



TWEED
SHIRE COUNCIL

Mayor: Cr K Skinner (Mayor)

Councillors: B Longland (Deputy Mayor)
D Holdom
K Milne
W Polglase
J van Lieshout
P Youngblutt

Minutes

Ordinary Council Meeting Tuesday 17 May 2011

held at Murwillumbah Cultural and Civic Centre
commencing at 3.30pm

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 3.30pm.

IN ATTENDANCE

Cr K Skinner (Mayor), Cr B Longland (Deputy Mayor), Cr D Holdom, Cr K Milne, Cr W Polglase, Cr J van Lieshout and Cr P Youngblutt.

Also present were Mr Mike Rayner (General Manager), Mr Troy Green (Director Technology & Corporate Services), Mr Stewart Brawley (Acting Director Engineering & Operations), Mr Vince Connell (Director Planning & Regulation), Mr David Oxenham (Director Community & Natural Resources), Mr Neil Baldwin (Manager Corporate Governance/Public Officer), Mrs Meredith Smith (Minutes Secretary until Item 6) and Mrs Kerrie McConnell (Minutes Secretary from Item 7).

ABORIGINAL STATEMENT

The 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 Chaplain, Acting Pastor Jacob Vandersteen:

"Eternal Lord God, creator of all things, seen and unseen, you are the one who has established all things in the Heavens and on the Earth. We come before you this afternoon to ask for your blessings on our country and this valley that we live in.

Your holy word says that it is good that we pray for our rulers and leaders of our land, that those in authority may be guided by your power and presence.

We pray for this meeting that is to take place this afternoon, that You will guide the direction of this community through the decisions of this council. We pray for wisdom and clarity of thought for the councillors so that their words, actions and decisions will serve the community in a way that will benefit the people and at the same time please You. Give the councillors a desire to serve the community, and not allow self interests to cloud their decisions, and that the overall outcomes is for the greater good of this land.

We pray that each one here will have a respect for their fellow councillors, even though there may be differences of ideas and outcomes, we pray that those

outcomes are pleasing to you and are beneficial to our community, and shire and this will be the resolve of this meeting.

We ask this to the glory of your Name, through Jesus Christ your Son."

CONFIRMATION OF MINUTES

1 [CONMIN] Minutes of the Ordinary and Confidential Council Meeting held Tuesday 19 April 2011

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**Cr K Milne
Cr J van Lieshout**

RESOLVED that the Minutes of the Ordinary and Confidential Council Meetings held Tuesday 19 April 2011 be adopted as a true and accurate record of proceedings of that meeting, with an amendment to Minute No. 261:

"37 [EO-CM] Acquisition of Easement for Water Supply 3 Wide - Tweed Heads West

In Item 1 of the resolution amend the description of "Lot 2 in DP 537490" to read "Lot 6 in DP 1117326".

This amendment results from a subdivision of the original parcel."

Note - Cr Milne advised that from Item 16 (Minute Number 238) to Item 24 (Minute Number 246) indicated Cr Milne as voting against the resolution which was not her intention.

The Motion was **Carried**

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Cr B Longland wishes to declare a *non pecuniary, non significant* Interest in Item 9. The nature of the interest is that Cr Longland has been friends with the family who is the applicant.

Cr K Milne wishes to declare a *non pecuniary, non significant* Interest in Item 6. The nature of the interest is that Cr Milne has a family member who has an interest in the subject industry.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

2 [SOR] Schedule of Outstanding Resolutions

This item was received and noted.

MAYORAL MINUTE

3 [MM] Mayoral Minute for the Period 02 April to 02 May 2011

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Cr K Skinner

RESOLVED that:

1. The Mayoral Minute for the period 2 April to 2 May 2011 be received and noted, with the following amendments:

Cr D Holdom attended the Tweed Netball ceremony on behalf of the Mayor on 2 April 2011.

Cr J van Lieshout attended the Tweed Heads ANZAC Day service on behalf of Council - inability to attend will need to be deleted.

2. The attendance of Councillors at the following conferences be authorised:

➤ 11-13 Aug - **Cr K Milne** - Australian Institute of Landscape Architects National Conference - Brisbane Convention Centre.

➤ 14-16 Sep - **Cr D Holdom** - LGSA Water Management Conference 2011 - South Grafton Ex-Serviceman's Club, 2 Wharf Street, South Grafton.

➤ 22-23 Sep - **Cr B Longland** - 4th International Urban Design Conference, Resilience in Urban Design - Surfers Paradise Marriott Resort and Spa.

➤ 26-29 Sep - **Cr D Holdom** - 14th International River Symposium, "The Value of Rivers" - Brisbane Convention and Exhibition Centre, Cnr Merivale and Glenelg Streets.

- 8- 11 Nov - **Delegates to be considered at a future Council meeting** - 20th NSW Coastal Conference, 20/20 Vision for the Coast, hosted by Tweed Shire Council - Twin Towns Clubs and Resorts.

3. Council endorses the Mayor, Cr K Skinner attending the Annual Shires Association Conference and the meeting organised by the local State Members with the Minister for Primary Industries, and Minister for Small Business, Katrina Hodgkinson, at Parliament House, Sydney on 31 May 2011 at 5.30pm.

The Motion was **Carried**

FOR VOTE - Unanimous

a3 [MM] Mayoral Minute - Tweed Heads and Tweed Coast Police Stations

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Cr K Skinner

RESOLVED that Council advises the State Government, through its local Members, that Council's strong preference is to assist the Government in identifying a suitable location to ultimately accommodate an integrated Emergency Services facility within the Tweed Local Government area.

The Motion was **Carried**

FOR VOTE - Unanimous

ORDINARY ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

4 [GM-CM] Destination Tweed Quarterly Performance Report – January to March 2011

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**Cr D Holdom
Cr P Youngblutt**

PROPOSED Council endorses:

1. The Destination Tweed Quarterly Report for the quarter January to March 2011.

2. ATTACHMENT 1 as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains:-

(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

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AMENDMENT

Cr J van Lieshout

Cr K Milne

RESOLVED that Council endorses:

1. The Destination Tweed Quarterly Report for the quarter January to March 2011.
2. ATTACHMENT 1 as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains:-

(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. That Destination Tweed be requested to confer with Tweed Shire Council in securing funding under the Commonwealth Government *"Promoting Regional Living"* program in support of undertaking campaigns to attract business opportunities and promote a *"Good place to work, live and build a future"* in developing sustainable, economic, environmental growth.

The Amendment was **Carried**

FOR VOTE - Unanimous

The Amendment on becoming the Motion was **Carried** - (Minute No. 281 refers)

FOR VOTE - Unanimous

5 [GM-CM] Murwillumbah Community Centre Grant Funding

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**Cr D Holdom
Cr B Longland**

RESOLVED that Council accepts the grant funds of \$551,000 (exclusive of GST) offered from the Regional and Local Community Centre Infrastructure Program and votes the expenditure on the Murwillumbah Community Centre as part of the 2011/12 budget.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

6 [PR-CM] Development Application DA10/0480 for the Demolition of Existing Dwellings and Construction of a Function Centre at Lots 9 & 10 Section 4 DP 2974; Nos. 9-11 River Street and Road 5190 Stafford Street, South Murwillumbah

Cr K Milne declared a *non pecuniary, non significant* Interest in Item 6. The nature of the interest is that Cr Milne has a family member who has an interest in the subject industry.

(It was noted that Cr Milne elected to remain in the Chamber for the discussion on this item and therefore participated in voting on the item).

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**Cr W Polglase
Cr J van Lieshout**

RESOLVED that Development Application DA10/0480 for the demolition of existing dwellings and construction of a refreshment and ancillary function centre at Lots 9 and 10 Section 4 DP 2974; Nos. 9-11 River Street and Road 5190 Stafford Street, South Murwillumbah be approved subject to the following conditions of consent:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos wd01 to wd10 prepared by Andrew Reynolds and dated 21/11/10, 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 approved modifications to any existing public utilities situated within or adjacent to the subject property.
[GEN0135]
4. 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.
[GEN0190]
5. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.
[GEN0265]
6. The building is to be designed and constructed to withstand the likely flood flow rates and debris loads applicable to the site.
[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. Section 94 Contributions

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

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

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

These charges include indexation provided for in the S94 Plan and 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:

147.5528 Trips @ \$1601 per Trips \$236,232

(\$1455 base rate + \$146 indexation)

S94 Plan No. 4

Sector10_4

[PCC0215/PSC0175]

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

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

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

Water DSP2:	1.5678 ET @ \$11020 per ET	\$17,277.20
Sewer Murwillumbah:	3.7977 ET @ \$5295 per ET	\$20,108.80

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]

9. Prior to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works as set out in Council's fees and charges at the time of payment.

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

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

[PCC0275]

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

paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

11. 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 the approval of the General Manager or his delegate.

