



**TWEED**  
SHIRE COUNCIL

**Mayor:** Cr K Milne

**Councillors:** P Allsop  
R Byrnes (Deputy Mayor)  
C Cherry  
R Cooper  
J Owen  
W Polglase

# Minutes

## **Ordinary Council Meeting Thursday 1 March 2018**

held at  
**Harvard Room, Tweed Heads Administration Building,  
Brett Street, Tweed Heads**  
commencing at the conclusion of the Planning Committee meeting which commences at 5.30pm.

# Principles for Local Government

The object of the principles for Tweed Shire Council, as set out in Section 8 of the Local Government Amendment (Governance and Planning) Bill 2016, is to provide guidance to enable council to carry out its functions in a way that facilitates a local community that is strong, healthy and prosperous.

## Guiding Principles for Tweed Shire Council

### (1) Exercise of functions generally

The following general principles apply to the exercise of functions by Tweed Shire Council:

- (a) Provide strong and effective representation, leadership, planning and decision-making.
- (b) Carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Work with others to secure appropriate services for local community needs.
- (h) Act fairly, ethically and without bias in the interests of the local community.
- (i) Be responsible employers and provide a consultative and supportive working environment for staff.

### (2) Decision-making

The following principles apply to decision-making by Tweed Shire Council (subject to any other applicable law):

- (a) Recognise diverse local community needs and interests.
- (b) Consider social justice principles.
- (c) Consider the long term and cumulative effects of actions on future generations.
- (d) Consider the principles of ecologically sustainable development.
- (e) Decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

### (3) Community participation

Council should actively engage with the local community, through the use of the integrated planning and reporting framework and other measures.

The Meeting commenced at 6.39pm.

## **IN ATTENDANCE**

Cr Katie Milne (Mayor), Cr Reece Byrnes (Deputy Mayor), Cr Pryce Allsop, Cr Chris Cherry, Cr Ron Cooper, Cr James Owen and Cr Warren Polglase

Also present were Mr Troy Green (General Manager), Mr Paul Morgan (for Director Engineering), Mr Vince Connell (Director Planning and Regulation), Mr Stewart Brawley (Acting Director Community and Natural Resources), Mr Michael Chorlton (Executive Manager Finance, Revenue and Information Technology), Mrs Suzanne Richmond (Executive Manager People, Communication and Governance), Mr Shane Davidson (Executive Officer), Mr Neil Baldwin (Manager Corporate Governance) and Miss Janet Twohill (Minutes Secretary).

## **APOLOGIES**

Nil.

## **DISCLOSURE OF INTEREST**

Nil.

## **CONFIRMATION OF PLANNING COMMITTEE MINUTES**

### **1 [CONMIN] Adoption of the Recommendations of the Planning Committee Meeting held Thursday 1 March 2018**

**69**

**Cr C Cherry  
Cr P Allsop**

**RESOLVED** that the recommendations of the Ordinary Planning Committee Meeting held Thursday 1 March 2018 be adopted.

### **1 [PR-PC] Development Application DA16/0852 for a Dwelling House and Secondary Dwelling at Lot 2 DP 1201210 No. 5 North Hill Court Tanglewood**

**RECOMMENDED** that this Item be deferred to the Planning Committee on 5 April 2018 for the following:

- Matters in regard to Known cultural heritage to be referred to the Aboriginal Advisory Committee and the Local Aboriginal Land Council as soon as possible and to be discussed at the next Aboriginal Advisory Committee meeting;
- Potential mitigation of visual impacts; and
- Potential mitigation of noise impacts.

