in water.
 - (e) Define adequate provision for the flood free storage for goods and equipment susceptible to water damage.
15. 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) Driveway Access
- [PCC0895]
16. 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]
17. Medium density/integrated developments will be required to provide a single bulk water service at the road frontage. Individual metering beyond this point shall be managed by occupants. Application for the bulk metre shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.
- Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act, 2000 to be certified by an Accredited Certifier.
- [PCC1185]
18. An application shall be lodged and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage or drainage works prior to the issue of a construction certificate.

[PCC1195]

PRIOR TO COMMENCEMENT OF WORK

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

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]

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

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

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

[PCW0255]

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

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

[PCW0245]

22. 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]

23. 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]

24. 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]

25. 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]

26. 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]

27. Prior to the commencement of works sedimentation and erosion control measures shall be placed and maintained to the satisfaction of the General Manager or his delegate.

[PCWNS01]

28. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of fill nature of material, proposed use of material and confirmation further blending, crushing or processing is not to be undertaken shall be submitted to the satisfaction of the General Manager or his delegate.

Once the approved haul route has been identified, payment of the Heavy Haulage Contribution calculated in accordance with Section 94 Plan No 4 will be required prior to commencement of works.

[PCW0375]

29. Prior to start of building works provide a certificate of adequacy of design, signed by a practising Structural Engineer on the proposed retaining wall. 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]

DURING CONSTRUCTION

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

[DUR1875]

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

[DUR0815]

32. 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]

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

[DUR2505]

34. 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]

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

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

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

[DUR2555]

36. 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]

37. The structure is to be sited at least one metre horizontally clear of sewer main on site. All footings and slabs within the area of influence of the sewer main are to be designed by a practising Structural Engineer. The engineer is to submit a certification to the Principal Certifying Authority that the design of such footings and slabs will ensure that all building loads will be transferred to the foundation material and will not effect or be affected by the sewer main.

[DUR2645]

38. 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]

39. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.

[DUR1025]

40. A certificate is to be submitted by a Registered Surveyor certifying that all habitable floor areas are constructed above RL 3.8m AHD, and certifying the actual finished level of the total site. Certification of those levels by a registered surveyor must be submitted to the Principal Certifying Authority prior to proceedings past floor level to ensure that the floor is above flood level.

[DUR1365]

41. The habitable floor area of the building is to be at a level not less than RL 3.8m AHD.

[DUR1435]

42. 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]
43. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.
[DUR0395]
44. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.
[DUR0405]
45. It is the responsibility of the applicant to restrict public access to the 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]
46. The finished floor level of the building should finish not less than 225mm above finished ground level.
[DUR0445]
47. 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]
48. 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.
LAeq 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.
LAeq 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]
49. 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]

50. 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]

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

[DUR2195]

52. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary.

[DUR2205]

53. 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]

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

[DUR2435]

55. 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]

56. 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]

57. Should any items of cultural significance be discovered all site works shall cease immediately and the item/s be reported to the Department of Environment and Climate Change and Tweed Shire Council. Site works shall not recommence without prior written authorisation from Tweed Shire Council.

[DURNS01]

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

[DUR0005]

59. 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]

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

[DUR0995]

61. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.

[DUR1905]

62. 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]

63. All retaining walls in excess of 1metre 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/Subdivision Certificate.

[DUR1955]

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

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

[DUR2655]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

65. 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]

66. 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]

67. 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]

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

[POC0205]

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

[POC1055]

70. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:

- (a) Easements for sewer, water supply and drainage over ALL public services/infrastructure on private property.
- (b) An Easement to Drain Sewerage 3m wide, over the existing 150 mm diameter sewerage main within Lot 17, benefiting Council.

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of

carriageway/easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

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

Privately owned infrastructure on community land may be subject to the creation of statutory restrictions, easements etc in accordance with the Community Land Development Act, Strata Titles Act, Conveyancing Act, or other applicable legislation.

[POCNS01]

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

[POC0475]

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

[POC0005]

73. 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]

74. 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]

75. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council. Written approval from Councils General Manager or his delegate must be issued prior to the issue of an Occupation Certificate.

[POC0865]

USE

76. 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 and odours or the like.

[USE0125]

77. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.

[USE0225]

78. 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]

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

[USE0965]

80. General plant, air conditioning units, heat pump water systems and the like shall be located and installed so as not to be heard in a habitable room of another residence during restricted hours nor where it would create offensive noise as defined within the *NSW Protection of the Environment Operations (Noise Control) Regulation 2008*.

[USENS01]

81. Water stored within the underground water storage tanks shall not be utilised as potable water.

[USENS02]

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Milne

P10 [PR-PC] Development Application DA09/0123 for the Use of Pool for Swimming Lessons at Lot 44 DP 24583, No. 26 Tweed Street, Murwillumbah

The following person/s addressed the Planning Committee:

Ms Christine Lowen
Mrs Carmel Waugh
Mr Neville O'Connor

P 71

Cr P Youngblutt
Cr D Holdom

RECOMMENDED that Development Application DA09/0123 for the use of pool for swimming lessons at Lot 44 DP 24583, No. 26 Tweed Street Murwillumbah be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan -
 - Site Plan for N & D O'Connor of Lot 44 in DP 24583. Dated 10/3/2009. Unauthored.

Except where varied by the conditions of this consent.

[GEN0005]

2. (a) All openings to the pool area from the house and adjacent rumpus room must be adjusted to be 'child safe', meaning the installation of non-climbable doors latched at 1500mm above floor level and secured windows opening to the pool area to prevent access.
- b) All side fencing adjacent to the pool filter shall be adjusted to be non-climbable in accordance with Australian Standard 1926 (AS1926).
- c) The lattice gate from the garage is to be adjusted to be self-closing and self latching at 1500mm above floor level.
- d) As an alternative to point a) above, the pool must be isolated from the dwelling and rumpus building by installation of a separate pool fence complying with AS1926.

[GENNS01]

3. This consent lapses two years after the date on this consent and all operations must cease prior to the consent lapsing.

[GENNS02]

4. 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.

[DUR1005]

USE

5. 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 and odours or the like.

[USE0125]

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

- * 8.00am to 11.00am and 2.00pm to 4pm Mondays to Fridays only
- * No operations are to be carried out on Saturdays, Sundays or Public Holidays

[USE0185]

7. 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]

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

[USE0965]

9. The premises shall be operated in accordance with the *Public Health (Swimming Pools and Spa Pools) Regulation 2000*.

[USE0985]

10. Swimming Pools (Building)

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

future effectiveness of the security fencing. (Section 7 Swimming Pool Act 1992).

- (b) The resuscitation poster must be permanently displayed in close proximity to the swimming pool. (Section 17 Swimming Pool Act 1992).
 - (c) Warning notices required under Part 3 of the Swimming Pool Regulations 2008 shall be maintained at all times.
- [USE1295]
11. All activities shall be managed and controlled so as to prevent the emission of intrusive or 'offensive' noise. Noise shall not be audible within any residential building.
- [USENS01]
12. The swimming lessons shall not be conducted by any person other than a resident of 26 Tweed Street, Murwillumbah. Children shall be under direct supervision of the swimming instructor at all times.
- [USENS02]
13. There are to be a maximum of two children taught at any time and the parents of those children must be present at all times. A toilet and hand basin shall be made available to students and parents at all times.
- [USENS03]
14. Should the General Manager or his delegate deem noise levels to be 'offensive' or intrusive, swimming lessons shall cease until such time as management measures have been adequately implemented to prevent the emission of 'offensive' noise to the satisfaction of the General Manager or his delegate.
- [USENS04]
15. Activities shall generally comply with the NSW Health Public Swimming Pool and Spa Pool Guidelines, June 1996 to the satisfaction of the General Manager or his delegate, particularly in relation to bacteriological and chemical water quality standards, water treatment, water quality testing, general hygiene and record keeping.
- [USENS05]
16. The applicant must provide the General Manager with evidence indicating that current and relevant first aid and / or CPR certificates are held by the operator and liability insurance is in place. This evidence shall be provided two weeks after the date of this consent.
17. Swimming lessons cannot proceed until all conditions have been complied with, inspected and signed off by a Council officer that compliance has been met.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr W Polglase, Cr J van Lieshout

AGAINST VOTE - Cr B Longland, Cr K Milne

P11 [PR-PC] Major Project Application for Casuarina Town Centre Concept Plan and Project Application - Council's Final Comments, Land Ownership and Easement Issues

The following person/s addressed the Planning Committee:-

Mr Andrew Robinson
Mr Sochacki
Ms Tania Murdock
Mr Rob Bryant

COMMITTEE DECISION:

P 72

**Cr D Holdom
Cr P Youngblutt**

RECOMMENDED that Standing Orders be suspended to deal with legal advice associated with Item P11 of the Planning Agenda in Confidential session.

The Motion was **Carried**

FOR VOTE - Unanimous

P 73

**Cr P Youngblutt
Cr D Holdom**

RECOMMENDED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE - Unanimous

P 74

**Cr K Skinner
Cr P Youngblutt**

RECOMMENDED that Council:

- (a) Subject to (b), (c) and (d) below and the proponent agreeing to change the concept plan to:
- i. Widening the east/west open space reserve on the northeast of the Town Centre site from 15 to 20m and lengthen it to reach Casuarina Way
 - ii. provide a 15m wide easement, optimise the alignment, optimise separation of vehicular traffic and provide landscaping satisfactory to Council for the balance of the walkway/cycleway commencing in the reserve referred to in (i) above and extending to lot 10 DP1014470D and

- iii. extend the beach esplanade road in accordance with the *Kings Beach Development Plan*.

Council grant owners consent relating to lots 10 and 13 DP1014470, the easement/right of carriageway benefiting Council over lot 223 DP104849 and Dianella Drive for the purpose only of permitting the application to proceed to determination by the Department.

- (a) Consent does not include owner's consent to enter upon Council's land to carry out works
- (b) Consent does not include Council's consent to relinquish its benefits relating to easements and right of way on lot 223 DP104849.
- (c) The matters referred to in (a) and (b) above would be the subject of further negotiations with the proponent, in the event that the Pt 3A application is successful. Negotiations would include monetary compensation to Council relating to these transactions.
- (d) The Director of Planning and Regulations forward appropriate conditions to the Department of Planning for consideration in the Part 3A determination.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr K Skinner, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr D Holdom, Cr B Longland, Cr K Milne

P12 [PR-PC] Development Application DA07/0705 for the Demolition of the Existing Club and the Construction of a New Club to be used as a Place of Public Entertainment, Refreshment Rooms, Advertising Sign, Associated Car Park & Earthworks at Lot 1 DP 1088100,

P 75

Cr D Holdom
Cr K Skinner

RECOMMENDED that Development Application DA07/0705 for the demolition of the existing club and construction of a new club to be used as a place of public entertainment and refreshment rooms, advertising sign, associated car park and earthworks at Lot 1 DP 1088100, No. 260 Fraser Drive Banora Point be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and

Plan Number	Prepared by	Dated
SK-01 M	Bayden Goddard Design Architects	24.09.07
SK-06 D	Bayden Goddard Design Architects	14.12.06

Plan Number	Prepared by	Dated
SK-07 F	Bayden Goddard Design Architects	19.01.09
SK-08 B	Bayden Goddard Design Architects	15.01.07
SK-09 B	Bayden Goddard Design Architects	15.01.07
SK-10 A	Bayden Goddard Design Architects	26. 10.06
SK-11 A	Bayden Goddard Design Architects	26. 10.06
SK-12 A	Bayden Goddard Design Architects	27.06.07

except where varied by the conditions of this consent.