[PCC0465]

12. Submission for approval by the Principal Certifying Authority design detail including surcharge loads for any retaining walls to be erected on the site in accordance with AS 4678, Tweed Shire Council Development Control Plan Part A1 and Councils Development Design and Construction Specifications.

Design detail is to be supported by certification of adequacy of design from a suitably qualified structural engineer.

Please note timber retaining walls are not permitted.

[PCC0475]

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. Prior to the issue of a construction certificate, documentary evidence shall be submitted to Tweed Shire Council demonstrating that a Controlled Activity Approval (CAA) under the Water Management Act 2000 has been obtained for works within 40m of waterfront land (as defined under the Water Management Act 2000) or any works that involve an aquifer interference activity as defined under the Water Management Act 2000.

[PCC0575]

15. Site filling and associated drainage is to be designed to address drainage on the site as well as existing stormwater flows onto or through the site, and minimising the impact of filling on local drainage. Detailed engineering plans of fill levels and perimeter drainage shall be submitted for Council approval.

[PCC0675]

16. 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 7.0m AHD.

- (i) 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.
 - (i) Define adequate provision for the flood free storage for goods and equipment susceptible to water damage.

[PCC0705]

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

[PCC0735]

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

[PCC0865]

19. The proponent shall submit plans and specifications with an application for construction certificate for the following civil works and any associated subsurface overland flow and piped stormwater drainage structures designed in accordance with Councils Development Design and Construction specifications.

URBAN ROAD (delete if not required)

- (a) Construction of an urban bitumen sealed road generally in accordance with the 'Site Plan' by Andrew Reynolds version 'O' for the Stafford Street frontage of the site, with the following provisos;
 - Carriageway width (kerb to kerb) to be 7.5m, unless a greater width is required for 'B99' vehicle turning paths.
 - A kerb line shall be implemented for the northern side of the road.
 - Vehicular footpath crossings shall be provided for off-road driveway access – no kerb and gutter is to be arced across the footpath area.
 - Give way signage and linemarking shall be installed for the Stafford Street legs of the intersection.
- (b) All footpath crossings are to be splayed.

[PCC0875]

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 undertaken in accordance with Councils Development Design and Construction Specifications for the following required works:

- (a) Vehicular access: new driveway access from River street (note that this is required to be evenly splayed); also two (2) new driveways from Stafford Street – unless these are constructed in conjunction with the new Stafford Street roadworks.

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
- Sediment and erosion control plans
- Location of all services/conduits
- Traffic control plan

[PCC0895]

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

- (a) copies of compliance certificates relied upon
- (b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
- earthworks
 - roadworks/furnishings
 - stormwater drainage
 - water supply works
 - sewerage works
 - landscaping works
 - sedimentation and erosion management plans
 - location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure)

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

[PCC0985]

22. 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.
 - (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]

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

will not be approved until prior separate approval to do so has been granted by Council under S68 of the Local Government Act.

- a) 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.
- b) Where Council is requested to issue a construction certificate for civil works associated with a subdivision 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.

[PCC1145]

24. 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]

25. Prior to issue of construction certificate the applicant is to submit an 'Application for Plan Approval Fit-out Details', with appropriate fees, and to be granted Council approval for the fit-out of the premises.

[PCCNS01]

26. Prior to issue of a construction certificate a report shall be submitted from a suitably qualified acoustic consultant detailing that mechanical plant selection and design has been undertaken in accordance with Section 6.0 of the Environmental Noise Impact Report prepared by CRG Traffic & Acoustics Pty Ltd dated January 2011 (crgref: 10163a report Jan2011). The report shall include recommended noise mitigation measures to be carried out relating to mechanical plant.

[PCCNS02]

27. The development shall provide a transverse drainage system for the continuity of stormwater flows from the open drain on adjoining land to the north, through the development site, to the Stafford Street stormwater drainage system, for all events up to and including the 100 year ARI storm event. Any piped system serving this purpose must be supplemented by an overland flow path that will operate in a manner that will minimise potential damages and nuisance in the event of a pipe failure. Implementation of such an overland flowpath will require localised lowering of the basement driveway to form a depression that gravitates from the northern boundary of the site, in the vicinity of the proposed inlet headwall, through to the Stafford Street frontage. The design of the pipe inlet must include a safety factor of 2 to account for blockage. The s68 Stormwater Application shall include a hydraulic assessment of the transverse drainage system, which demonstrates that the system will provide a "no worsening" post-development case for upstream land for events up to and including the 100 year ARI event. The hydraulic assessment shall include identification of the extent of all contributing catchments, as verified by on site survey. An easement benefitting Council shall be created over the transverse drainage system prior to occupation.

[PCCNS03]

28. The submitted Stormwater Management Plan is not considered to be entirely acceptable, and On-site Stormwater Detention (OSD) is to be implemented. The development shall provide for the mitigation for stormwater runoff generated by the development with the existing downstream stormwater infrastructure in place, in accordance with Development Design Specification D5 - Stormwater Drainage Design Clause D5.16 Stormwater Detention. Engineering details of an adequate OSD system shall be submitted with the s68 Stormwater Application to Council for approval prior to issue of a construction certificate.

OSD devices including the discharge control pit (DCP) are to comply with standards in the last version of The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook" except that permissible

site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire.

All stormwater generated from the site must initially be directed to the DCP.

Appropriate ventilation must be provided for any enclosed or covered OSD storage area.

This OSD system is required to be a completely separate stormwater system to the transverse drainage system imposed via the previous consent condition.

[PCCNS04]

29. The construction certificate application shall include certified engineering details of the proposed access platform adjacent to Council's levee. The platform shall be of light weight construction and must be readily removable from its structural supports and relocatable without the need for special equipment. No structural supports are permitted within three (3) metres horizontal distance of the surveyed top of the levee embankment. The platform must be designed to impose minimal bearing forces on the levee.
30. The developer must obtain all necessary separate State Government approvals for any works on Lot 8126 DP 755698 (State Crown Land).

[PCCNS05]

PRIOR TO COMMENCEMENT OF WORK

31. 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]

32. Prior to the commencement of works, the applicant shall ensure that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared and put in place in accordance with either:-
 - (a) Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
 - (b) AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
 - (c) WorkCover Regulations 2000

[PCW0025]

33. 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]

34. 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]

35. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (15) persons employed at the site. Each toilet provided must be:
- (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council

[PCW0245]

36. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

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

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

[PCW0255]

37. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of the fill, nature of material, proposed use of material and confirmation that 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]

38. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.

[PCW0665]

39. Civil work in accordance with a development consent must not be commenced until:

(a) a construction certificate for the civil work has been issued in accordance with Councils Development Construction Specification C101 by:

- (i) the consent authority, or
- (ii) an accredited certifier, and

(b) the person having the benefit of the development consent:

- (i) has appointed a principal certifying authority,
- (ii) has appointed a Subdivision Works Accredited Certifier (SWAC) accredited in accordance with Tweed Shire Council DCP Part A5 – Subdivision Manual, Appendix C with accreditation in accordance with the Building Professionals Board Accreditation Scheme. As a minimum the SWAC shall possess accreditation in the following categories:

C4: Accredited Certifier – Stormwater management facilities construction compliance

C6: Accredited Certifier – Subdivision road and drainage construction compliance

The SWAC shall provide documentary evidence to Council demonstrating current accreditation with the Building Professionals Board prior to approval and issue of any Construction Certificate, and

- (iii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment,
 - (iv) a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Subdivision Works Accredited Certifier is erected and maintained in a prominent position at the entry to the site in accordance with Councils Development Design and Construction Specifications. The sign is to remain in place until the Subdivision Certificate is issued, and
- (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the civil work.

[PCW0815]

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

[PCW0835]

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. 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 prior to commencing any building works.

[PCW1135]

DURING CONSTRUCTION

44. If during construction works any Aboriginal object or relic is disturbed or uncovered, works are to cease and the Department of Environment, Climate Change and Water are to be notified immediately, in accordance with the provisions of the National Parks and Wildlife Act 1974.

[DUR0025]

45. Construction and/or demolition 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 6.00pm

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]

46. 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.

$L_{Aeq, 15 \text{ min}}$ 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.

$L_{Aeq, 15 \text{ min}}$ 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]

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. 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]

49. 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]

50. 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]

51. 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.

The proponent shall also observe the guidelines set down under the Department of Environment and Climate Change publication, "A Renovators Guide to the Dangers of Lead" and the Workcover Guidelines on working with asbestos.

[DUR0645]

52. 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 the works.

[DUR0675]

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

The earthworks shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with AS 3798. A certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798 shall be submitted to the Principal Certifying Authority upon completion.

[DUR0795]

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

[DUR0815]

55. 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]

56. 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]

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

necessary precautions, covering and protection shall be taken to minimise impact from: -

- Noise, water or air pollution
- dust during filling operations and also from construction vehicles
- material removed from the site by wind

[DUR1005]

58. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

[DUR1795]

59. Before the commencement of the relevant stages of road construction, pavement design detail including reports from a Registered NATA Consultant shall be submitted to Council for approval and demonstrating.