**2 [PR-PC] Development Application DA17/0536 for Shop Top Housing and Commercial Premises at Lot 1 Sec 4 DP 4570 No. 79 Wharf Street, Lot 2 Sec 4 DP 4570 No. 81 Wharf Street Tweed Heads, Wharf and Frances Streets, Tweed Heads**

**RECOMMENDED** that:

- A. Clause 4.6 variation to Clause 4.4 of Tweed City Centre Local Environmental Plan 2012 regarding the floor space ratio of the building be supported and the concurrence of the Director-General of the Department of Planning be assumed.
- B. Development Application DA17/0536 for Shop Top Housing and Commercial Premises at Lot 1 Sec 4 DP 4570 No. 79 Wharf Street, Lot 2 Sec 4 DP 4570 No. 81 Wharf Street Tweed Heads, Wharf and Frances Streets, Tweed Heads be approved subject to the following conditions with amendment to Condition 20:

**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and the following plans identified as:
  - Basement Floor (Drawing No. DA10.01, Issue A), prepared by Lightwave International and dated 9 June 2017
  - Ground Floor Plan (Drawing No. DA10.02, Issue E-RFI), prepared by Lightwave International and dated 10 January 2018
  - Level 2 Plan (Drawing No. DA10.03, Issue C-RFI), prepared by Lightwave International and dated 13 November 2017
  - Level 3 - 7 Plan (Drawing No. DA10.04, Issue A), prepared by Lightwave International and dated 9 June 2017 2017
  - Level 8 Plan (Drawing No. DA10.05, Issue B-RFI), prepared by Lightwave International and dated 6 July 2017
  - Level 9 Plan (Drawing No. DA10.06, Issue B-RFI), prepared by Lightwave International and dated 6 July 2017
  - Roof Plan (Drawing No. DA10.07, Issue A), prepared by Lightwave International and dated 9 June 2017
  - North Elevation (Drawing No. DA20.01, Issue C-RFI), prepared by Lightwave International and dated 13 November 2017, as amended in red
  - East Elevation (Drawing No. DA20.02, Issue B-RFI), prepared by Lightwave International and dated 18 July 2017
  - South Elevation (Drawing No. DA20.03, Issue B-RFI), prepared by Lightwave International and dated 18 July 2017
  - West Elevation (Drawing No. DA20.04, Issue C-RFI), prepared by Lightwave International and dated 13 November 2017
  - Section S1 (Drawing No. DA30.01, Issue A), prepared by Lightwave International and dated 9 June 2017
  - Section S2 (Drawing No. DA30.02, Issue A), prepared by Lightwave International and dated 9 June 2017, and
  - Colour & Material Selection (Drawing No. DA50.01, Issue B-RFI), prepared by Lightwave International and dated 18 July 2017, except where varied by the conditions of this consent.

[GEN0005]

2. Advertising structures/signs to be the subject of a separate development application (where statutorily required).  
[GEN0065]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.  
[GEN0115]
4. Approval is given subject to the location of, protection of, and/or any necessary 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, at the developer's expense.  
[GEN0135]
5. Any business or premises proposing to discharge wastewater containing pollutants differing from domestic sewage must submit a Liquid Trade Waste Application Form to Council. The application is to be approved by the General Manager or his delegate prior to any discharge to the sewerage system. A Liquid Trade Waste Application fee will be applicable in accordance with Council's adopted Fees and Charges.  
[GEN0190]
6. The development is to be carried out in accordance with Council's Development Design and Construction Specifications.  
[GEN0265]
7. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.  
[GEN0300]
8. This development consent does not include demolition of the existing structures on the subject site. A separate approval will need to be obtained for this purpose, as statutorily required.  
[GEN0305]
9. Prior to the commencement of construction of the new structure or use of the site a 'clearance inspection' shall be conducted for the site and a 'clearance certificate' issued by a licensed asbestos assessor or competent person which states that the site 'does not pose a risk to health and safety from exposure to asbestos' in accordance with Clause 474 of the Work Health and Safety Regulation 2011. A copy of this certificate shall be forwarded to the [Principal Certifying Authority](#) and Council within 7 days of completion of the 'clearance inspection'.  
[GEN0350]
10. A reflux valve shall be required on any sewer fixtures located within the basement.
11. A minimum vertical clearance of 2.4m must be provided below the proposed awning and the footpath to allow Council access for maintenance to Water and Wastewater Assets located within Frances and Wharf Streets.  
[GENNS01]
12. Any use of a crane or other equipment on this site that may exceed a top RL of 49.5 metres AHD would intrude into the prescribed airspace of Gold Coast Airport, and therefore represent a "controlled activity" under the Airports (Protection of Airspace) Regulations. The proponent must obtain

approval for any temporary penetration of the airspace, via an application to be submitted to Gold Coast Airport Pty Ltd at least 6 weeks before the intended commencement of the controlled activity.