[GEN0005]

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

All signage lighting is to be turned on only during the approved operating hours and turned off after the approved operating hours.

The message contained within the electronic display board is to change instantaneously and remain static for at least 5 minutes (conveying products and pricing). Colour changes, flashing and movement of, or within the sign are otherwise not permitted.

The sign shall not illuminate the words 'stop', 'turn' or any other such words which could be perceived as directing motorists.

The glare and reflectiveness of the sign shall be limited to a reasonable level so as to not cause nuisance to adjoining residents or passing motorists.

[GEN0075]

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

[GEN0115]

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

[GEN0135]

5. Prior to commencement of work, a construction certificate shall be obtained for the works proposed by this consent.

[GEN0185]

6. Council advises that the land is subject to inundation in a 1 in 100 year event to the Design Flood Level of 2.6m AHD. Development of the site is subject to the provisions of Council's Consolidated DCP Section A3 *Development of Flood Liable Land*.

[GEN0195]

-
7. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.

[GEN0265]

8. Stormwater management shall be in general accordance with the Stormwater Management Plan prepared by Cozen Regan Williams Prove dated 30/01/09, except where varied by the conditions of this consent.

Surface levels for the proposed entrance off Fraser Drive and the proposed minor works within neighbouring Lot 7 DP 1082139 shall be in general accordance with Drawing Sk 6 Issue B prepared by Cozen Regan Williams Prove dated 02/09.

Final surface levels within neighbouring Lot 7 DP 1082139 shall be in general accordance drawing RC04006/01 Issue A prepared by Tweed Shire Council dated 03.2005

[GENNS02]

9. The existing concrete footpath along the frontage of the subject site to Fraser Drive and Leisure Drive is to remain.

[GENNS04]

10. The upgrade of the neighbouring car park within Lot 7 DP 1082139 shall be in general accordance with drawing RC04006/01 Issue A and RC04006/02 Issue A prepared by Tweed Shire Council dated 03.2005.

The earthworks associated with this upgrade shall be undertaken by either the Contractor or Tweed Shire Council at Tweed Shire Council's expense.

Re-sealing and re-linemarking of the upgraded neighbouring car park within Lot 7 DP 1082139 shall be at the Developer's expense.

[GENNS05]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

11. The applicant shall provide 103 parking spaces on site, of which three shall be car parking spaces for the disabled in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code. The applicant shall also provide an additional 23 car spaces within Council's northern adjacent lot (Lot 7 on DP1082139).

Ten (10) bicycle spaces are to be provided on site.

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

[PCC0065]

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.

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:

631.2 Trips @ \$912 \$575,654

S94 Plan No. 4

Sector2_4

Heavy Haulage Component

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

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

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

[PCC0215/PSC0175]

13. Section 94 Contributions

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

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

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 5 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:

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

and:

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

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

$\text{\$Unit}$ the unit cost attributed to maintaining a road as set out in Section 7.2 (currently 5.4c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.6

[PCC0225/PSC0185]

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

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

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

Water DSP4:	6.426 ET @ \$10346.9	\$66,489.20
Sewer Banora:	10.506 ET @ \$4972.1	\$52,236.90

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

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

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

[PCC0265/PSC0165]

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

[PCC0465]

16. All earthworks shall be graded at a minimum of 1% so that the site 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 runoff or ponding occurring within neighbouring properties.

A plan of proposed drainage is to be submitted and approved by the PCA prior to the issue of a construction certificate.

Any proposed fill and cut batters and retaining walls shall be contained wholly within the subject land, excluding the approved minor filling with neighbouring Lot 7 DP 1082139. 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. Design detail shall be provided with the Construction Certificate application to address the flood compatibility of the proposed structure including the following specific matters:

- (a) All building materials used below Council's design flood level must not be susceptible to water damage.
- (b) Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should to suitably treated to withstand continuous submergence in water and provide appropriate earth leakage devices.
- (c) Define adequate provision for the flood free storage for goods and equipment susceptible to water damage.

[PCC0705]

19. Construction Certificate design detail shall confirm the area below Council's Design Flood Level is not totally enclosed. The enclosure of the basement car park shall be limited to the extent shown on "Basement Floor Plan SK-01 J prepared by Bayden Goddard Design Architects and dated 12.02.07.

[PCC0715]

20. 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 complying access off Fraser Drive and Leisure Drive in accordance with Section A2 – “*Site Access and Parking Code*” of Council’s consolidated Tweed Development Control Plan and Council’s “*Driveway Access to Property – Part 1*” Design Specification.

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]

21. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all retaining walls/footings/ structures etc taking into consideration the zone of influence on the sewer main or other underground infrastructure and include a certificate of sufficiency of design prior to the determination of a construction certificate.

[PCC0935]

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

[PCC0945]

23. 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:
- (e) Shake down area shall be installed within the property, immediately prior to any vehicle entering or exiting the site prior to any earthworks being undertaken.
- (f) Runoff from all hardstand areas, (including car parking and hardstand landscaping areas and excluding roof areas) must be treated to remove oil and sediment contaminants prior to discharge to the public realm. All permanent stormwater treatment devices must be sized according to Council's Development Design Specification D7 – *Stormwater Quality*, Section D7.12. Engineering details of the proposed devices, including maintenance schedules, shall be submitted with a s68 Stormwater Application for approval prior to issue of a Construction Certificate.
- (g) Roof water does not require treatment, and should be discharged downstream of treatment devices, or the treatment devices must be sized accordingly.
- [PCC1105]
24. All roof waters are to be disposed of through properly jointed pipes to the street gutter, inter-allotment drainage, or elsewhere if so directed in the conditions of consent. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZ3500.3.2. Note: A detailed stormwater and drainage plan is to be submitted to and approved by the PCA prior to commencement of building works.
- [PCC1115]
25. 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]
26. 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]

27. Prior to the issue of a Construction Certificate, applications shall be lodged and approved by Tweed Shire Council under Section 68 of the Local Government Act for any of the following works including (but not limited to);
- (a) water,
 - (b) sewerage, including;
 - an application to operate an onsite sewerage management system.
 - (c) drainage works, including;
 - the connection of a private stormwater drain to a public stormwater drain,
 - the installation of stormwater quality control devices,
 - erosion and sediment control works.

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 Construction Certificate application, to enable one single approval to be issued. Separate approval under section 68 of the LG Act will then NOT be required.

[PCC1195]

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

[PCC1235]

29. Complete details of the fit out and construction of all food handling and preparation areas are to be submitted for consideration and approval by Council's Environmental Health Officer prior to the issue of the Construction Certificate. The fit out and construction of all food handling and preparation areas shall comply with the provisions of AS 4674 Design, Construction and fitout of Food Premises and Food Safety Standards

[PCCNS01]

30. Prior to the issue of a Construction Certificate, documentation shall be submitted to Council for approval, confirming that adequate fire pressure and flow are achieved.

[PCCNS02]

31. An amended plan demonstrating;
- a coach parking space can be provided at the entry of the building, and
 - that the ramp and drop off area (coach parking space) is wide enough for a vehicle to pass a parked coach;
 - and satisfactory coach access into and through the site;
- shall be submitted to and approved by Council prior to the issuing of a Construction Certificate.

[PCCNS04]

32. Submission of a Development Application(s) for the first use of each refreshment rooms to Council and is to be approved by Council prior to their use or occupation. Detailed floor and fit-out plans for the proposed refreshment room areas shall be submitted to Council to ensure that the front and back of house floor areas as nominated on plan no. SK-07 F by Bayden Goddard Design Architects is adhered to.

[PCCNS05]

PRIOR TO COMMENCEMENT OF WORK

33. 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]

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

[PCW0125]

35. 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]

36. 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]

37. 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]

38. 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]

39. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of fill nature of material, proposed use of material and confirmation further blending, crushing or processing is not to be undertaken shall be submitted to the satisfaction of the General Manager or his delegate.

Once the approved haul route has been identified, payment of the Heavy Haulage Contribution calculated in accordance with Section 94 Plan No 4 will be required prior to commencement of works.

[PCW0375]

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

[PCW0955]

41. 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]

42. 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]

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

[PCW1075]

44. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.

[PCW1085]

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

[PCW1095]

DURING CONSTRUCTION

46. All proposed works are to be carried out in accordance with the conditions of development consent, approved management plans, approved Construction Certificate, drawings and specifications.

[DUR0005]

47. 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]

48. 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]

49. All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded to the satisfaction of Council's General Manager or his delegate so as to prevent the emission of offensive noise as a result of their operation.

[DUR0225]

50. All waters pumped from the site in the dewatering process are to be treated with an effective deodoriser to the satisfaction of Council's General Manager or his delegate to neutralise any offensive odours. The point of discharge shall be approved by Council's General Manager or his delegate prior to installation and shall include a water sampling outlet.

[DUR0235]

51. Pumps used for dewatering operations are to be electrically operated. Diesel pumps are not to be used unless otherwise approved by the Tweed Shire Council General Manager or his delegate.

[DUR0255]

52. 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]

53. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:

- (a) A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.
- (b) The chute shall be located in a position approved by the Principal Certifying Authority.
- (c) A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.

[DUR0385]

54. 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]

55. 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]

56. 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]

57. Excavation

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

[DUR0425]

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

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
- (b) building involves the enclosure of a public place,

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

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

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

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

[DUR0435]

59. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Occupational Health and Safety Regulation 2001.

[DUR0645]

60. 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]

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

[DUR0815]

62. 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]

63. 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]

64. 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]

65. All works shall be carried out in accordance with the Preliminary Acid Sulfate Soil Investigation and Management Plan Dewatering Management Plan prepared by HMC Environmental Consulting Pty Ltd dated December 2006 and numbered 2006.151A. A copy of this Plan shall be kept on site until all excavation and dewatering activity works have been completed.

[DUR1065]

66. All walls in the food preparation and storage areas shall be of solid construction. For this purpose walls in such areas may be of masonry or stud wall construction. If stud wall construction is used then the wall shall be lined as a minimum with 9mm thick high impact resistant material E.g. Villaboard or Versilux lining or other suitable material(s) approved by Council's Environmental Health Officer and tiled to a height of at least 2 metres above the floor. The floor/ wall junction shall be coved to the satisfaction of Council's Environmental Health Officer.

Masonry walls where not tiled may be cement rendered to provide a smooth faced impervious finish from the floor surface up to the underside of the ceiling or where permitted from the top of any bench or fitting permanently fixed to the wall.

Metal stud wall framing in lieu of timber framing shall be used in wet areas or where the walls and floor surfaces will be subjected to high levels of moisture or alternatively as directed by Council's Environmental Health Officer.