- (a) That the pavement has been designed in accordance with Tweed Shire Councils Development Design Specification, D2.
- (b) That the pavement materials to be used comply with the specifications tabled in Tweed Shire Councils Construction Specifications, C242-C245, C247, C248 and C255.
- (c) That site fill areas have been compacted to the specified standard.
- (d) That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.

[DUR1805]

60. During the relevant stages of road construction, tests shall be undertaken by a Registered NATA Geotechnical firm. A report including copies of test results shall be submitted to the PCA prior to the placement of the wearing surface demonstrating:

- (a) That the pavement layers have been compacted in accordance with Councils Development Design and Construction Specifications.
- (b) That pavement testing has been completed in accordance with Table 8.1 of AS 3798 including the provision of a core profile for the full depth of the pavement.

[DUR1825]

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

[DUR1855]

62. The footpath area is to be graded to the kerb and turfed for the full frontage of the site.

[DUR1865]

63. 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 the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1875]

64. Tweed Shire Council shall be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, Appendix D. Inspection fees are based on the rates contained in Council's current Fees and Charges:-

Roadworks

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

Water Reticulation, Sewer Reticulation, Drainage

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

Sewer Pump Station

- (a) Excavation
- (b) Formwork/reinforcement
- (c) Hydraulics
- (d) Mechanical/electrical

- (e) Commissioning - on maintenance
- (f) Off maintenance

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

The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".

[DUR1895]

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

[DUR2195]

66. All stormwater gully lintels shall have the following notice cast into the top of the lintel: 'DUMP NO RUBBISH, FLOWS INTO CREEK' or similar wording in accordance with Councils Development Design and Construction Specifications.

[DUR2355]

67. 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]

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

[DUR2445]

69. 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]

70. 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]

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

[DUR2535]

72. 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]

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

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

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

[DUR2555]

74. Construction of the facility shall be undertaken in accordance with Section 6.0 of the Environmental Noise Impact Report prepared by CRG Traffic & Acoustics Pty Ltd dated January 2011 (crgref: 10163a report Jan2011).

[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

[POC0205]

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

[POC0225]

77. Prior to 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 professionally 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]

78. 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]

79. The proprietor of the food premises shall provide appropriate notification to the NSW Food Authority prior to commencement of operations by completing the "Notify a Food Business" form under the NAFSIS Heading on the following website www.foodnotify.nsw.gov.au or alternatively by contacting the NSW Food Authority on 1300650124.

[POC0625]

80. The premises 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]

81. Prior to the issue of an occupation certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all s68h2 permanent stormwater quality control devices.

[POC0985]

82. 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]

83. Prior to issue of an occupation certificate, certification from an appropriately qualified acoustic consultant shall be submitted detailing that the construction of the facility has been undertaken in accordance with Section 6.0 of the Environmental Noise Impact Report prepared by CRG Traffic & Acoustics Pty Ltd dated January 2011 (crgref: 10163a report Jan2011).

[POCNS01]

84. Prior to issue of an occupation certificate, certification from an appropriately qualified individual shall be submitted detailing that the construction of the mechanical exhaust ventilation if required, has been installed in accordance with AS16668.2.

[POCNS02]

USE

85. 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]

86. LAeq noise level emitted from the premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) by more than 5dB between 7.00am and 12.00 midnight at the boundary of any affected residence.

LAeq noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) between 12.00 midnight and 7.00am at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.

[USE0165]

87. 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]

88. As per the 'Planning For Entertainment Guidelines 2009) the following condition is REVIEWABLE.

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

Monday – Thursday 9:30am – 9:30pm

Friday 9:30am – 11:00pm

Saturday 8:00am – 12:00am

Sunday 8:00am – 9:30pm

Functions are only permitted on Saturday nights.

[USE0185]

89. All deliveries to the premises are to occur only within the approved hours of operation unless otherwise approved by Councils General Manager or his delegate.

[USE0195]

90. 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]

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

[USE0245]

92. Any premises used for the storage, preparation or sale of food are to comply with the *Food Act* 2003, FSANZ Food Safety Standards and AS 4674-2004 Design, construction and Fit-out of Food Premises and other requirements of Councils Environmental health Officer included in this approval.

[USE0835]

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

[USE0845]

94. All commercial / industrial / residential wastes shall be collected, stored and disposed of in accordance with any approved Waste Management Plan or to the satisfaction of the General Manager or his delegate.

[USE0875]

95. All activities shall be carried out in accordance with the requirements of the NSW Office of Liquor, Gaming and Racing (OLGR).

[USE1085]

96. The development shall be carried out in accordance with the provisions of the Environmental Noise Impact Report prepared by CRG Traffic & Acoustics Pty Ltd dated January 2011 (crgref: 10163a report Jan2011) unless varied by conditions of development consent.

[USENS01]

97. Live entertainment or amplified music is not permitted on the external western and eastern deck areas.

[USENS02]

98. The use of the eastern deck area is only permitted between the hours of 9:30am to 6:00pm.
99. The function centre component is to have a maximum seating capacity of 79 patrons.
100. The dining area for the refreshment room is restricted to the 100.48m² area as depicted on Plan No. wd09 - issue O prepared by Andrew Reynolds.

In this regard this consent does not permit either, the owner and/or staff and/or patrons from removing any tables and chairs from the establishment and/or acquiring/purchasing further tables and chairs and placing same on any open outdoor area within the property or riverbank area.

[USENS03]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

101. Prior to the issue of a Subdivision Certificate a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.

The bond shall be based on 5% of the value of the works (minimum as tabled in Council's fees and charges current at the time of payment) which will be held by Council for a period of 6 months from the date on which the Subdivision Certificate is issued. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

[PSC0215]

102. Prior to the issue of a Subdivision Certificate, Work as Executed Plans shall be submitted in accordance with the provisions of Tweed Shire Council's Development Control Plan Part A5 - Subdivision Manual and Council's Development Design Specification, D13 - Engineering Plans.

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

- (a) all drainage lines, sewer lines, services and structures are wholly contained within the relevant easement created by the subdivision;
- (b) the plans accurately reflect the Work as Executed.

Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed (WAX) plans.

[PSC0735]

103. 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) Identify all allotments to be created as dual occupancies.
 - (c) An easement in favour of Tweed Shire Council shall be created over the full length of the flood levee within the subject land. The

easement width shall extend from the rear (north western) boundary to three (3) metres (measured horizontally) on the landward side of the surveyed top of the levee embankment.

- (d) Creation of an inter-allotment drainage easement over a pipeline and overland flowpath (beneath the building) that is to be constructed as part of this development.
- (e) Restriction on Title and companion Positive Covenant to be created regarding on-site Stormwater Detention perpetual maintenance requirements. Information in this regard can be obtained from the last version of The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook".

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.

[PSC0835]

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

[PSC0855]

105. Prior to the application for a Subdivision Certificate a Compliance Certificate or Certificates shall be obtained from Council OR an accredited certifier for the following:-

- (a) Compliance Certificate - Roads
- (b) Compliance Certificate - Drainage

Note:

1. All compliance certificate applications must be accompanied by documentary evidence from the developers Subdivision Works Accredited Certifier (SWAC) certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual and Councils Development Design and Construction Specifications.

2. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".

[PSC0915]

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

[PSC0925]

107. The site is to be consolidated into a single allotment. Concurrently with this, a 3m x 3m splay corner is required to be dedicated to Council as public road.

[PSCNS01]

The Motion was **Carried**

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

AGAINST VOTE - Cr D Holdom, Cr K Milne

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

284

**Cr K Milne
Cr B Longland**

RESOLVED that Council notes the April 2011 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

Cr P Youngblutt left the meeting at 04:45 PM

**FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr P Youngblutt**

8 [PR-CM] Development Application DA11/0095 for The Unity Festival at Lot 167 DP 729468, Queensland Road, Murwillumbah

285

**Cr D Holdom
Cr W Polglase**

RESOLVED that Council's fees associated with Development Application DA11/0095 for *The Unity Festival* at Lot 167 DP 729468, Queensland Road, Murwillumbah be donated to The Unity Festival Incorporated as the donation policy permits no more than two (2) donations within any consecutive three (3) year period, with this the second donation to the organisation within that period.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr P Youngblutt

Cr P Youngblutt has returned from temporary absence at 04:47 PM

9 [PR-CM] Development Application DA11/0176 for a Gazebo and Pool Pump House at Lot 5 DP 1047760, No. 9 Winchelsea Way, Terranora

Cr B Longland declared a perceived *non-significant, non-pecuniary* Interest in this item, left the Chamber and took no part in the discussion or voting. The nature of the interest is that Cr Longland has been friends with the family who is the applicant.