[GENNS02]

13. The four existing, parallel, on street car parks along the site frontage to Frances Street are to remain, unless agreed otherwise by Tweed Shire Council.

[GENNS03]

14. No vehicle larger than a standard Small Rigid Vehicle (SRV) as defined in the latest version of *AS 2890.2 Parking Facilities - Off-Street Commercial Vehicle Facilities* shall service the site, with a designated parking space for the SRV provided in accordance with the provisions of AS2890.2 and details relevant to but not limited to the following:

- Minimum clearance heights.
- Design turning radius provisions.
- Parking / service bay dimensions.
- Maximum roadway and ramp grades and rates of change.
- Access driveway widths.
- Access driveway sight distances.
- Manoeuvring clearances.

[GENNS04]

15. Any use of a crane or other equipment on this site that may exceed a top RL of 49.5 metres AHD would intrude into the prescribed airspace of Gold Coast Airport, and therefore represent a "controlled activity" under the Airports (Protection of Airspace) Regulations. The proponent must obtain approval for any temporary penetration of the airspace, via an application to be submitted to Gold Coast Airport Pty Ltd at least 6 weeks before the intended commencement of the controlled activity.

[GENNS05]

#### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

16. Prior to the issue of a construction certificate a lease agreement is to be entered into with Council in respect to the use of that part of the road reserve, owned by Council, to be occupied by the proposed awning.

[PCC0025]

17. The developer shall provide the following parking spaces, including parking for the disabled (as required) in accordance with Tweed Shire Council's Development Control Plan Part A2 - *Site Access and Parking Code*.

- A minimum of 49 designated car parks for the residential component of the development, clearly defined as "reserved" parking.
- The 49 residential car parking spaces is to include 5 designated visitor car parks.
- A minimum of 13 designated car parks for the retail/commercial component of the development.
- A minimum of 3 motorbike spaces are to be provided for the development.
- 1 designated Delivery / Load Bay, sized to accommodate a SRV, compliant with AS 2890.2 Off-Street Commercial Vehicle Facilities and the minimum dimensions specified in Council's DCP B2 - Tweed City Centre.

The basement car park must be designed accordingly to provide sufficient height clearance to allow appropriate vehicles to access the basement stormwater treatment device for servicing or the building proper must provide acceptable alternative access facilities.

The visitor, retail and commercial car parks shall be clearly sign posted and fully accessible to the public.

Full design detail of the proposed parking and maneuvering areas, incorporating the above requirements, including integrated landscaping shall be submitted to Tweed Shire Council and approved by the General Manager or his delegate prior to the issue of a Construction Certificate for Building Works.

- [PCC0065]
18. 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 (as applicable). Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

- [PCC0285]
19. The building is to have a low reflective roof in accordance with the requirements of Gold Coast Airport Pty Ltd.  
The subject land is within the Lighting Zone for Gold Coast Airport, in which use of non-reflective roof surfaces is mandatory. Any proposed use of reflective roof materials requires approval from Gold Coast Airport Pty Ltd, prior to issue of a construction certificate. (Note: Colorbond is a pre-approved material, with the exception of roof colours having solar absorption equal to or less than 0.35).

- [PCC0335]
20. A detailed plan of landscaping for site, containing no noxious or environmental weed species and with a minimum 80% of total plant numbers comprised of local native species (non-cultivars) as identified in Council's Native Species Planting Guide - Species List ([www.tweed.nsw.gov.au/NativePlants](http://www.tweed.nsw.gov.au/NativePlants)), is to be submitted to and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate.

The plan shall be consistent with the following provisions of NSW Planning & Environment, Apartment Design Guide:

- Section 4O - Landscape Design, Table 4
- Section 4P - Planting on Structures, Table 5

In addition, streetscaping is to be enhanced to provide more shade planting where possible, particularly in the wider section of the footpath.

- [PCC0585]
21. The basement car parking is to be provided with immunity against inundation of stormwater associated with the local road reserve. Details of any basement stormwater pump-out system shall be submitted to and

approved by the Principle Certifying Authority prior to the issue of a Construction Certificate for Building Works.