All penetrations of the wall surface in food preparation areas shall be effectively sealed to the satisfaction of Council's Environmental Health officer.

[DUR1495]

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

[DUR1505]

68. Windows and doors opening into food handling, preparation and storage areas shall be pest proofed in accordance with the provisions of Food Safety Standard 3.2.3.
[DUR1515]
69. Separate hand washing facilities must be provided with warm water and located in a position where it can be easily accessed by food handlers and be of a size that allows easy and effective hand washing to the satisfaction of the General Manager or his delegate.
[DUR1545]
70. A floor waste connected to the drainage system shall be provided within 1.5 metres of the opening of the cool room.
[DUR1565]
71. All shelving, benches, fittings and furniture on which appliances and utensils are positioned within the premises must be of durable, smooth, impervious material capable of being easily cleaned.
[DUR1605]
72. Any air-handling system, hot or warm water system or water-cooling system and any other regulated system as defined in Part 4, Section 43 of the Public Health Act shall be installed in accordance with the requirements of Part 2, Clauses 6, 7 and 8 of the Public Health (Microbial Control) Regulation 2000.
[DUR1645]
73. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428.
[DUR1685]
74. Where a building or part of a building is required, under the provisions of Section D of the Building Code of Australia, to be accessible to permit use by people with disabilities, prominently displayed signs and symbols shall be provided to identify accessible routes, areas and facilities. The signage, including Braille or tactile signage, should be installed in accordance with the relevant provisions of the Building Code of Australia and achieve the minimum design requirements provided under AS1428.
[DUR1695]
75. Where access for people with disabilities is required to be provided to a building, sanitary facilities for the use of the disabled must also be provided in accordance with the provisions Part F-2 of the Building Code of Australia.
[DUR1705]
76. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.
[DUR1715]

77. 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]
78. 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]
79. Where the kerb or footpath is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb or footpath must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.
- [DUR1905]
80. 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]
81. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.
- [DUR1945]
82. 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]
83. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary.
- [DUR2205]
84. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed.
- [DUR2245]
85. 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]
86. All waters that are to be discharged from the site shall have a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/kg. The contractor shall
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nominate a person responsible for monitoring of the quality of such discharge waters on a daily basis and the results recorded. Such results shall be made available to Council's Environmental Health Officer(s) upon request.

[DUR2435]

87. 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]

88. 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]

89. 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]

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

[DUR2515]

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

[DUR2525]

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

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

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

[DUR2555]

93. A hose tap shall be provided adjacent to a grease arrester for cleaning purposes and shall be fitted with a RPZD for the purpose of back flow prevention.

[DUR2675]

94. A trade waste agreement will be issued and a permit number allocated once the device has been installed, inspected and Council has received a copy of the Waste Contractor's Service Agreement

[DUR2685]

95. The garbage location is to be acoustically treated to ensure adequate sound insulation in accordance with all requirements of the Acoustic Report Ref 32530 LO3 Twin Towns Juniors RFI Response.doc by TTM Acoustics and dated 4 March 2008.

[DURNS01]

96. The doors to the garbage receptacle shall be closed at all times when glass is being deposited.

[DURNS02]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

97. 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]

98. 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]

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

[POC0225]

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

[POC0615]

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

[POC0625]

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

[POC0635]

103. 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]

104. 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 Development Design and Construction Specifications.

[POC0755]

105. On completion of work a certificate signed by a practising structural engineer is to be submitted to the Principal Certifying Authority to certify the structural adequacy of the structure.

[POC0805]

106. 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]

107. 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]

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

[POC1055]

109. Prior to the issue of the Occupation Certificate a Post Construction Noise Report prepared by a qualified acoustic consultant shall be submitted to Council for consideration and approval in particular, this report shall consider but not be limited to the noise emissions from all plant and equipment. The Post Construction Noise Report shall confirm that noise from all potential noise sources comply with the relevant noise acceptance criteria. The Post Construction Noise report shall be to the satisfaction of Council's General Manager or Delegate.

[POCNS01]

110. Prior to the issue of the Occupation Certificate a Patron Noise Management Plan shall be prepared and submitted for approval by Council's General Manager or his Delegate which details arrangements that will be made for the management of noise from patrons while on the premises. The Plan shall specifically consider how patrons will be moved from congregating on the premises and causing any nuisance after closing time and shall list the responsible persons employed by the club for the implementation and enforcement of the Plan.

[POCNS02]

111. A private sewerage pump station shall be provided to connect the development to Council's sewerage system via the existing injection point on Council's sewer rising main in Fraser Drive. The pump station shall be designed to operate satisfactorily when the Council sewerage pump station is pumping simultaneously.

[POCNS04]

112. Prior to the issue of an occupation certificate or interim occupation certificate the applicant is required to lodge an application to operate an onsite sewerage management system (private sewage ejection pump station) under Section 68 of the Local Government Act 1993, pay the appropriate fee and be issued with an approval to operate.
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[POCNS05]

113. Prior to the issue of an Occupation Certificate, documentary evidence shall be provided to Council to confirm the creation of easements for services (including overhead electricity), rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act.

[POCSN06]

114. The existing reciprocal rights access/parking easement over Lot 1 on DP 1088100 and Lot 7 on DP 1082139 shall be extinguished.

A new Section 88B instrument (reciprocal rights for access and car parking) shall be prepared by the applicant in relation to Lot 1 on DP 1088100 and Lot 7 on DP 1082139. Both Council and the owner of Lot 1 on DP 1088100 shall sign and do all that is necessary to register the Section 88B instrument. The instrument shall apply to a minimum of fifty seven car spaces located within Lot 1 on DP 1088100, a minimum of fifty seven car spaces located within Lot 7 on DP 1082139 and the access aisles providing vehicular access to each of these areas from Fraser Drive. Registration costs shall be borne by the applicant. Registration of the instrument shall occur prior to the issue of an occupation certificate for the club.

[POCSN07]

115. 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 and odours or the like.

[USE0125]

116. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.

[USE0175]

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

- * 9.00 am to 12.00 midnight - Sunday to Thursday
- * 9.00 am to 1.30 am - Friday to Saturday

All deliveries are to occur within the hours of 7.00 am to 6.00 pm everyday.

[USE0185]

118. 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]

119. All externally mounted air conditioning units 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]

120. The servicing of waste facilities shall be limited to between the hours of 7.00 am to 6.00 pm Monday to Saturday and 9.00 am to 6.00 pm Sunday and Public Holidays.

[USE0285]

121. The development shall comply with all recommendations as contained within the Acoustic Reports prepared by TTM Acoustics dated 8 October 2008 and 4 March 2008 ref: 32530 RO2 Twin Towns Juniors acoustic report. doc and ref:32530 LO3 Twin Towns Juniors RFI Response. doc respectively.

[USE0305]

122. Any air-handling system, hot or warm water system or water-cooling system and any other regulated system as defined in Part 4, Section 43 of the Public Health Act shall be operated in accordance with the requirements of Part 3, Clause 9 of the Public Health (Microbial Control) Regulation 2000.

[USE0935]

123. Any air-handling system, hot or warm water system or water-cooling system and any other regulated system as defined in Part 4, Section 43 of the Public Health Act shall be maintained in accordance with the requirements of Part 4, Clauses 11, 12 and 13 of the Public Health (Microbial Control) Regulation 2000, and a certificate to confirm that the regulated system is being maintained shall be submitted to Council on a 12 Monthly basis.

[USE0945]

124. All entertainment involving the use of amplified music in the beer garden area shall cease at 10.00 pm on every day.

[USENS01]

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

General Conditions (all approvals)

The purposes of these conditions are to:

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

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

'the department' means the department administering the Water Act 1912;

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

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

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

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

Before commencing any works or using any existing works for the purpose of dewatering an approval under Part V of the Water Act 1912 must be obtained from the department. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.

An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the Water Act 1912.

When the department grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or let lapse.

All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.

All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry or sediments into any river, lake, waterbody, wetland or groundwater system.

The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.

All vegetation clearing must be authorised under the Native Vegetation Conservation Act 1997, if applicable.

The approval to be granted may specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.

A license fee calculated in accordance with the Water Act 1912 must be paid before a license can be granted.

Conditions of water use (including irrigation)

The purpose of these conditions are to:

- Allow the department to obtain an accurate measure of water use where necessary
- Specify the purpose(s) for which the water may be used
- Specify conditions to protect water quality and the environment
- Specify the maximum rate that water may be taken from the water source
- Specify the limitations of when water may be taken from the water source
- Ensure proper management of tailwater drainage
- Ensure accessions to groundwater systems are restricted

If and when required by the department, suitable devices must be installed to accurately measure the quality of water extraction or diverted by the works.

All water measuring equipment must be adequately maintained. It must be tested as and when required by the department to ensure its accuracy.

The water extracted under the approval to be granted shall be used for the purpose of dewatering and for no other purpose. A proposed change in purpose will require a replacement license to be issued.

Conditions for bores and wells

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

The purpose of these conditions are to:

- Set a limited period bore construction
- Require the bore to be properly completed and sealed
- Require certain information to be provided on completion of the work, including a location plan
- Allow DNR access for inspection and testing
- Specify procedures if saline or polluted water found
- Specify a volumetric allocation for the works purpose
- Allow DNR to alter the allocation at any time

Works for construction of bore must be completed with such period as specified by the department.

Within two months after the works are completed the department must be provided with an accurate plan of the location of the works and notified of the results of any pumping tests, water analysis and other details as are specified in the approval.

Officers of the department or other authorised persons must be allowed full and free access to the works for the purpose of inspection and testing.

Any water extracted by the works must not be discharged into any watercourse or groundwater if it would pollute that watercourse.

The department has the right to vary the volumetric allocation or the rate at which the allocation is taken in order to prevent the overuse of an aquifer.

(1) THE LICENSEE MUST ALLOW AUTHORISED OFFICERS OF THE DEPARTMENT OF WATER AND ENERGY, AND ITS AUTHORISED AGENTS REASONABLE ACCESS TO THE LICENSED WORKS WITH VEHICLES AND EQUIPMENT AT ANY TIME FOR THE PURPOSES OF:

- INSPECTING THE SAID WORK
- TAKING SAMPLES OF ANY WATER OR MATERIAL IN THE WORK AND TESTING THE SAMPLES.

(2) THE LICENSEE SHALL WITHIN 2 WEEKS OF BEING NOTIFIED INSTALL TO THE SATISFACTION OF THE DEPARTMENT OF INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES IN RESPECT OF LOCATION, TYPE AND CONSTRUCTION AN APPLIANCE(S) TO MEASURE THE QUANTITY OF WATER EXTRACTED FROM THE WORKS. THE

APPLIANCE(S) TO CONSIST OF EITHER A MEASURING WEIR OR WEIRS WITH AUTOMATIC RECORDER, OR METER OR METER(S) OF MEASUREMENT AS MAY BE APPROVED BY THE DEPARTMENT OF INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES. THE APPLIANCE(S) SHALL BE MAINTAINED IN GOOD WORKING ORDER AND CONDITION. A RECORD OF ALL WATER EXTRACTED FROM THE WORKS SHALL BE KEPT AND SUPPLIED TO THE DEPARTMENT OF INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES UPON REQUEST. THE LICENSEE WHEN REQUESTED MUST SUPPLY A TEST CERTIFICATE AS TO THE ACCURACY OF THE APPLIANCE(S) FURNISHED EITHER BY THE MANUFACTURER OR BY SOME PERSON DULY QUALIFIED.