286

Cr D Holdom
Cr W Polglase

RESOLVED that:

1. State Environmental Planning Policy No. 1 objection to Clause 24 of Tweed Local Environmental Plan 2000 regarding setbacks to designated roads be supported and the concurrence of the Director-General of the Department of Planning and Infrastructure be assumed.
2. Development Application DA11/0176 for a gazebo and pool pump house at Lot 5 DP 1047760, No. 9 Winchelsea Way, Terranora be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by conditions of this consent.
[GEN0015]
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
[GEN0115]
3. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.
[GEN0135]

PRIOR TO COMMENCEMENT OF WORK

4. 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]

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

[PCW0215]

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

[PCW0225]

7. 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. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, 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

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

[DUR0005]

10. Construction and/or demolition 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 6.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

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

[DUR0245]

12. 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]

13. 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]

14. 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]

15. 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]

16. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -

- Noise, water or air pollution
- dust during filling operations and also from construction vehicles
- material removed from the site by wind

[DUR1005]

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

to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1875]

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

[DUR2185]

19. 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]

20. 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]

21. 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]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

22. 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]

23. 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]

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

[POC1055]

USE

25. 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]

26. 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 W Polglase, Cr D Holdom, Cr J van Lieshout, Cr K Skinner

AGAINST VOTE - Cr K Milne

ABSENT. DID NOT VOTE - Cr B Longland

Cr B Longland has returned from temporary absence at 04:50 PM

10 [PR-CM] Part V Application PTV10/0032 for Kirkwood Road Extension from Fraser Drive west of the Pacific Highway to Minjungbal Drive to the east including Highway on & off Ramps at Lot 697 DP47411, ROAD 2920 Kirkwood Road; Lot 33 DP 1073293 Firetail Street, Road 944 Pacific Highway, Tweed Heads South

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**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Part V Application PTV10/0032 for Kirkwood Road extension from Fraser Drive west of the Pacific Highway to Minjungbal Drive to the east including highway on and off ramps at Lot 697 DP 47411, ROAD 2920 Kirkwood Road; Lot 33 DP 1073293 Firetail Street; ROAD 944 Pacific Highway, Tweed Heads South be approved subject to the following conditions:

1. The development shall be completed in general accordance with the Review of Environmental Factors prepared by Tweed Shire Council Design Unit dated December 2010, and Project Modifications prepared by Tweed Shire Council Design Unit dated April 2011, except where varied by these conditions.

[PTV0010]

2. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.

[PTV0030]

3. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.

[PTV0040]

4. Construction and/or demolition 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 6.00pm

No work to be carried out on Sundays or Public Holidays

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

[PTV0050]

5. 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.

$L_{Aeq, 15 \text{ min}}$ 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.

$L_{Aeq, 15 \text{ min}}$ 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.

[PTV0060]

6. Prior to works commencing on the North Bound Off Ramp in stage 2 of the project, a Detailed Site Contamination Investigation is required in areas identified in Section 6 of the Kirkwood Road Project Review of Environmental Factors December 2010, and if required a Remediation Action Plan, prepared by a qualified Environmental Consultant in accordance with the NSW Department of Environmental, Climate Change and Water's Contaminated Lands Guidelines shall be submitted to Council for review and approval. Construction works in this area shall not commence until this report has been reviewed and approved by the General Manager or his Delegate.
7. All works shall be carried out in accordance with any approved Remediation Action Plan or to the satisfaction of Council's General Manager or his delegate. Upon completion of remediation works, Council shall be provided with a Post Remediation Validation Report to the satisfaction of the General Manager or his delegate. Construction works shall not commence until this report has been reviewed and approved by the General Manager or his delegate.
8. Prior to any works commencing, an Acid Sulfate Soil Management Plan for the site prepared by a qualified environmental consultant in accordance with the NSW ASSMAC Guidelines shall be submitted to Council for review and approval. Construction works shall not commence

until this report has been reviewed and approved by the General Manager or his delegate.

9. All works shall be carried out in accordance with an approved Acid Sulfate Soil Investigation and Management Plan or to the satisfaction of Council's General Manager or his delegate.
10. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from Council's General Manager or his delegate.
11. Prior to any works commencing, a Dust Monitoring Program prepared in accordance with the DECCW Guidelines is to be established to obtain baseline data to be used as a reference during the construction phase. A copy of this Program shall be provided to Council.
12. All works shall be carried out in accordance with the Dust Monitoring Program or to the satisfaction of Council's General Manager or delegate.
13. Prior to any works commencing, an Acoustic Report for the proposed acoustic barrier along the existing section of Kirkwood Road (rear of 20-56 Blundell Boulevard) prepared by a qualified acoustic consultant in accordance with the NSW RTA Environmental Noise Management Manual and current Office of Environment and Heritage (formerly NSW Department of Environment, Climate Change and Water) Guidelines shall be submitted to Council's General Manager or his delegate for review and approval. The report shall include traffic volumes that will trigger the installation of the barriers.
14. All works shall be carried out in accordance with the Mitigation Measures outlined in Section 6.6.8 of the Kirkwood Road Project – Falcon Way to Fraser Drive, Tweed Heads South – Review of Environmental Factors prepared by Tweed Shire Council dated December 2010, Acoustic Assessment – Kirkwood Road Extension prepared by Air Noise Environment Pty Ltd dated December 2010, Additional Mitigation Scenario – Kirkwood Road Extension prepared by Air Noise Environment Pty Ltd dated 14 December 2010, the Acoustic Report for the proposed acoustic barrier along the existing section of Kirkwood Road (rear of 20-56 Blundell Boulevard) and any addendums to these documents as approved by Council's General Manager or his delegate.
15. Immediately following the operation of each Stage of the Kirkwood Road Project, or in the case of the proposed acoustic barrier to the rear of 20-56 Blundell Boulevard - the completion of recommendations of the acoustic report, Post Construction Noise Impact Compliance Assessment reports from a suitably qualified acoustic consultant shall be prepared and submitted for consideration and approval by Council's General Manager or delegate in respect to noise associated with the Kirkwood Road Project.

The assessment reports shall consider the mitigation measures outlined in Section 6.6.8 of the Kirkwood Road Project – Falcon Way to Fraser Drive, Tweed Heads South – Review of Environmental Factors prepared by Tweed Shire Council dated December 2010, Acoustic Assessment – Kirkwood Road Extension prepared by Air Noise Environment Pty Ltd

dated December 2010, Additional Mitigation Scenario – Kirkwood Road Extension prepared by Air Noise Environment Pty Ltd dated 14 December 2010 (Ref: 2451replet01), the acoustic report for the proposed acoustic barrier along the existing section of Kirkwood Road (rear of 20-56 Blundell Boulevard), and any addendums to these documents as approved by Council's General Manager or his delegate, and include any recommended noise amelioration measures to be carried out by the applicant. The report shall be submitted within a period not exceeding 60 days of the date of operation of each Stage (or completion of recommendations of the acoustic report for the proposed acoustic barrier to the rear of 20-56 Blundell Boulevard).

The applicant shall carry out any such recommendations as provided within the noise assessment reports to the satisfaction of the General Manager or delegate within 30 days from the date of the acoustic assessment of each Stage (or completion of recommendations of the Acoustic Report for the proposed acoustic barrier to the rear of 20-56 Blundell Boulevard), provided that the General Manager or delegate may extend the time period for the carrying out of any recommended acoustic treatment to a date which may be determined by the General Manager or delegate.

16. All imported fill material shall be from an approved source. Prior to works commencing, 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 Council for the approval of the General Manager or his delegate.
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.
18. Prior to the commencement of works, a construction waste management plan is to be provided to Council. The waste management plan is to include:
 - a. Demolition
 - i) The volume and type of waste generated during demolition.
 - ii) The methods of storage of material on site. A site plan should be included.
 - iii) How recyclable materials will be separated, managed, and where the materials will be sent for recycling.
 - iv) The location and methods of disposal of all residual waste.
 - v) The licensed transporter of the waste.
 - b. Construction
 - i) The type of waste generated during construction.
 - ii) The method and location of waste storage on site.

- iii) How any recyclable materials will be managed.
- iv) The location of the disposal facility for residual waste.

During the demolition and construction phases it is the responsibility of the site manager to ensure that the above management measures are inspected and maintained on a daily basis.