- (3) THE AUTHORISED WORK SHALL NOT BE USED FOR THE DISCHARGE OF POLLUTED WATER INTO A RIVER OR LAKE OTHERWISE THAN IN ACCORDANCE WITH THE CONDITIONS OF A LICENCE GRANTED UNDER THE PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997. A COPY OF THE LICENCE TO DISCHARGE IS TO BE PROVIDED TO THE DEPARTMENT OF INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES.
- (4) THE TERM OF THIS LICENCE SHALL BE SIX (6) MONTHS.
- (5) THE VOLUME OF GROUNDWATER EXTRACTED FROM THE WORK AUTHORISED BY THIS LICENCE SHALL NOT EXCEED 10 MEGALITRES FOR THE TERM OF THE LICENCE.
- (6) THE AUTHORISED WORK SHALL NOT BE USED FOR THE DISCHARGE OF WATER UNLESS THE PH OF THE WATER IS BETWEEN 6.5 AND 8.5, OR THE WATER HAS BEEN TREATED TO BRING THE PH TO A LEVEL BETWEEN 6.5 AND 8.5 PRIOR TO DISCHARGE, OR THE WATER IS DISCHARGED THROUGH THE COUNCIL'S SEWERAGE TREATMENT SYSTEM.
- (7) THE LICENSEE SHALL TEST THE PH OF ANY WATER EXTRACTED FROM THE WORK PRIOR TO THE COMMENCEMENT OF DISCHARGE AND AT LEAST TWICE DAILY THEREAFTER AND RECORD THE DATE, TIME AND RESULT OF EACH TEST IN THE SITE LOG. A COPY OF THE RECORDS OF THE PH TESTING IS TO BE RETURNED WITH THE FORM 'AG'.

THE WORK SHALL BE MANAGED IN ACCORDANCE WITH THE CONSTRAINTS SET OUT IN THE PRELIMINARY ACID SULFATE SOILS INVESTIGATION & DEWATERING MANAGEMENT PLAN PREPARED BY HMC ENVIRONMENTAL AND DATED DECEMBER 2006.

NSW RURAL FIRE SERVICE UNDER SECTION 79BA OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

1. Water, electricity and gas are to comply with section 4.1.3 of Planning for Bush Fire Protection 2006.
2. Property Access Roads shall comply with section 4.1.3 (2) of Planning for Bush Fire 2006.

The applicant advised Council on 29 April 2009 that they will accept the conditions proposed within the development consent.

PROCEDURAL MOTION

P 76

**Cr W Polglase
Cr D Holdom**

RESOLVED that the Motion be put.

The Procedural Motion was **Carried**

***FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Milne***

The Motion was **Carried** (refer Minute No. P75)

***FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Milne***

COMMITTEE DECISION:

P 77

**Cr K Skinner
Cr D Holdom**

RECOMMENDED that the Planning Committee resumes in open Council under the Chairmanship of Cr J van Lieshout.

The Motion was **Carried**

FOR VOTE - Unanimous

99

**Cr J van Lieshout
Cr K Skinner**

RESOLVED that the recommendations of the Planning Committee held Thursday 28 May 2009 be adopted.

The Motion was **Carried**

FOR VOTE - Unanimous

OPERATIONS COMMITTEE**100****Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council resolves itself into the Operations Committee under the Chairmanship of Cr J van Lieshout.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS THROUGH GENERAL MANAGER**REPORTS FROM THE GENERAL MANAGER**

01 [GM-OC] Federal Government Jobs Fund \$650M - Local Jobs, Getting Communities Working & Infrastructure Employment Projects - Update

O 109**Cr J van Lieshout
Cr K Skinner**

RECOMMENDED that Council:

1. Lobbies the Federal Member for Richmond to have the Tweed area identified as a Priority Local Government Area.
2. Notes the submission by officers of the applications:
 - a. Jack Evans Boatharbour;
 - b. To improve and upgrade the Auditoria Facilities at Murwillumbah and Tweed Heads;
 - c. Building up Tweed's farmland environmental capacity; and
 - d. Cycleway Construction at Kyogle Road, Bray Park.

The Motion was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Milne**

02 [GM-OC] Review of Tweed Economic Development and Tweed Tourism**O 110****Cr W Polglase****Cr K Skinner****RECOMMENDED** that Council:-

1. Holds a forum with Tweed Tourism, TEDC, Senior Council officers and all Councillors with an independent facilitator to assist making recommendations in regard to visions, goals and objectives to be achieved.
2. Funds the facilitator from the existing 2008/09 economic and tourism development budget.

PROCEDURAL MOTION**O 111****Cr P Youngblutt****Cr D Holdom****RESOLVED** that the Motion be put.The Procedural Motion was **Carried*****FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr W Polglase, Cr J van Lieshout******AGAINST VOTE - Cr B Longland, Cr K Milne***The Motion was **Carried** (refer Minute No. O110)***FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr W Polglase******AGAINST VOTE - Cr B Longland, Cr K Milne, Cr J van Lieshout*****03 [GM-OC] Telecommunications Infrastructure Action Plan****O 112****Cr J van Lieshout****Cr W Polglase****RECOMMENDED** that Council:

1. Endorses the Telecommunications Infrastructure Action Plan.
2. Establishes a group to implement the actions relevant to Council identified in the Telecommunications Infrastructure Action Plan comprising of:

- a. one (1) member nominated by the Director of Technology and Corporate Services
 - b. one (1) member nominated by the Director of Planning and Regulation
 - c. one (1) member nominated by the Director of Engineering and Operations
 - d. one (1) member nominated by the Manager of Business and Economic Development
3. Requires this group to report back to council within six (6) months to bring a set of draft policy provisions and detailing any other progress to implementing the identified Council actions from the Telecommunications Infrastructure Action Plan.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Milne

O4 [GM-OC] Tweed Tourism - Funding and Lease Arrangements

O 113

Cr J van Lieshout
Cr W Polglase

RECOMMENDED that Council:

1. Offers Tweed Tourism a Funding Package of up to \$100,000 from the 2009/10 budget which is to be expended in accordance with their funding submission presented to council and on the condition that they seek dollar for dollar matching industry funds up to \$100,000;
2. Endorses the unexpended funds from the 2008/09 Economic and Tourism Budget to be rolled over to the 2009/10 budget to fund the additional Tweed Tourism Funding Package;
3. Offers Tweed Tourism the Lease of the World Heritage Rainforest Centre office space until 30 June 2010 on the terms noted in the body of the report;
4. Executes all documentation under the Common Seal of Council; and
5. Provides the assistance of a Council truck and staff for up to one (1) day to facilitate the move with funding to come from Council's current Economic and Tourism Budget.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Milne

O5 [GM-OC] Tweed Economic Development Corporation (TEDC) Quarterly Performance Report - January to March 2009

O 114

Cr J van Lieshout
Cr W Polglase

RECOMMENDED that Council receives and notes the:

1. Quarterly report from Tweed Economic Development Corporation for the quarter January to March 2009.
2. Quarterly financial report from Tweed Economic Development Corporation for the quarter October to December 2008.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Milne

O6 [GM-OC] Tweed Tourism Quarterly Performance Report - January to March 2009

O 115

Cr J van Lieshout
Cr W Polglase

RECOMMENDED that Council endorses:

1. The Tweed Tourism Quarterly Report for the quarter January to March 2009.
2. ATTACHMENT 1 as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Milne

REPORTS FROM THE DIRECTOR PLANNING & REGULATION

07 [PR-OC] State Emergency Services - Pottsville Unit

O 116

Cr D Holdom
Cr P Youngblutt

RECOMMENDED that Council votes an additional \$45 000 to the construction of a Tweed Coast State Emergency Services facility in the June 2009 quarterly budget review.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Milne

REPORTS FROM THE DIRECTOR TECHNOLOGY & CORPORATE SERVICES

08 [TCS-OC] Tender AC2009-026 Master Operating Lease for IT, Communications & Scientific Equipment

O 117

Cr D Holdom
Cr P Youngblutt

RECOMMENDED that:

1. The tenders from Capital Finance Australia Limited (CFAT) and W I Jones Pty Ltd trading as Ozwide Asset Management (Ozwide) as the panel of preferred providers of operating lease finance for desktop computers, file servers, notebooks, communications equipment, scientific laboratory equipment and other hand held devices for a period of 24 months commencing from 13 June 2009 be accepted.
2. The ATTACHMENTS A, B and C 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.

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

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Milne

09 [TCS-OC] Integrated Planning and Reporting Framework

O 118

Cr D Holdom
Cr P Youngblutt

RECOMMENDED that Council, due to the timeframe requirements, delegates the General Manager to lodge relevant further submissions, if required, on the consultation draft Integrated Planning and Reporting Framework documents.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Milne

010 [TCS-OC] Payment of Voluntary Goods and Services Tax (GST)

O 119

Cr D Holdom
Cr P Youngblutt

RECOMMENDED that, to assist compliance under Section 114 of the Commonwealth Constitution, Council certifies that:

- Voluntary Goods and Services Tax (GST) has been paid by Tweed Shire Council for the period 1 May 2008 to 30 April 2009;
- Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed; and

- No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Milne

011 [TCS-OC] Monthly Investment Report for Period Ending 30 April 2009

O 120

Cr D Holdom
Cr P Youngblutt

RECOMMENDED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at 30 April 2009 totalling \$121,731,310 be received and noted.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Milne

012 [TCS-OC] In Kind and Real Donations - January to March 2009

O 121

Cr D Holdom
Cr P Youngblutt

RECOMMENDED that Council notes total donations of \$19,528.36 for the period January to March 2009.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Milne

**O13 [TCS-OC] Corporate Quarterly Report - January to March 2009
Incorporating the 7 Year Infrastructure & Services Plan**

O 122

**Cr D Holdom
Cr P Youngblutt**

RECOMMENDED that Council receives and notes the Corporate Quarterly Report including progress on the 7 Year Infrastructure & Services Plan for the period 1 January to 31 March 2009.

The Motion was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Milne**

O14 [TCS-OC] Quarterly Budget Review - 31 March 2009

O 123

**Cr D Holdom
Cr P Youngblutt**

RECOMMENDED that the:

1. Quarterly Budget Review Statement as at 31 March 2009 be adopted.
2. Expenditure and income, as summarised below and detailed within the report, be voted and adjusted in accordance with the revised total expenditure and income for the year ending 30 June 2009:

Description	Change to Vote	
	Deficit	Surplus
General Fund		
<u>Expenses</u>		
Operating	239,103	0
Interest	0	1,156,737
Capital	1,662,290	0
Loan Repayments	82,730	0
Transfers to Reserves	520,497	0
	2,504,620	1,156,737
<u>Income</u>	0	0
Operating	260,857	0
Capital Grants & Conts	0	428,000
Loan Funds	0	823,240
Recoupments	0	0
Transfers from Reserves	0	357,500

Description	Change to Vote	
Asset Sales	0	0
	260,857	1,608,740
Net Surplus/(Deficit)		0
Water Fund		
<u>Expenses</u>		
Operating	20,375	0
Interest	0	0
Capital	0	2,364,000
Loan Repayments	0	0
Transfers to Reserves	1,477,625	0
	1,498,000	2,364,000
<u>Income</u>		
Operating	0	0
Capital Grants & Conts	0	0
Loan Funds	0	0
Recoupments	0	60,000
Transfers from Reserves	926,000	0
	926,000	60,000
Net Surplus/(Deficit)		0
Sewer Fund		
<u>Expenses</u>		
Operating	8,250	0
Interest	0	0
Capital	70,000	0
Loan Repayments	0	0
Transfers to Reserves	0	23,250
	78,250	23,250
<u>Income</u>		
Operating	0	0
Capital Grants & Conts	0	0
Loan Funds	0	0
Recoupments	0	41,500
Transfers from Reserves	0	13,500
Asset Sales	0	0
	0	55,000
Net Surplus/(Deficit)		0

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Milne

REPORTS FROM THE DIRECTOR ENGINEERING & OPERATIONS**O15 [EO-OC] Road Closure Application - Parish of Nullum****O 124****Cr D Holdom****Cr P Youngblutt****RECOMMENDED** that Council:-

1. Objects to the closure of the formed section of road reserve which runs north of Lot 65 in DP 755730, being approximately 720m in length; and
2. Does not object to the closure and purchase by the applicant of the section of Crown road reserve being the eastern section of approximately 1.2km north of Lot 65 in DP 755730.

The Motion was **Carried*****FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout******AGAINST VOTE - Cr K Milne*****O16 [EO-OC] Application to Close and Purchase Part of Road Reserve - Parish of Mooball****O 125****Cr D Holdom****Cr P Youngblutt****RECOMMENDED** that:-

1. Council approves the closure of part of the road reserve that runs west of Lot 301 in DP 884416 at Cudgera Creek; and
2. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by a local registered valuer;
3. Easements be created over public authority reticulation services, if any; and
4. All necessary documentation be executed under Common Seal of Council.

The Motion was **Carried*****FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout******AGAINST VOTE - Cr K Milne***

O17 [EO-OC] Road Closure Application - Chowan Creek - Parish of Nullum**O 126****Cr D Holdom
Cr P Youngblutt****RECOMMENDED** that:-

1. Council objects to the closure of the Crown Road reserve within Lot 1 in DP 598380 at Chowan Creek.
2. An application be made to the Department of Lands to transfer to Council the sections of Crown Road reserve running from Lot 40 in DP 755730 east to Lot 10 in DP 631502.

The Motion was **Carried*****FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Milne*****O18 [EO-OC] Road Closure Application - Parish of Berwick****O 127****Cr D Holdom
Cr P Youngblutt****RECOMMENDED** that Council does not object to the closure and purchase by the applicant of the section of Crown road reserve being the southern most 158 metres separating Lot 10 in DP 800128 from Lot 2 in DP 570319 at Carool.The Motion was **Carried*****FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Milne*****O19 [EO-OC] Road Closure Application - Parish of Wollumbin****O 128****Cr D Holdom
Cr P Youngblutt****RECOMMENDED** that:-

1. Council objects to the closure of the section of Crown Road reserve within, west and south of Lot 2 DP 578149 at Byangum.
-

2. An application be made to the Department of Lands to transfer to Council the sections of Crown Road reserve running from Old Lismore Road through, west and south of Lot 2 in DP 578149, west of Lots 23, 26, 27, and 41 in DP 755754, and north of Lot 30 in DP 755754, through lots 1 and Lot 10 in DP 755754, to allow for future formation of the road reserve which may otherwise be severed.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Milne

O20 [EO-OC] Road Closure Application - Parish of Billinudgel

O 129

Cr D Holdom
Cr P Youngblutt

RECOMMENDED that:-

1. Council objects to the closure of the section of Crown Road reserve west, south and within Lot 1 DP594174 and road within and west of Lot 295 DP 755687 at Crabbes Creek.
2. An application be made to the Department of Lands to transfer to Council the Crown Road reserves within this area to allow for continuity of access and provide potential walking trails over and around the scenic escarpment.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Milne

O21 [EO-OC] Deed of Agreement - Commercial Road, Murwillumbah

The following person addressed Community Access regarding this item:-

Swain

O 130

Cr K Skinner
Cr P Youngblutt

RECOMMENDED that:-

1. Council approves entering into Deeds of Agreement with the owners of Lot 1 in 780240, Lot 1 in DP 518429 and Lot 1 in DP 780238 to indemnify the owners against users of the public footpath constructed on the subject parcels; and
2. ATTACHMENT 1 as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret
3. All documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout

AGAINST VOTE - Cr K Milne

O22 [EO-OC] Acquisition of Easements to Drain Water Variable Width created in DP 1137518 and DP 1137452 - Cudgen Creek, Kingscliff

O 131

Cr D Holdom

Cr B Longland

RECOMMENDED that:-

1. Council approves the acquisition of Easements to Drain Water Variable Width created in DP 1137452 and DP 1137518 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Local Government Act, 1993 and the making of the necessary application to the Minister for Local Government and/or Governor; and
2. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

O23 [EO-OC] EC2009-040 Supply and Installation of Guardrail at Terranora Road, Kyogle Road, Piggabeen Bypass, Giddy's Bridge and Wommin Bay Road

O 132

**Cr D Holdom
Cr B Longland**

RECOMMENDED that:-

1. The tender EC2009-040 for the Supply and Installation of Guardrail at Terranora Road, Kyogle Road, Piggabeen Bypass, Giddys Bridge and Wommin Bay Road from Saferoads Pty Ltd be accepted to the value of \$539,266.20 including GST.
2. The General Manager be given delegated authority to approve variations up to 20%, inclusive of GST above the initial contract price.
3. The ATTACHMENT A 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.

The Motion was **Carried**

FOR VOTE - Unanimous

O24 [EO-OC] EC2009-021 Registration of Interest for the Hire of Small Plant

O 133

**Cr D Holdom
Cr B Longland**

RECOMMENDED that Council accepts the tender submissions from:-

- Twin City Hire,
- Total Hire,
- Hakka Hire,
- Tweed Dingo Hire,
- Coates Hire and

- Kennards Hire Pty Ltd

for EC2009-021 Registration of Interest for the Hire of Small Plant to Council for the period 1 July 2009 until 30 June 2011 and hire decisions be made following reference to submitted catalogue rates and additional charges that would apply.

The Motion was **Carried**

FOR VOTE - Unanimous

O25 [EO-OC] EC2009-019 Registration of Interest for the Hire of Plant and Equipment to Council

O 134

Cr D Holdom

Cr B Longland

RECOMMENDED that:-

1. That Council accepts the ranking schedule for EC2009-019 Registration of Interest for the Hire of Plant and Equipment to Council for the period 1 July 2009 until 30 June 2011 as listed in the Confidential attachment to this report.
2. The ATTACHMENTS A and B 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.

The Motion was **Carried**

FOR VOTE - Unanimous

O26 [EO-OC] EC2009-020 Registration of Interest for Contract Truck Haulage

O 135

Cr D Holdom

Cr B Longland

RECOMMENDED that:-

1. Council accepts the ranking schedule for EC2009-020 Registration of Interest for Contract Truck Haulage for the period 1 July 2009 until 30 June 2011 as listed in the Confidential attachment to this report.
2. 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 hourly hire rate. 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.

The Motion was **Carried**

FOR VOTE - Unanimous

O27 [EO-OC] Proposed Interchange of Park Names - John Follent and Ebenezer Park

O 136

**Cr D Holdom
Cr P Youngblutt**

RECOMMENDED that the names of Ebenezer Park Tweed Heads and John Follent Park Tweed Heads be interchanged and park signage be amended accordingly.

The Motion was **Carried**

FOR VOTE - Unanimous

O28 [EO-OC] Road Signage Eco Friendly Shire

O 137

**Cr P Youngblutt
Cr K Skinner**

PROPOSED that:-

1. Upgrading of Council's Gateway Entry Signage and any new signage be deferred until Council's Visual Identity Guide and new brand is adopted. This will ensure no waste of funds to replace out of date signage in the future.

2. Subject to a favourable response from community groups, Council considers providing a budget allocation for redesign and installation of eco friendly signage at areas nominated in this report in the 2010/2011 budget.
3. Subject to 2 above, approval be sought from the Roads & Traffic Authority of NSW for Council to replace signage at the Sleepy Hollow rest areas with eco friendly information signage.
4. Subject to 2 above, the Natural Resources Management Section of Council assists a specialist educational / design consultant to prepare appropriate information and signage design.

AMENDMENT

O 138

Cr K Milne
Cr D Holdom

RECOMMENDED that this item be deferred for further discussion with Council officers.

The Amendment was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr K Milne, Cr J van Lieshout
AGAINST VOTE - Cr W Polglase

The Amendment on becoming the Motion was **Carried** (refer Minute No. O138)

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR COMMUNITY & NATURAL RESOURCES

O29 [CNR-OC] EC2008-153 Collection of Municipal Solid Waste, Collection & Processing of Recyclables, Collection of Organics, Collection of Bulky Waste & Collection of Public Place Bins

O 139

Cr P Youngblutt
Cr K Skinner

RECOMMENDED that:-

1. The tender from Solo Resource Recovery for EC2008-153 Collection of Municipal Solid Waste, Collection & Processing of Recyclables, Collection of Organics, Collection of Bulky Waste & Collection of Public Place Bins to the value detailed in the schedule of rates detailed in ATTACHMENT A CONFIDENTIAL be accepted. The tender has submitted an annual price of

\$4,730,900 exclusive of GST based on the number of services provided in the Contract.

2. ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(c) or Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-
 - c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
 - d) commercial information of a confidential nature that would, if disclosed:
 - i) prejudice the commercial position of the person who supplied it, or
 - ii) confer a commercial advantage on a competitor of the council, or
 - iii) reveal a trade secret

The Motion was **Carried**

FOR VOTE - Unanimous

O30 [CNR-OC] EC2008-152 Management of Stotts Creek Landfill Facility

O 140

**Cr W Polglase
Cr P Youngblutt**

RECOMMENDED that:-

1. The tender from Solo Resource Recovery for EC2008-152 Management of Stotts Creek Landfill Facility for the lump sum of \$1,119,797.27 exclusive of GST at a compaction rate of 800kg/m³ be accepted.
2. The General Manager be given delegated authority to approve variations up to 20% above the initial contract price (up to a maximum of \$150,000, inclusive of GST). Any variations be reported to Council on a quarterly basis.
3. ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(c) or Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or

(iii) reveal a trade secret

The Motion was **Carried**

FOR VOTE - Unanimous

O31 [CNR-OC] EC2008-151 Provision of Greenwaste Processing & Marketing Services

O 141

**Cr W Polglase
Cr P Youngblutt**

RECOMMENDED that:-

1. The tender from Tropical Mulch Group (Trading as Tree Recyclers Aust) Pty Ltd for EC2008-151 Provision of Greenwaste Processing and Marketing Services at the scheduled rate of \$30 per tonne exclusive of GST be accepted.
2. ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(c) or Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

The Motion was **Carried**

FOR VOTE - Unanimous

O32 [CNR-OC] Variation Report for Contract EC2006-157 - Construction of Bray Park Water Treatment Plant: March 2009

O 142

**Cr K Skinner
Cr B Longland**

RECOMMENDED that the total value of variations to date of -\$147,432.07 exclusive of GST for Contract EC2006-157 Construction of the Bray Park Water Treatment Plant, be received and noted: -

- a) Variation No.1 – Negative variation for alternative sludge scraper for Sludge Thickening Structure. (-\$90,673.00 GST excl)
- b) Variation No.2 - Negative variation for spiral wound stainless steel pipework in lieu of the specified Schedule 10 pipework. (-\$180,900.00 GST excl)
- c) Variation No.3 – Negative variation for Ultra High Build epoxy externally coated pipes in lieu of the specified Sintakoted pipes. (-\$79,000.00 GST excl)
- d) Variation No.6 - Negative variation for the redesign of stainless steel pipework to reduce the need for expensive dismantling joints. (-\$78,281.82 GST excl)
- e) Variation No.7 – Negative variation for raising of Sludge Thickener to reduce impact on adjacent structures and reduce earthworks. (-\$64,955.00 GST excl)
- f) Variation No.10 – Payment of Schedule of Rates item 3.30 for February 2008 for onsite storage of excavated material. This work is over and above the Lump sum Contract Price. (\$108,730.28 GST excl)
- g) Variation No.13 – Payment of Schedule of Rates item 3.30 for March 2008 for onsite storage of excavated material. (\$55,848.27 GST excl)
- h) Variation No.16 – Redesigned overflow system from the permanent Detention Basin to minimise potential erosion effects. (\$31,693.86 GST excl)
- i) Variation No.18 – Payment of Schedule of Rates item 3.30 for April 2008 for onsite storage of excavated material. (\$32,757.20 GST excl)
- j) Variation No.19 – Improved pipe backfilling system to existing and new underground pipework along the southern side of the PAC Tank to ensure that the integrity of the foundations to the tank is not compromised. (\$42,144.90 GST excl)
- k) Variation No.20 – Additional corrosion protection work to membrane tanks to prolong lining life. (\$26,338.35 GST excl)
- l) Variation No.27 – Change landscaping requirement for zone 1D from turf to trees and shrubs to reduce maintenance, reduce operational noise transmission and provide enhanced visual screening to membrane building and associated structures. (\$54,589.18 GST excl)
- m) Variation No.29 - Negative variation for reduced stainless steel flange thickness following on from change to spiral wound stainless steel pipework from the specified Schedule 10 pipework. (-\$89,553.95 GST excl)
- n) Variation No.30 – Additional access hatch to the PAC Tank Overflow Chamber roof slab for improved access and safety during roof maintenance. (\$10,118.50 GST excl)
- o) Variation No.31 – Additional stainless steel rebate angles to Sludge and Chemical Facility drainage trenches. (\$48,952.70 GST excl)

- p) Variation No.32 – Additional stainless steel rebate angles to Membrane Building drainage trenches. (\$13,530.11 GST excl)
- q) Variation No.36 – Relocation and reorientation of Panel Fold door system to the pump gallery to reduce corrosion potential. (\$11,228.35 GST excl)

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout

AGAINST VOTE - Cr K Milne

O33 [CNR-OC] Proposed Telecommunications Facilities - Boxsell Road Reserve Tyalgum

O 143

Cr D Holdom

Cr P Youngblutt

RECOMMENDED that the General Manager be authorised to provide owners consent for the development application to erect a telecommunications tower on Council owned road reserve, being Tyalgum Transfer Station (garbage depot), Boxsell Road Reserve, Tyalgum.

The Motion was **Carried**

FOR VOTE - Unanimous

O34 [CNR-OC] Regulation of Traffic - Carraboi Terrace Tyalgum

O 144

Cr D Holdom

Cr P Youngblutt

RECOMMENDED that:

1. Under Section 122 of the Roads Act, 1993 Council regulates the traffic on Carraboi Terrace, Tyalgum by means of a gated structure that will be opened in daylight hours between 7.30am to 5.00pm; and
2. Council advertises the regulation of traffic on Carraboi Terrace, Tyalgum in the Tweed Link.

The Motion was **Carried**

FOR VOTE - Unanimous

O35 [CNR-OC] Wildlife Signage**O 145****Cr K Milne****Cr B Longland****RECOMMENDED** that:-

1. Natural Resource Management staff, in consultation with wildlife care organisations, undertake further investigation in accordance with contemporary best practice to determine potential wildlife road kill black spots that would benefit from wildlife signage within Tweed Shire.
2. Natural Resource Management staff investigates signage design issues and liaise with Engineering & Operations on appropriate placement.
3. A sum of \$5000 per year for the next two years to be allocated from the existing Biodiversity Program budget to meet the costs of installation.
4. Options for obtaining private sponsorship and donations to be investigated to enhance this program.

The Motion was **Carried*****FOR VOTE - Unanimous*****O36 [CNR-OC] Water Quality Management System****O 146****Cr D Holdom****Cr W Polglase**

RECOMMENDED that Council approves the attendance of Councillor Milne and Councillor Longland at the Water Quality Management System workshops on 11 and 18 June 2009.

The Motion was **Carried*****FOR VOTE - Unanimous*****O37 [CNR-OC] Request for "In Kind" Support/Waive Fee****O 147****Cr D Holdom****Cr P Youngblutt****RECOMMENDED** that Council:-

1. With reference to the request from Tweed Valley Banana Festival:-
 - (a) provides the Murwillumbah Civic Centre Auditorium free of charge for Banana Festival activities from 11 to 22 August 2009,
 - (b) pays the hire fee of \$600 for the catwalk for the fashion parade on 14 August 2009;
 - (c) provides the Murwillumbah Civic Centre Auditorium for a reduced fee of \$106.50 being 50% of the full fee of \$213 for the trivia night on 15 May 2009;and that Council's support is recognised with the following acknowledgement "This programme has been supported by Tweed Shire Council".

2. With reference to the request from Amrit Bhorla, Council declines the request for a reduction of fees for hire of the Murwillumbah Civic Centre on 25 July 2009 for an Indian Cultural Show and afternoon tea.

The Motion was **Carried**

FOR VOTE - Unanimous

O38 [CNR-OC] Entomological Control Report for period February - April 2009

O 148

**Cr D Holdom
Cr P Youngblutt**

RECOMMENDED that the Entomological Control Report for the period February to April 2009 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

COMMITTEE DECISION:

O 149

**Cr D Holdom
Cr K Skinner**

RECOMMENDED that the Operations Committee resumes in open Council under the Chairmanship of Cr J van Lieshout.

The Motion was **Carried**

FOR VOTE - Unanimous

101

Cr D Holdom

Cr K Skinner

RESOLVED that the recommendations of the Operations Committee held Thursday 28 May 2009 be adopted.

The Motion was **Carried**

FOR VOTE - Unanimous

SCHEDULE OF OUTSTANDING RESOLUTIONS

3 Schedule of Outstanding Resolutions as at 28 May 2009

This item was received and noted.

MAYORAL MINUTE

4 [MM-CM] Mayoral Minute for the period 10 April 2009 - 19 May 2009

102

Cr J van Lieshout

Cr P Youngblutt

RESOLVED That:-

1. That the Mayoral Minute for the period 10 April 2009 to 19 May 2009 be received and noted.
2. The attendance of Councillors at nominated Conferences be authorised.

The Motion was **Carried**

FOR VOTE - Unanimous

ORDINARY ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER**REPORTS FROM THE GENERAL MANAGER****5 [GM-CM] Draft Public Participation Policy****103****Cr B Longland
Cr W Polglase**

RESOLVED that Council develops a draft Public Participation Policy for consideration to provide options for Council's preferred communication methods with the community.

The Motion was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Milne**

REPORTS FROM THE DIRECTOR PLANNING & REGULATION

Nil.

REPORTS FROM THE DIRECTOR TECHNOLOGY & CORPORATE SERVICES**6 [TCS-CM] Correspondence - Response to Policy****104****Cr D Holdom
Cr P Youngblutt**

RESOLVED that the Correspondence – Response to Policy version 1.3 be adopted.

The Motion was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Milne**

7 [TCS-CM] Council Committees - Community Membership**105****Cr D Holdom****Cr P Youngblutt**

RESOLVED that Council confirms the community membership of the:

1. Community Cultural Development Committee as:

Michael Lill, Max Boyd AM, Ian Holston, Judith Sutton, Glenda Nalder PhD, Barb Carroll, Joan Daniels, Diane Wilder and Phil Villiers

2. Sports Advisory Committee as:

Rob Nienhuis, Merv Edwards, Linda Threlfo, Joanne Watters and Robert Gent

3. Tweed River Regional Museum Advisory Committee as:

Bronwyn Thrathen, Sandra Flannery, Max Boyd AM, Gary Fidler, Fay O'Keeffe and Lesley Mye

4. Banora Point Community Centre Advisory Committee as:

Pat Tate and Robert Gent

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout

AGAINST VOTE - Cr K Milne

8 [TCS-CM] Recording of Council Meetings**106****Cr D Holdom****Cr P Youngblutt**

RESOLVED that Council does not proceed with:

1. Audio Recording of formal Council Meetings; and

2. Visual Recording of formal Council Meetings.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Milne

9 [TSC-CM] 2009/2012 Draft Management Plan Incorporating Council's Seven Year Infrastructure and Services Plan; 2009/2010 Draft Budget, Revenue Policy and Fees and Charges

107

Cr B Longland
Cr P Youngblutt

RESOLVED that:-

1. Council's 2009/2012 Draft Management Plan incorporating the 2009/2010 Draft Budget based on a 9.5% increase in general income above that for 2008/2009 and the 2009/2010 Draft Fees and Charges be adopted.
2. The 2009/2010 Draft Revenue Policy be adopted with amendment to:
 - a. The amount of interest chargeable on overdue rates, charges and sundry debts being 9% as opposed to the advertised 10%;
 - b. The sewerage rate charge (S501) – Business Assessments. Add to dot point 3, end of first paragraph, the wording *“by the discharge factor and calculated on an individual water meter basis”*
3. A review of the fee structure of Construction Certificate and Building Inspection fees be undertaken in conjunction with the quarterly budget review as at September 2009, and a report on the fee structure be presented to Council.
4. Council reports to the Department of Local Government on any significant variations from its 7 Year Infrastructure and Services Plan as contained in the instrument under section 508A(1) and 548(3)(a) of the Local Government Act 1993 dated 15 August 2007.

PROCEDURAL MOTION

108

Cr J van Lieshout
Cr D Holdom

RESOLVED that the Motion be put.

The Procedural Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Milne

The Motion was **Carried** (refer Minute No. 107).