19. The landscaping design plan for the site is to address the interaction between the development and the public park and footpaths in Lot 36 DP 1069519 and Lot 40 DP 1069551. In particular, the landscape design plan is to address the playground to be constructed on Lot 40 DP 1069551 with respect to the Playground Risk rating strategy.
20. A Habitat Restoration Plan must be prepared for the vegetation offset sites nominated as 1A (Kirkwood Road) and site 2A (Lot 1327//1005077) within six months of the date of this approval. Such plan must be prepared in accordance with Council's *draft Habitat Restoration Guidelines* and submitted to Council's Development Assessment Unit for approval. Such plan must describe how restoration works will be funded for a minimum 5 year period whilst restoration is undertaken and how the site will be managed thereafter.
21. Within six months of the date of this approval, the applicant must commence the process of re-categorisation of offset site 2A (Lot 1327//1005077) to *Natural Area / Bushland* and prepare a Plan of Management in accordance with the requirements of the Local Government Act (note that the Habitat Restoration Plan may include these requirements within the one plan).
22. A registered Spotter-catcher must be present on site during all works that involve the clearing of native vegetation so as to minimise impacts to native fauna.
23. A Compensatory Fauna Nest-Box Plan must be submitted to Council's Development Assessment Unit for approval within six months of the date of this approval. All reasonable opportunities to re-use hollows removed from trees on the site must be taken.
24. Any part of the activities with the potential to trigger a Fisheries Permit must be discussed with the Department of Industry and Investment (Fisheries) and such a permit applied for if directed by Fisheries.
25. Native vegetation must not be removed outside that area strictly required for works directly associated with the project as described in the Review of Environmental Factors and associated documents submitted with the application.
26. Works must comply with the recommendations Cultural Heritage Assessment for the Kirkwood Road Extension project by Converge dated 20/12/10.
27. A Construction Environmental Management Plan (CEMP) is to be prepared for the construction phase of the development. The Construction Environmental Management Plan is to be prepared in accordance with the Review of Environmental Factors and associated documentation

submitted with this application and is to detail proposed environmental impact avoidance and mitigation measures and monitoring programs.

28. A suitably qualified Environmental Officer, that is be nominated and approved by Council's Development Assessment Unit, shall be engaged by the proponent for the duration of the construction works as detailed in the CEMP. Their role shall be to oversee the environmental compliance of the project until completion and to act as a liaison officer to consult with complainants in relation to the project impacts during construction works.
29. A traffic control plan in accordance with AS1742 and RTA publication "Traffic Control at Work Sites" Version 2 shall be prepared by an RTA accredited person and shall be complied with during all phases of the project. Safe public access shall be provided at all times.
30. 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".
31. During construction, all works required by other conditions or approved management plans or the like shall be installed and operated in accordance with those conditions or plans.
32. A copy of approved plans, the CEMP and relevant specifications and documents incorporating conditions of approval shall be kept on site at all times and shall be readily available for perusal by any officer of Council or relevant State Government Authorities.
33. The use of crushing plant machinery, mechanical screening or mechanical blending of materials is subject to separate development application.
[GEN0045]
34. All imported fill material shall be from an approved source. 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 the approval of the General Manager or his delegate.
[PCC0465]
35. During filling operations,
 - No filling is to be placed hydraulically within twenty metres (20m) of any boundary that adjoins private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.
 - All fill and cut batters shall be contained wholly within the subject land.and upon completion,
 - all topsoil to be respread and the site to be grassed and landscaped including battered areas.
[DUR0755]

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

[DUR0815]

37. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles.

[DUR0995]

38. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -

- Noise, water or air pollution
- dust during filling operations and also from construction vehicles
- material removed from the site by wind

[DUR1005]

39. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. Such materials shall either be recycled or disposed of in a manner acceptable to Councils General Manager or his delegate.

[DUR1015]

The Motion was **Carried**

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

11 [PR-CM] State Emergency Services/Unlimited Arts - Development of Site

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Cr D Holdom
Cr P Youngblutt

RESOLVED that Council:

1. Seeks a short term licence over Reserve 89237 for the purpose of Site Investigation for a term of 12 months.
2. Undertakes a diligent investigation to determine whether there are suitable sites on Council-owned land in the Shire that might be utilised for SES purposes.
3. Pursues public consultation to show either:

- (i) That there is a surplus of open space in the Terranora locality and Reserve 89237 that is not required for public recreation; or
- (ii) That Reserve 89237 is required for public recreation but alternatives/offsets proposed by Council for the loss of public recreation space are acceptable to the community; or
- (iii) That no alternatives/offsets are sought by the community for the loss of land for public recreation and open space; or
- (iv) That the community will not accept alternatives/offsets offered by Council for the loss of open space and alternative sites for the SES facility will be pursued.

The Motion was **Carried**

FOR VOTE - Unanimous

12 [PR-CM] Development Application DA10/0556 for a Surf Lifesaving Outpost and Vehicle Access at Lot 7064 DP 1113596, Surfside Crescent, Pottsville

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**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Development Application DA10/0556 for a surf lifesaving outpost and vehicle access at Lot 7064 DP 1113596, Surfside Crescent Pottsville be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos RC10010, RC10010/03 and RC10010/04 prepared by Tweed Shire Council and dated 6/2010, 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 approved modifications to any existing public utilities situated within or adjacent to the subject property. Any necessary adjustment or modification of existing services is to be undertaken in accordance with the requirements of the relevant Authority.
[GEN0135]
4. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.
[GEN0265]

5. The facility shall be connected to reticulated town water and sewerage services.

[GENNS01]

- 5a. The building and roof is constructed in a non reflective neutral finish/colour to the satisfaction of the General Manager or his delegate.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. 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:	0.3 ET @ \$11020 per ET	\$3306
Sewer Hastings Point:	0.45 ET @ \$5295 per ET	\$2382.80

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]

7. 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]

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

[PCC0865]

9. 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 undertaken in accordance with Councils Development Design and Construction Specifications for the following required works:

- (a) Vehicular access. In this regard the proposed driveway is to be constructed in concrete for the footpath crossing of Surfside Crescent. Furthermore, the submitted plans showing a driveway longitudinal section with a 10% gradient (across the footpath area), must be amended to provide for a compliant 2.5% gradient across the footpath area of Surfside Crescent.

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]

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

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

will not be approved until prior separate approval to do so has been granted by Council under S68 of the Local Government Act.

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

[PCC1145]

12. Erosion and Sediment Control shall be provided in accordance with the following:

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

[PCC1155]

13. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the issue of a construction certificate.

[PCC1195]

14. Prior to the issue of a construction certificate and as a matter of courtesy, the applicant shall approach and obtain consent from the owner of Lot 40 DP 249208, for connection to the existing sewer main within the rear of that property.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

15. 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]

16. The erection of a building in accordance with a development consent must not be commenced until:

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

[PCW0215]

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

[PCW0225]

18. 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]

19. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, 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]

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

[PCW0985]

DURING CONSTRUCTION

21. Construction and/or demolition 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 6.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

22. All 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.

$L_{Aeq, 15 \text{ min}}$ 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.

$L_{Aeq, 15 \text{ min}}$ 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]

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. 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]

25. The site is considered potentially contaminated. 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]

26. 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]

27. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -

- Noise, water or air pollution
- dust during filling operations and also from construction vehicles
- material removed from the site by wind

[DUR1005]

28. 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]

29. 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 the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1875]

30. 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]

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

[DUR2185]

32. 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]

33. 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/l.

[DUR2435]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

34. 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

35. 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]

36. 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]

37. 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]

38. Any vehicles that remain on site for periods in excess of two (2) minutes are required to switch off their engines.

[USE0255]

39. Following completion of a satisfactory post earth work surface radiation survey excavations or disturbances greater than 500mm below the ground

surface are not permissible without the separate written approval of Council.

[USENS01]

40. Following the completion of construction and prior to commencement of use a post earth work surface radiation validation survey shall be completed and reported to Council to the satisfaction of the General Manager or his delegate (covering as a minimum the construction area and associated beach access tracks). Surface radiation levels shall not exceed the relevant NSW Health Action level Criteria.

[USENS02]

NSW RURAL FIRE SERVICE

Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities.

1. At the commencement of building works and in perpetuity the property to the east and south of the building to a distance of 15 meters, 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'.

Water and Utilities

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities.

2. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for internal roads is to provide safe operational access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation.

3. Property access roads shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack.

4. Roller doors, tilt-a-doors and other such doors shall be sealed to prevent the entry of embers into the building.
5. New construction shall comply with section 7 (BAL 29) Australian Standard AS3959-2009 "Construction of buildings in bush fire-prone areas" and section A3.7 Addendum Appendix 3 of "Planning for Bush Fire Protection". The northern and western elevations shall comply with section 6 (BAL 19) Australian Standard AS3959-2009 "Construction of

buildings in bush fire-prone areas" and section A3.7 Addendum Appendix 3 of "Planning for Bush Fire Protection".

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

13 [CNR-CM] Quarterly Variation Report for Contract EC2009-068 - Banora Point Wastewater Treatment Plant 18ML Upgrade Construction: January 2011 to March 2011

290

**Cr D Holdom
Cr B Longland**

RESOLVED that the total value of variations to date of \$417,930.13 inclusive of GST, for Contract EC2009-068 Banora Point Wastewater Treatment Plant Upgrade, be received and noted:

- a) Variation No.20 – Redesign of Road 2 to give a constant cross fall. **(-\$4,605.70 GST Incl.)**
- b) Variation No.21 – Costs of delay to work as a result of rework and adverse site conditions – 19 days @ \$8,000.00/day. (\$152,000.00 GST Incl.)
- c) Variation No.22 – December Quarter Rise and Fall. (\$21,088.28 GST Incl.)
- d) Variation No. 23 – Materials supplied for Balance Tank foundation – progress claim (\$164,024.19 GST Incl.)
- e) Variation No. 24 – Day works costs for rework due to adverse site conditions. (\$96,434.36 GST Incl.)
- f) Variation No. 25 – Materials supplied for Balance Tank foundation – final claim. (\$62,901.14 GST Incl.)

The Motion was **Carried**

FOR VOTE - Unanimous

14 [CNR-CM] Northern Rivers Catchment Management Authority Caring for our Coast Project Grant - Protection of sensitive Littoral Rainforest areas on the dunes at The Spit Pottsville

291

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that:

1. Council accepts the \$30,073 (excl. GST) financial assistance from the Northern Rivers Catchment Management Authority for the implementation of the project "Protection of sensitive Littoral Rainforest areas on dunes at The Spit, Pottsville" and votes the expenditure.
2. All documentation be completed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

15 [CNR-CM] Community Cultural Development Advisory Committee

292

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council adopts the amended Terms of Reference of the Community Cultural Development Advisory Committee.

The Motion was **Carried**

FOR VOTE - Unanimous

16 [CNR-CM] "The Buttery" - Uki-Mortgage Guarantee

293

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council extends the loan guarantee for Uki Village and District Residents Association Inc through Southern Cross Credit Union from \$62,000 to \$88,000 to permit the installation of a five (5) kW solar system on "The Buttery" with all costs relating to the loan guarantee extension to be borne by the Association.

The Motion was **Carried**

FOR VOTE - Unanimous

17 [CNR-CM] Request for "In Kind" Support/Waive fee

294

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council:

1. With reference to the request from Tweed Valley Banana Festival, provides the Murwillumbah Civic Centre:
 - (a) For a reduced fee of \$789 of the full fee of \$1548 on 9 to 13 August 2011 for the Fashion Parade.
 - (b) For a reduced fee of \$386 of the full fee of \$568 on 18 to 19 August 2011 for the Banana Festival Ball.
 - (c) Declines the request to pay the fee for hire of the catwalk for the Fashion Parade.

and that Council support is recognised with the following acknowledgement "this programme has been supported by Tweed Shire Council".

2. With reference to the request from Tweed Gold Coast Family History & Heritage Association Inc, provides the Tweed Heads Civic Centre for a reduced fee of \$1562 of the full fee of \$3124 on 12 to 14 August 2011 for the Antique Fair and that Council support is recognised with the following acknowledgement "this programme has been supported by Tweed Shire Council".

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

18 [EO-CM] Tweed Valley Way, Burringbar - Application to Close and Purchase Part of Road Reserve

295

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that:

1. Council approves the closure of part of the road reserve adjacent to Lot A in DP 366531, Tweed Valley Way, Burringbar;
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. The title of the closed road be consolidated with the adjacent land;
4. Easements be created over public authority reticulation services, if any; and
5. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

19 [EO-CM] Banner Lane, Murwillumbah - Application to Close and Purchase Part of Road Reserve

296

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council approves advertising the proposed closure of part of the road reserve adjacent to Lot A in DP 378525, Banner Lane Murwillumbah.

The Motion was **Carried**

FOR VOTE - Unanimous

20 [EO-CM] EC2010-216 Design and Construction of an Amenities Block, Jack Evans Boat Harbour

297

**Cr D Holdom
Cr J van Lieshout**

RESOLVED that:

1. The tender from Benjamin Construction and Development Pty Ltd be accepted to the value of \$464,809.00 exclusive of GST for tender EC2010-216 Design and Construction of an Amenities Block, Jack Evans Boat Harbour.

2. The General Manager be given delegated authority to approve variations up to \$150,000.00 (inclusive of GST) above the initial tender price and those variations be reported to Council following completion of the works.
3. The ATTACHMENT be treated as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.

The Motion was **Carried**

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

21 [EO-CM] Lake Kimberley - Land Acquisition for Road Purposes

298

Cr P Youngblutt
Cr D Holdom

RESOLVED that Council pays compensation in the sum of \$10,900, together with accrued interest and legal costs incurred by the landowner for the acquisition of land for road widening at Darlington Drive, Banora Point.

The Motion was **Carried**

FOR VOTE - Unanimous

22 [EO-CM] Disposal of Surplus Land - Quarries at Duroby and Chillingham

299

Cr B Longland
Cr J van Lieshout

RESOLVED that Council defers the Disposal of Surplus Land - Quarries at Duroby and Chillingham report, until the June Council meeting to enable consultation with the relevant community associations.

The Motion was **Carried**

FOR VOTE - Unanimous

23 [EO-CM] Park Naming - Bernadette Kelly Park

300

Cr P Youngblutt

Cr K Milne

RESOLVED that Council names the park adjacent to the railway crossing in Mooball "Bernadette Kelly Park" and erects signage.

The Motion was **Carried**

FOR VOTE - Unanimous

24 [EO-CM] Park Naming - Cudgen Recreation Reserve

301

Cr P Youngblutt

Cr K Milne

RESOLVED that Council confirms the name of the recreation land south of the Cudgen Primary School as shown in this report as 'Cudgen Recreation Reserve'.

The Motion was **Carried**

FOR VOTE - Unanimous

25 [EO-CM] Wilsons Park Banora Point Tennis Court

302

Cr D Holdom

Cr P Youngblutt

RESOLVED that the Banora Point Upgrade Alliance be requested to demolish the Wilsons Park tennis court and reinstate it as parkland to match the approved park upgrade.

AMENDMENT

303

Cr K Milne

Cr B Longland

PROPOSED to defer the demolition of the Wilsons Park tennis court for consultation with the Banora Point Progress and Residents Association and the Roads and Traffic Authority to determine alternative outcomes.

The Amendment was **Lost**

FOR VOTE - Cr B Longland, Cr K Milne

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

The Motion was **Carried** (Minute No. 302 refers).

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

AGAINST VOTE - Cr B Longland, Cr K Milne

26 [EO-CM] Protecting Landscape Values in Subdivisions

304

Cr D Holdom

Cr B Longland

RESOLVED that:

1. Council endorses the current provisions of Development Control Plan A5 - Subdivision Manual as the most appropriate development standards for addressing landscape visual character of subdivisions until there is a full overhaul of the scenic landscape policy framework as proposed in the report to Council held 15 February 2011.
2. Council gives consideration to \$150,000.00 being found and made available to the Planning Reforms Unit in the 2012/2013 budget to fund a full review of the 1995 Tweed Scenic Landscape Evaluation.
3. The Planning Reforms Unit prepares a Scenic Protection Strategy/DCP, subject to funding being found and made available in 2012/2013 budget.

The Motion was **Carried**

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

AGAINST VOTE - Cr P Youngblutt, Cr W Polglase

27 [EO-CM] Public Toilets

305

Cr D Holdom

Cr B Longland

RESOLVED that this item be deferred for discussion later in the meeting.

The Motion was **Carried**

FOR VOTE - Unanimous

a27 [EO-CM] Tender EC2010-147 - Design and Construction of an Industrial Building (Records Storage Facility) at Lot 212 DP 1122768 No 24 Honeyeater Circuit, Murwillumbah

306

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that this item be dealt with in conjunction with Confidential Addendum Item a4 [EO-CM] Tender EC2010-147 - Design and Construction of an Industrial Building (Records Storage Facility) at Lot 212 DP 1122768 No 24 Honeyeater Circuit, Murwillumbah.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR TECHNOLOGY AND CORPORATE SERVICES

28 [TCS-CM] Legal Services Report as at 31 March 2011

307

**Cr K Milne
Cr J van Lieshout**

RESOLVED that Council receives and notes the Legal Services Register as at 31 March 2011.

The Motion was **Carried**

FOR VOTE - Unanimous

29 [TCS-CM] In Kind and Real Donations - January to March 2011

308

**Cr K Milne
Cr J van Lieshout**

RESOLVED that Council notes the total donations of \$67,692.16 for the period January to March 2011.

The Motion was **Carried**

FOR VOTE - Unanimous

30 [TCS-CM] Payment of Voluntary Goods and Services Tax (GST)

309

Cr K Milne

Cr J van Lieshout

RESOLVED that to assist compliance with 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 2010 to 30 April 2011;
- 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 - Unanimous

31 [TCS-CM] Monthly Investment Report for Period Ending 30 April 2011

310

Cr K Milne

Cr J van Lieshout

RESOLVED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at 30 April 2011 totalling \$160,299,152 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

32 [TCS-CM] Quarterly Budget Review - Period Ending 31 March 2011

311

**Cr K Milne
Cr J van Lieshout**

RESOLVED that:

1. The Quarterly Budget Review Statement as at 31 March 2011 be adopted.
2. The 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 2011.