FOR VOTE - Cr D Holdom, Cr K Skinner, Cr B Longland, Cr J van Lieshout
AGAINST VOTE - Cr P Youngblutt, Cr K Milne, Cr W Polglase

109

Cr K Milne
Cr J van Lieshout

RESOLVED that Council officers seek opportunities for funding for urgent environmental restoration works on public lands that contain koala habitat or koala corridors and reports back to Council.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr B Longland, Cr K Milne, Cr J van Lieshout
AGAINST VOTE - Cr K Skinner, Cr W Polglase

110

Cr B Longland
Cr J van Lieshout

RESOLVED that Council officers bring forward a report to the next Ordinary Council meeting on options to restore funding in the 2009/2010 Budget to both the Tweed River Art Gallery and to Arts Northern Rivers under the current Memorandum of Understanding.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr B Longland, Cr K Milne, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr D Holdom, Cr K Skinner

REPORTS FROM THE DIRECTOR ENGINEERING & OPERATIONS

Nil.

REPORTS FROM THE DIRECTOR COMMUNITY & NATURAL RESOURCES

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS**10 Minutes of Sub-Committees/Working Groups for Distribution Only**

The Minutes of Sub-Committees and Working Groups not requiring Council decision were received and noted.

11 [SUB-TRAG] Minutes of the Tweed River Regional Art Gallery Advisory Committee Meeting held Thursday 9 April 2009**111****Cr J van Lieshout
Cr B Longland**

RESOLVED that Council receives and notes the Minutes of the Tweed River Art Gallery advisory Committee meeting held Thursday 9 April 2009.

The Motion was **Carried**

FOR VOTE - Unanimous

12 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held 16 April 2009**112****Cr J van Lieshout
Cr B Longland**

RESOLVED that the:-

1. Minutes of the Local Traffic Committee Meeting held Thursday 16 April 2009 be received and noted; and
2. Director's recommendations be adopted as follows:-

A1 [LTC] Banora Primary School - Pioneer Parade

That:

1. "No Parking 8am-9:30am, 2:30pm-4pm, School Days" be installed on the northern side of Johnson Street from Terranora Road to the double centre lines at the Pioneer Road end.
2. "No Stopping" signs be installed on Johnson Street to cover the centre barrier lines.

3. The Banora Point Primary School principal be informed of the above recommendation and be requested to include reference in the school newsletter.

A2 [LTC] Frances Street, Tweed Heads

That prohibiting bus signage be installed near the Endeavour Parade / Frances Street intersection (river side).

B. INFORMAL ITEMS SECTION

GENERAL TRAFFIC ADVICE

B1 [LTC] Anzac Day Road Closures

That road closures for the ANZAC Day assembly and the march on 25 April 2009 be approved subject to standard conditions and Police approval. The affected roads are as follows:-

- Murwillumbah Street from Queen Street
- Proudfoots Lane from Brisbane Street
- Brisbane Street from Wollumbin Street
- Commercial Road from Wollumbin Street
- Proudfoots Lane from Commercial Road
- Queen Street from Murwillumbah Street
- Tumbulgum Road from Old Ferry Road

B2 [LTC] Botanical Circuit, Banora Point

That the Botanical Circuit item be placed on the list of Outstanding Resolutions.

B4 [LTC] Coronation Avenue, Pottsville

That appropriate linemarking be installed immediately adjacent to the western approach to the pedestrian crossing on Coronation Avenue to preclude vehicles parking within 5m of the crossing.

B5 [LTC] Murwillumbah Street, Murwillumbah

That residents who have access to the laneway on Murwillumbah Street be contacted by letter advising of the requirement for clear vehicular access along the access laneway.

B6 [LTC] Hastings Point - Traffic Issues

That this report be noted and that Council officers consider placing Council's speed trailer on Tweed Coast Road in the vicinity of the Creek Street / Tweed Coast Road intersection.

B7 [LTC] Eungella - School Speed Restriction

That this matter be referred to the Roads & Traffic Authority of NSW.

B8 [LTC] Dobbys Crescent and Terranora Road, Terranora

That advisory signage requesting limiting compression brake noise be installed on the downhill section of Terranora Road near 22 Dobbys Crescent, Terranora.

B9 [LTC] Speeds - Koala Beach

That Council officers further investigate Koala Beach Estate for the provision of further 40kph signage and stencils.

B10 [LTC] RTA Guide to the Delegation to Councils for the Regulation of Traffic

That:-

1. The guide to the Delegation to Councils for the Regulation of Traffic - Version 1.3 issued March 2009 (including the operation of Traffic Committees) be received and noted.
2. The Roads & Traffic Authority of NSW Representative provide clarification on requiring concurrence of all LTC members to the LTC minutes prior to being presented to the elected Council.

B11 [LTC] Biala Special School Charity Ride

That the Committee has no objections to the Charity Ride subject to Police approval being obtained.

B12 [LTC] Cudgen Road Traffic Lights

That:-

1. Appropriate directional arrow markings be installed on Cudgen Road (east leg) on the Kingscliff approach to Tweed Coast Road.
2. Through, through-left and right merge arrow markings be placed on Tweed Coast Road (north and south legs).

C. CLASSIFIED ROADS SECTION

REGULATORY MATTERS

C1 [LTC] Numinbah Road, Chillingham

That NSW Police be requested to enforce the speed limit in the village of Chillingham.

C2 [LTC] Terranora Road, Terranora

That linemarking be installed to delineate the acceleration lane from Henry Lawson Drive and that 'No Stopping' signs be installed along the relevant acceleration lane length along Terranora Road and Henry Lawson Drive.

C3 [LTC] Kyogle Road

That:-

1. Upon receipt of formal approval from the Roads & Traffic Authority of NSW "for a restriction in speed to 80 km/hr from 4.5km to 5.7km east of the Nimbin Road Junction with MR142" the speed signage be installed.
2. The original correspondent be advised of the Roads & Traffic Authority of NSW's decision.

The Motion was **Carried**

FOR VOTE - Unanimous

13 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 14 May 2009

113

**Cr J van Lieshout
Cr B Longland**

RESOLVED that the:-

1. Minutes of the Local Traffic Committee Meeting held Thursday 14 May 2009 be received and noted; and
2. Director's recommendations be adopted as follows:-

A. FORMAL ITEMS SECTION**DELEGATIONS FOR REGULATORY DEVICES**

A1 [LTC] Greenway Drive, Tweed Heads South

That 'No Stopping' signage on Greenway Drive at the intersection with Doyle Drive, as shown on Council's Drawing No. PD08013-07, be approved for installation and that the effectiveness of the works be monitored over the next 6 months.

A2 [LTC - LATE] Barrett Street, Tweed Heads West

That further 'No Stopping' signage not be erected on Barrett Street, Tweed Heads West as the existing 'No Stopping' signage caters for the queuing requirements at the intersection with Kennedy Drive.

B. INFORMAL ITEMS SECTION**GENERAL TRAFFIC ADVICE****B1 [LTC] Cycling Event - Tour de Tweed Coast & Gran Fondo**

That Stage 1, 2, 3 and 4 of the Cycling Event - Tour de Tweed Coast & Grand Fondo be approved, subject to Police approval.

B2 [LTC] Botanical Circuit, Banora Point

That in addition to the previous Recommendation to Council of the Local Traffic Committee dated 16 April 2009, residents be provided with a copy of the Traffic Complaint Information Form.

B3 [LTC] Local Traffic Committee Meeting Schedule

That the dates of 25 June, 30 July, 27 August, 24 September, 29 October, 26 November and 17 December be confirmed as the dates for Local Traffic Committee meetings for the remainder of 2009.

B4 [LTC] Empire Lane, Tweed Heads

That the proposal for two-way traffic flow on Empire Lane between Sands Street and Wharf Street is not supported.

B5 [LTC] Pandanus Parade, Cabarita Beach

That:-

1. Council officers liaise with the event coordinators to facilitate the running of the Greenback Fishing Competition from 6 to 7 June 2009.
 2. The Committee has no objection to the proposed temporary road closure of Pandanus Parade from 12:00 noon Saturday 6 June to 11:30pm 7 June 2009, with Pandanus Parade to be re-opened to traffic after 6:00pm Saturday 6 June and closed again
-

on Sunday 7 June until 11:30pm, subject to standard conditions of approval and liaison between the event organisers and Council's Contract Officers.

B6 [LTC] Coolman Street, Tyalgum

That the temporary closure of Coolman Street, Tyalgum on Saturday 25 July 2009 from 6:00am to 4:00pm be approved subject to standard conditions of approval.

B7 [LTC] Charles Street, Tweed Heads

That the Committee does not support the 40km/hr speed limit in Charles Street, Tweed Heads as it does not meet the requirements of a 40km/h high volume pedestrian area.

B8 [LTC] Wintersun Traffic Plans

That the traffic management plan for the 2009 Wintersun Festival was noted by the Committee.

B9 [LTC] Dry Dock Road, Tweed Heads South

That Council officers contact Surfside Buslines with a view for bus drivers to always stop during daylight at the Dry Dock Road bus shelter opposite the Palm Village shops.

C. CLASSIFIED ROADS SECTION

REGULATORY MATTERS

C1 [LTC] Commonwealth Bank Charity Ride

That the Commonwealth Bank Charity Ride event on 21 September 2009 be noted by the Committee.

The Motion was **Carried**

FOR VOTE - Unanimous

ORDERS OF THE DAY

14 [NOM] Jack Evans Boat Harbour

The motion lapsed as there was no seconder.

15 [NOM] Flood Evacuation Preparedness

114

Cr K Milne

Cr B Longland

RESOLVED that:

1. Council writes to the State Emergency Service (SES) to request a briefing on emergency flood situations including a worst case scenario.
2. An evaluation of past floods and any recommendations from the State Emergency Service (SES) be included in the briefing.

The Motion was **Carried*****FOR VOTE - Cr K Skinner, Cr B Longland, Cr K Milne, Cr W Polglase, Cr J van Lieshout******AGAINST VOTE - Cr P Youngblutt, Cr D Holdom*****16 [NOM] Provision of Essential Toilet Facilities**

115

Cr K Milne

Cr B Longland

RESOLVED that Council writes to the State and Federal governments to request substantial assistance to significantly improve public toilet facilities around the Shire.The Motion was **Carried*****FOR VOTE - Cr P Youngblutt, Cr K Skinner, Cr B Longland, Cr K Milne, Cr J van Lieshout******AGAINST VOTE - Cr D Holdom, Cr W Polglase*****17 [NOM] National Landscapes Viewing Locations**

116

Cr K Milne

Cr D Holdom

RESOLVED that Council brings forward a report on the feasibility of establishing a series of dedicated scenic viewing locations with associated BBQ, picnic, toilet and lighting facilities, in strategic locations around the Tweed Shire to tie in with the National Landscapes program involving:-

- a) Various funding options be investigated
- b) Various methods of ascertaining prime viewing locations be outlined including community nominations.

The Motion was **Carried**

FOR VOTE - Unanimous

18 [NOM] Mixed Residential, Commercial, Community and Emergency Use Land

117

**Cr W Polglase
Cr P Youngblutt**

PROPOSED that:

1. A report be prepared on the process required to allow land owned by Kingscliff Land Company being lands on Lot 13 DP868620 and Lot 330 DP755701, corner Cudgen and Tweed Coast Roads for mixed residential, commercial, community use and emergency use to proceed to develop the lands.
2. The land owner be advised as to their requirements to facilitate the process.