Description	Change to Vote	
	Deficit	Surplus
General Fund		
<u>Expenses</u>		
Operating	69,526	0
Interest	0	0
Capital	1,780,766	0
Loan Repayments	0	0
Transfers to Reserves	0	60,000
	1,850,292	60,000
<u>Income</u>		
Rates, Charges and other Operating	0	205,223
Operating Grants & Conts	0	48,500
Capital Grants & Conts	0	220,000
Loan Funds	0	0
Recoupments	0	514,809
Transfers from Reserves	0	801,760
Asset Sales	0	0
	0	1,790,292
Net Surplus/(Deficit)		<u>0</u>

	Deficit	Surplus
Water Fund		
<u>Expenses</u>		
Operating	7,225	0
Interest	0	0
Capital	0	1,619,000
Loan Repayments	0	0
Transfers to Reserves	0	68,776
	7,225	1,687,776
<u>Income</u>		
Rates, Charges and other		
Operating	0	387,449
Operating Grants & Conts	0	0
Capital Grants & Conts	0	0
Loan Funds	0	0
Recoupments	1,045,500	0
Transfers from Reserves	1,022,500	0
	2,068,000	387,449
Net Surplus/(Deficit)		<u>0</u>
Sewer Fund		
<u>Expenses</u>		
Operating	30,000	0
Interest	0	0
Capital	0	11,974,181
Loan Repayments	0	0
Transfers to Reserves	7,712,378	0
	7,742,378	11,974,181
<u>Income</u>		
Rates, Charges and other		
Operating	0	1,012,378
Operating Grants & Conts	0	0
Capital Grants & Conts	0	0
Loan Funds	0	0
Recoupments	145,136	0
Transfers from Reserves	5,099,045	0
Asset Sales	0	0
	5,244,181	1,012,378
Net Surplus/(Deficit)		<u>0</u>

The Motion was **Carried**

FOR VOTE - Unanimous

**33 [TCS-CM] Corporate Quarterly Report - 1 January to 31 March 2011
Incorporating the 7 Year Infrastructure and Services Plan**

312

**Cr K Milne
Cr J van Lieshout**

RESOLVED that Council receives and notes the Corporate Quarterly Report including progress on the 7 Year Infrastructure and Services Plan for the period 1 January to 31 March 2011.

The Motion was **Carried**

FOR VOTE - Unanimous

a33 [TCS-CM] Monthly Investment Report for Period Ending 30 April 2011

This item was dealt with earlier in the agenda (Minute No. 310 refers).

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

**34 [SUB-TRC] Minutes of the Tweed River Committee Meeting held
Wednesday 13 April 2011**

313

**Cr D Holdom
Cr B Longland**

RESOLVED that the:

1. Minutes of the Tweed River Committee Meeting held Wednesday 13 April 2011 be received and noted; and
2. Director's recommendations be adopted as follows:

A3. Recreational Boating Study - Condong Regional Boating Facility

1. That the recommendation of the Committee be received and noted.
2. That Council notes that a separate report on the Condong Regional Boating Facility will be included as a separate future report to Council.

A4. Program Update

That Council be advised that the Tweed River Committee has strong concerns that there will be a reduction by \$100,000 in 2011/2012 and

2012/2013 budgets as the proposed budget will not fund continuing on ground works in 2012/2013.

The Motion was **Carried**

FOR VOTE - Unanimous

35 [SUB-LTC] Local Traffic Committee Meeting held Thursday 21 April 2011

314

**Cr D Holdom
Cr B Longland**

RESOLVED that the:

1. Minutes of the Local Traffic Committee Meeting held Thursday 21 April 2011 be received and noted; and
2. Director's recommendations be adopted as follows:

A1 [LTC] Coronation Avenue and Berkleys Lane, Pottsville

As per the Committee's recommendation being:

"That a disabled parking space be installed adjacent to the Anglican Church in Berkleys Lane, Pottsville."

A2 [LTC] Eucalyptus Drive and Covent Gardens Way, Banora Point

As per the Committee's recommendation being:

"That the "No Stopping" sign on Covent Gardens Way, west of Eucalyptus Drive, be relocated approximately 6m further to the west."

A3 [LTC] St Josephs Primary School, Tweed Heads

As per the Committee's recommendation being:

"That:

1. *The "No Parking 8.00 - 9.30am and 2.30 - 4.00pm School Days" zone on the northern side of Frances Street between Enid Street and Pearl Street be modified to read "No Parking 2.30 - 4.00pm School Days".*

2. *The "No Stopping" sign on the northern side of Frances Street near the intersection of Beryl Street be moved 8m further east towards Beryl Street.*
3. *The "No Stopping" sign on the southern side of Frances Street near Beryl Street be moved a further 8m towards Beryl Street."*

A4 [LTC] Queensland Road, Murwillumbah

As per the Committee's recommendation being:

"That:

1. *The 50km/h speed limit zone on Queensland Road be extended 160m to the north, replacing the 60km/h zone currently in place.*
2. *'50km/h Ahead' signage be installed on Queensland Road."*

The Motion was **Carried**

FOR VOTE - Unanimous

36 [SUB-CCDAC] Minutes of the Community Cultural Development Advisory Committee Meeting held Thursday 21 April 2011

315

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that the:

1. Minutes of the Community Cultural Development Advisory Committee Meeting held Thursday 21 April 2011 be received and noted; and
2. Director's recommendations be adopted as follows:

GB1. Murwillumbah Museum

That Council notes the current work plan to establish themes for the Tweed Regional Museum, notes the establishment in the short term of off-site storage and that Council will receive a further report recommending appropriate themes and management of the exhibition space.

The Motion was **Carried**

FOR VOTE - Unanimous

37 [SUBCOM] Reports from Subcommittees and/or Working Groups - Not Requiring Council Decision

This report was received and noted.

ORDERS OF THE DAY

38 [NOR-Cr D Holdom, Cr W Polglase, Cr B Longland] Water Supply Demand Management Strategy Implementation Plan

316

**Cr D Holdom
Cr B Longland**

RESOLVED that Council resolution from the Meeting held on 15 March 2011 at Minute No 148 - Item 24 Water Supply Demand Management Strategy Implementation Plan, being

... that

- 1. Council adopts the three year Implementation Plan for the Demand Management Strategy as outlined within the report.*
- 2. Staff monitors the Implementation Plan and reports to Council on an annual basis.*
- 3. Council continues to proactively lobby state government and developers for improvements to water conservation legislation and BASIX requirements.*
- 4. Council continues to proactively investigate further water conservation options.*

be rescinded.

The Motion was **Carried**

FOR VOTE - Unanimous

39 [NOM-Cr D Holdom] Water Supply Demand Management Strategy Implementation Plan

317

**Cr D Holdom
Cr J van Lieshout**

RESOLVED that:

1. Council adopts the three year Implementation Plan for the Demand Strategy as outlined within the report.
2. Staff monitors the Implementation Plan and reports to Council on an annual basis.
3. Council continues to advocate to the NSW State Government for improvements to water conservation legislation and BASIX/WELS requirements.
4. Council acknowledges the commitment of the Water Unit as they continue to investigate further water conservation options.
5. The General Manager investigates and reports back to Council on the BASIX Five Year Outcomes Summary Report (as attached) and/or any of the other reports on the BASIX web site, with particular regard to the report's relevance to the Tweed Shire.

<http://www.basix.nsw.gov.au/information/index.jsp>

The Motion was **Carried**

FOR VOTE - Unanimous

40 [NOM-Cr K Milne] Public Notification for Development Applications

318

**Cr K Milne
Cr B Longland**

PROPOSED that Council holds a workshop prior to a forum seeking community input on Council's Public Notification of development approvals.

The Motion was **Lost**

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

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

41 [NOM-Cr K Milne] Consultation - Council Property Land Sales

319

**Cr K Milne
Cr B Longland**

PROPOSED that Council consults extensively with local Residents' Associations in early discussions for any consideration of any Council property land sales.

The Motion was **Lost**

FOR VOTE - Cr B Longland, Cr K Milne, Cr K Skinner

AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr D Holdom, Cr J van Lieshout

42 [NOM-Cr K Milne] Whole of Shire Cultural and Community Facilities Plan and Open Space Requirements - Review

320

Cr K Milne

Cr B Longland

RESOLVED that the General Manager investigates and reports back to Council on a possible review of the Whole of Shire Cultural and Community Facilities Plan and Open Space requirements in light of the greater recognition of these issues to Healthy Cities and mental health, and as a timely review for these 2002 and 2007 plans.

The Motion was **Carried**

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

AGAINST VOTE - Cr P Youngblutt, Cr W Polglase

43 [NOM-Cr D Holdom] Bogangar Cabarita Beach Development Control Plan

This item was withdrawn.