The Motion was **Lost**

FOR VOTE - Cr P Youngblutt, Cr K Skinner, Cr W Polglase

AGAINST VOTE - Cr D Holdom, Cr B Longland, Cr K Milne, Cr J van Lieshout

19 [NOM] World Rally Championships - REPCO Rally

This item was withdrawn.

QUESTION TIME

[QT] Repco Rally Australia

Cr K Milne

Can the General Manager please inform the community of all the car events that are to be held in conjunction with, or within a month of the Repco Car Rally, including any car events scheduled for these periods in South East Queensland?

The General Manager advised that there are two (2) other long standing car trial events that are programmed to conclude in the Tweed to coincide with Speed on Tweed and the Rally in September 2009.

[QT] Community Consultation - Repco Rally Australia

Cr K Milne

Can the General Manager clearly inform the community on exactly:

- a) how many operational days, especially high level activity days, including testing, rehearsals, helicopter activity, trials, set up/take down and remediate days, etc will be required for the Repco Rally and other car racing events, and
- b) what hours of the day will the Repco Rally and other racing car events plan to use the Tweed Shire roads, parks and towns, etc in the weeks and months leading up to and after the main events?

The General Manager advised that it is not his position to provide advice but will refer it to the General Manager of Rally Australia to provide a formal response to Council.

[QT] Wildlife Activity - Repco Rally Australia

Cr K Milne

Asked could the General Manager please outline what high level activities will be carried out during nocturnal wildlife activity hours ie from sunset to sunrise?

The General Manager advised that he will request formal advice from Repco Rally Australia and provide that response to Council.

[QT] Wildlife Breeding - Repco Rally Australia

Cr K Milne

Asked was the General Manager aware at the time, when the month of September was selected to hold these car events that this timing coincided with the wildlife breeding season?

The General Manager advised that he had no involvement in the timing of Rally event.

[QT] Council Advice - Repco Rally Australia

Cr K Milne

Asked did the General Manager seek advice from Council's environmental officers, especially in regard to this timing in September, and could any advice be tabled?

The General Manager advised that no advice was sought from Council's environmental officers with regard to the timing of event.

[QT] Consultation - Repco Rally Australia

Cr K Milne

Asked did the General Manager seek advice from, or consult with the National Landscapes organisation in regard to these car events or the Federal Ministers for Tourism or the Environment?

The General Manager advised that it is not his role or responsibility to undertake such action.

If so, could their response be tabled?

The General Manager advised that no advice was sought.

If not, could these stakeholders be invited to make a submission to ensure there is multi level government communication and cooperation.

The General Manager advised that the stakeholders could be invited to make a submission.

[QT] Fees & Charges - Repco Rally Australia

Cr K Milne

Asked:

1. Will these events be subject to normal Council fees and charges and if so could the General Manager please outline these amounts or what items would be applicable?

The General Manager responded on advice received from Mr Vince Connell, Director Planning & Regulation that yes, Council's normal fees and charges will be applied to any development applications submitted for the event. The fees and charges for DAs are based on the estimated costs of any building works associated with the proposal. Council expects to be provided with the estimate of costs when the DA is lodged. A fee will then be worked out accordingly.

2. Can the General Manager please justify why this event is not self funding, especially as there are such great economic benefits expected, including ticket sales, TV rights and sponsorship opportunities?

The General Manager advised that it is not his or Council's position to be making such calculations or forming such positions.

3. Can the General Manager outline how much the Rally Car organisers expect in minimum, realistic and maximum figures for sales and TV rights?

The General Manager will formally request the General Manager, Repco Rally Australia to provide a response to Council.

4. Can the General Manager outline the amount of cash contributions the large accommodation providers of Tweed and South East Queensland, as major beneficiaries, are contributing to these events?

The General Manager will request the General Manager of Repco Rally Australia to provide a response to Council.

[QT] Sustainable Tourism - Repco Rally Australia

Cr K Milne

Asked:

1. Can the General Manager outline what the amount of cash contributions the large accommodation providers of the Tweed, as major beneficiaries of Tweed Tourism, are contributing to the Tweed Tourism organisation?

The General Manager suggested that as Cr Milne is a board member of Tweed Tourism that she seeks their advice.

2. Has there ever been a tourism strategy that has been put on public exhibition for community review?

The General Manager advised no.

3. Has Council or Tweed Tourism ever considered developing a strategy for a wholistic, conservation based, ecotourism strategy?

The General Manager advised no.

[QT] Consultation with Resident's Associations - Repco Rally Australia

Cr K Milne

Asked:

1. Has Council ever requested advice from Residents Associations on how they would prefer to be consulted on development and other issues?

The General Manager advised that he is not aware of such formal requests to Resident's Associations, however Council's current practice is to advise appropriate associations of major developments within their area.

2. Has Council ever considered providing for direct notification to Residents' Associations in regard to development issues that directly affect their localities, and their adjoining localities?

Council's staff regularly encourages development proponents to consult with surrounding and affected property owners and residents, and relevant community groups and associations prior to the lodgement of DAs. Council staff also regularly provides on request major development proponents the details of any known groups that they should consult with prior to DA lodgement.

3. Has Council ever considered actively encouraging developers to consult with Residents' Associations prior to the initial stages of planning, and has Council ever discussed this issue with the Associations?

Council's staff regularly encourages development proponents to consult with surrounding and affected property owners and residents, and relevant community groups and associations prior to the lodgement of DAs. Council staff also regularly provides on request major development proponents the details of any known groups that they should consult with prior to DA lodgement.

[QT] Construction Site Operating Hours

Cr D Holdom

Asked would the General Manager please investigate and report back on construction site work days and times of operation, giving regard to how council could re-define policy to take into account reviewing the early start and late finishing times in exclusively residential areas and commercial/retail/mixed use development within residential areas.

The General Manager advised yes.

COMMITTEE OF THE WHOLE

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Cr D Holdom

Cr P Youngblutt

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.

The Motion was **Carried**

FOR VOTE - Unanimous

The General Manager reported that the Confidential Committee of the Whole had excluded the press and public from the whole of the Committee Meeting because, in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest, by reason of the confidential nature of the business to be transacted, and made the following recommendations to Council:-

REPORTS FROM THE GENERAL MANAGER IN COMMITTEE

Nil.

REPORTS FROM THE DIRECTOR PLANNING & REGULATION

- 1 [PR-CM] Development Application DA05/0004 for the Filling of Land on Lots 1-9 DP 781714, Lots 11, 12, 13 & 14 DP 871753, Retention and Conservation of Unfilled Areas of Land in Lots 11, 12 & 13 DP 871753, Lots 1, 2 & 3 DP 781714, Construction of a Box Cu**

REASON FOR CONFIDENTIALITY:

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

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

C 23

That the Land & Environment Court Decision dated 4 May 2009 relating to Development Application DA05/0004 for the filling of land on Lots 1-9 DP 781714, Lots 11, 12, 13 & 14 DP 871753, retention and conservation of unfilled areas of land in Lots 11, 12 & 13 DP 871753, Lots 1, 2 & 3 DP 781714, construction of a box culvert under Turnock Street, construction of a temporary haul road on Lot 3 DP 828298, Lots 26C & 26D DP 10715, construction and use of a conveyor, sand loading and stockpiling on Lots 1, 2 & 3 DP 828298, and associated works be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

2 [PR-CM] Approvals to Operate Markets - Kingscliff, Pottsville, Knox Park - Murwillumbah and Recreation Reserve Tweed Heads

REASON FOR CONFIDENTIALITY:

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

- (d) *commercial information of a confidential nature that would, if disclosed:*
- (i) *prejudice the commercial position of the person who supplied it, or*
 - (ii) *confer a commercial advantage on a competitor of the council, or*
 - (iii) *reveal a trade secret*

C 24

That: -

1. Approval be granted to the following persons/groups to operate the respective markets from 1 July 2009 for a period of three years:
 - Knox Park Murwillumbah – Markets Down Under Pty Limited
 - Recreation Ground Tweed Heads – Tweed Heads Police and Community Youth Club
 - Pottsville – Pottsville Beach Neighbourhood Centre Inc.
 - Kingscliff – Kingscliff Lions Club Inc.
2. Relevant conditions be applied to those approvals as determined by the General Manager or his delegate.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Milne

REPORTS FROM THE DIRECTOR TECHNOLOGY & CORPORATE SERVICES

3 [EO-CM] Floodplain Management

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

C 25

That Council:-

1. Appoints Max Boyd AM, Felicia Cecil, Lutz Gaedt, and Robert Quirk as Community Representatives of the Tweed Shire Floodplain Management Committee for the period until after Council elections in 2012.
2. Accepts nominees of the NSW Department of Environment and Climate Change and NSW State Emergency Service as members of the Tweed Shire Floodplain Management Committee.
3. Advises unsuccessful applicants of the reasons for non-appointment as contained in this report relevant to the applicant.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Milne

4 [EO-CM] Tweed Road Development Strategy - Scenic Drive Diversion and McAllisters Road Extension

REASON FOR CONFIDENTIALITY:

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

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

C 26

That:-

1. The General Manager be authorised to commence negotiations with the affected land owners regarding acquisition of the proposed road reserves and gaining owners' consent to lodge a development application.
2. Subject to obtaining owner's consent, a development application be prepared and lodged for the construction of:
 - (i) The Scenic Drive Diversion
 - (ii) McAllisters Road Extension

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Milne

REPORTS FROM THE DIRECTOR ENGINEERING & OPERATIONS

Nil.

REPORTS FROM THE DIRECTOR COMMUNITY & NATURAL RESOURCES

5 [CNR-CM] Sale of Lot B in DP 27680 – 2 Mayal Street, Murwillumbah

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*

C 27

That:

1. Council accepts the offer from the highest bidder as submitted by Bruce Steel Real Estate in their letter dated 27 May 2009;
2. Executes all documentation under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr W Polglase, Cr J van Lieshout
AGAINST VOTE - Cr K Milne

REPORTS FROM THE DIRECTOR PLANNING & REGULATION

5 [PR-PC] Development Application DA05/0223.05 for an Amendment to Development Consent DA05/0223 for a Restaurant at Lot 1 DP 553728, No. 4 Wharf Street, Tweed Heads

The following person addressed the Planning Committee:

Mr Adrian Wright

This item was moved from the Planning Agenda to Confidential (refer Minute No. xxxx).

Confidential Nature of this Item: The Local Government Act 1993 Clause 10A(2)

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

C 28

That Development Application DA05/0223.05 for an amendment to Development Consent DA05/0223 for a restaurant at Lot 1 DP 553728, No. 4 Wharf Street Tweed Heads be deferred to seek further advice.

The Motion was **Carried**

FOR VOTE - Unanimous

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**Cr D Holdom
Cr P Youngblutt**

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

The Motion was **Carried**

FOR VOTE - Unanimous

There being no further business the Meeting terminated at 10.45pm.

RS

Minutes of Meeting Confirmed by Council

at Meeting held

Chairman