QUESTIONS ON NOTICE

44 [QON - Cr D Holdom] Federal Climate Commission

QUESTION ON NOTICE:

Councillor D Holdom asked:

Can Council be updated on the role of the Federal Climate Commission, the Terms of Reference, members of the panel?

The Director Natural and Community Resources advised that the Federal Climate Commission was announced on 10 February 2011 by the Minister for Climate Change and Energy Efficiency, Greg Combet. The Commission is an independent panel which will provide to government an all Australians expert advice on climate change, science and impact.

The Climate Commission has been established to inform Australia's approach to addressing climate change and help build the consensus required to move to a competitive, low pollution Australian economy.

I can provide a copy of the full Terms of Reference for Councillors information.

The Commission is chaired by Professor Tim Flannery - other members are Professor Will Steffen, Professor Lesley Hughes, Dr Dusannah Elliott, Mr Gerry Hueston and Mr Roger Beale. The Commissioners have expertise in a range of areas including climate change science, science communications, business, public policy and economics.

45 [QoN - Cr K Milne] Science of Climate Change

QUESTIONS ON NOTICE:

Councillor K Milne asked:

Can Council provide a link in the Tweed Link to the Federal Government website tab '*Debunking the Myths*' to provide the Federal government's position on the science of Climate Change?

The General Manager responded yes.

46 [QoN - Cr K Milne] Non Essential Project - Council Budget

QUESTION ON NOTICE:

Councillor K Milne asked:

Can Council identify any non essential projects directly affecting Council's budget that Council could foresee could be deferred or eliminated?

The General Manager advised yes, Council can do so, if it chooses.

47 [QoN - Cr K Milne] Community Surveys

QUESTION ON NOTICE:

Councillor K Milne asked:

How much would it cost to establish a system of regular community surveys into Council decision making through Survey Monkey for example?

The General Manager advised that Council's newly adopted Community Strategic Plan identifies surveys as a preferred method of engagement. However, they are

only a preferred tool for certain issues and must follow certain procedures to provide reliable feedback.

Council could potentially stage surveys, through services such as Survey Monkey, at the cost of staff resources needed to create, manage and evaluate these surveys. However, the value of these surveys is questionable unless certain measures are put in place to help ensure the results reflect true community sentiment.

In most cases, it is desirable to accompany any community survey with a significant community education campaign to ensure the wider community is aware of an issue and equipped to participate in the survey. These accompanying measures come at a cost.

Council is preparing to create a citizens panel which will provide both these benefits. Its randomly-selected members will provide a statistically representative sample of the whole Tweed community and their online forums - which will be the panel's primary method of communications - will facilitate open and constructive conversations.

All Council issues referred to the Citizens Panel will also be open to the broader community for input. But it is important that these supporting, community-wide methods are conducted in a way which reliably provide accurate insight to public opinion.

48 [QoN - Cr K Milne] Public Meetings

This item was withdrawn.

49 [QoN - Cr K Milne] Kingscliff Erosion - Costing

This item was withdrawn.

50 [QoN - Cr K Milne] Cobaki Lakes Development

QUESTION ON NOTICE:

Councillor K Milne asked:

- A. Have the conditions of consent for previous development approvals for the Cobaki Lakes development been enacted, and can these be outlined, especially in relation to habitat compensation areas?
- B. Is Council aware of any breaches of conditions of consent at the Cobaki development and if so could these please be outlined?

The Director Planning and Regulation advised there have been a series of older development application and construction certificate approvals granted by Tweed

Council for the Cobaki site since 1993. A number of these approvals have been acted upon by the proponent to initiate various earthworks and civil engineering works across the site. An additional layer of approvals have more recently been granted by the NSW Department of Planning under Part 3 of the EP & A Act.

Given the extensive time period, and complexity of the approvals for the site, the staff resources needed to verify the compliance of works to date with these approvals would be substantial.

It is therefore my view that Councillor Milne's request would be more appropriately dealt with by Council through a Notice of Motion.

51 [QoN - Cr K Milne] Byrrill Creek Dam - Preferred Option

This item was withdrawn.

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.41pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.35pm.

27 [EO-CM] Public Toilets

321

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that:

1. Council endorses the Toilet Blocks Works Program shown in the body of this report.
2. The 2011/2012 program to include the following works:
 - Demolition of McIlrath Park and Buckley Park toilet blocks
 - Decommission of Queen Street Murwillumbah, Razorback lookout and Wommin Lake toilet blocks
 - Construction of a new toilet block and landscaped area on the riverside park opposite the Murwillumbah Civic Centre under the figtree.
3. The Queen Street, Murwillumbah toilet block is retained for use as a Council or community utility that keeps the identified cultural heritage values.

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AMENDMENT

**Cr B Longland
Cr K Milne**

PROPOSED that:

1. Council endorses the Toilet Blocks Works Program shown in the body of this report.
2. The 2011/2012 program to include the following works:
 - Demolition of McIlrath Park and Buckley Park toilet blocks
 - Decommission of Queen Street Murwillumbah toilet block
 - Construction of a new toilet block and landscaped area on the riverside park opposite the Murwillumbah Civic Centre under the figtree.
3. The Queen Street, Murwillumbah toilet block is retained for use as a Council or community utility that keeps the identified cultural heritage values.
4. A report regarding demolition of Razorback and Wommin Lake facilities be brought forward to the June Council meeting following consultation with the relevant Residents Associations.

The Amendment was **Lost**

FOR VOTE - Cr B Longland, Cr K Milne

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

The Motion was **Carried** (Minute No. 321 refers)

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

AGAINST VOTE - Cr K Milne

CONFIDENTIAL COMMITTEE

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**Cr P Youngblutt
Cr W Polglase**

RESOLVED that Council resolves itself into a Confidential Committee 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

CONFIDENTIAL ITEMS FOR CONSIDERATION

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

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

1 [PR-CM] Failure to Comply with Order - On-site Sewage Management System

REASON FOR CONFIDENTIALITY:

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

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

C 31

That Council:

1. Under the provisions of the Protection of the Environment Operations Act 1997 issue a Prevention Notice on the owners of Lot 2 DP 726118 to maintain pump-outs of the septic tank until such time as an adequate system of sewage management is installed on-site.
2. Under the provisions of the Protection of the Environment Operations Act 1997 recover all and any reasonable costs of monitoring and effecting the Prevention Notice from the owners of Lot 2 DP 726118.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

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

REASON FOR CONFIDENTIALITY:

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

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

C 32

That:

1. Council publicises its intention to name the bridge which crosses Snake Creek at Kyogle Road, Mt Burrell as "Tom Grant Bridge" allowing one month for submissions or objections to the proposal;
2. Council notifies the relevant authorities under the provisions of the Roads (General) Regulation 2000.

The Motion was **Carried**

FOR VOTE - Unanimous

3 [EO-CM] Public Transport Committee Community Representatives

REASON FOR CONFIDENTIALITY:

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

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

C 33

That Council appoints:

1. Mr Graham Smith, Mr Kevin Flint and Ms Kim Stephan as full members of the Committee, with Mr Smith being the rail industry representative.
2. Mr William McKennarley as an associate member of the Committee representing Blind Citizens Australia.

The Motion was **Carried**

FOR VOTE - Unanimous

4 [EO-CM] Kirkwood Road Project Progress Report

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 34

That Council:

1. Receives and notes the Kirkwood Road Project Progress Report;
2. Approves funding of an additional \$3.872M for the Kirkwood Road Eastern works.
3. Progresses the Kirkwood Road Project to tendering stage.

The Motion was **Carried**

FOR VOTE - Unanimous

a4 [EO-CM] Tender EC2010-147 - Design and Construction of an Industrial Building (Records Storage Facility) at Lot 212 DP 1122768 No 24 Honeyeater Circuit, 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 36

That Council:

- A. Rescinds part of Minute Number 675 of 21 September 2010:
 1. *Enters into a 6 month option to purchase the land at 24 Honeyeater Circuit, South Murwillumbah comprised in Lot 212 in DP 1122768 for the price referred to in the body of the report;*

- B. Continues negotiations with the Vendor of 23 Honeyeater Circuit, South Murwillumbah comprised in Lot 503 in DP 1132400 for the price referred to in the body of the report;
- C. Undertakes a selective tendering process with three (3) selected tenderers which includes the two lowest tenderers from the original tender for construction of storage facilities on Lot 503, number 23 Honeyeater Circuit, South Murwillumbah, pursuant to clause 168 of the Local Government (General) Regulation 2005.

The Motion was **Carried**

FOR VOTE - Unanimous

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**Cr P Youngblutt
Cr D Holdom**

RESOLVED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

FOR VOTE - Unanimous

There being no further business the Meeting terminated at 8.09pm.



**Minutes of Meeting Confirmed by Council
at the Meeting held on xxx**

Chairman

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