Installed pumps must be designed and installed in accordance with Section 9 of AS/NZS3500.3.2 1998 *“National Plumbing and Drainage - Part 3.2: Stormwater Drainage - Acceptable Solutions”*

[PCC0685]

22. Prior to the issue of a Construction Certificate for Building Works, 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, including (but not limited to) the construction of a new, vehicular access in accordance with Council’s Development Control Plan - Section A2 *“Site Access and Parking Code”* and Council’s *“Driveway Access to Property - Design Specification” (current version)* off Frances Street. Applications shall include (as applicable) engineering plans and specifications undertaken in accordance with Council’s Development Design and Construction Specifications, including: -

- Road works/furnishings
- Stormwater drainage
- Water and sewerage works
- Sediment and erosion control plans
- Location of all services/conduits
- Traffic Control Plan

[PCC0895]

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

[PCC0945]

24. Council will not permit ground anchors (to retain sacrificial sheet piling for basement excavations) within Council or neighbouring private property or within 200mm of the subject site’s property boundary, without prior consent from Council or the applicable neighbouring property owner being obtained. If the land is owned by Council, approval is required from the General Manager or his delegate.

Prior to the issue of a Construction Certificate for the basement, the Proponent must enter into a contract regarding liability for the ground anchors and lodge an application under Section 138 of the Roads Act (with applicable fee) plus a bond of \$25,000 for each road frontage. This bond will be refunded upon the removal of the ground anchors to the satisfaction of Council. If the ground anchors are not removed prior to the occupation/use of the development, the bond shall be forfeited to Council.

[PCC0955]

25. Permanent stormwater quality treatment shall be provided in accordance with the following:
- a. The Construction Certificate Application for Building Works 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. It is encouraged that Water Sensitive Urban Design principles such as bio-retention facilities in accordance with "Water By Design" guidelines (being a program of the South East Queensland Healthy Waterways Partnership) are utilised, instead of installing an "end of line" proprietary Gross Pollutant Device.  
The proposed treatment system shall be supported by MUSIC modelling, with details of the intended filter provided, and shall include details of treatment for the undercover and basement car parking areas.
- d. Specific Requirements to be detailed within the Construction Certificate application include:
  - i. Shake down area shall be installed within the property, immediately prior to any construction vehicles entering or exiting the site, prior to any works being undertaken.
  - ii. Runoff from all hardstand areas, (including on-grade and basement car parking and hardstand landscaping areas and excluding roof areas) must be treated to remove oil and sediment contaminants prior to discharge to the public realm, with treatment provisions designed in accordance with Council's Development Design Specification D7 - *Stormwater Quality*, Section D7.12. Engineering details of proposed "end of line" devices, including maintenance schedules, shall be submitted with a s68 Stormwater Application for approval prior to issue of a Construction Certificate.
  - iii. Roof water does not require treatment, and should be discharged downstream of treatment devices, or the treatment devices must be sized accordingly.

[PCC1105]

26. A Construction Certificate application for works that involve any of the following:

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

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

- a) Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments and the prescribed fee. The Section 68 Application must be approved by Council prior to the associated Construction Certificate being issued.

- b) Where Council is requested to issue a Construction Certificate for subdivision works associated with this consent, the abovementioned works can be incorporated as part of the Construction Certificate application, to enable one single approval to be issued. Separate approval under Section 68 of the Local Government Act will then NOT be required.

[PCC1145]

27. 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".

A detailed Erosion and Sediment Control Plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality* shall be submitted with the Construction Certificate Application for Building works and Section 68 stormwater drainage application.

[PCC1155]

28. Medium density/integrated developments, excluding developments containing less than four attached or detached dwellings and having a Building Code classification of 1a, will be required to provide a single bulk water service at the road frontage. Individual metering beyond this point shall be managed by occupants. Application for the bulk metre shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.

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

[PCC1185]

29. 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 for Building Works.

The development's Lawful Point of Discharge for stormwater remains the existing Tweed Shire Council stormwater network located within Wharf Street and Frances Street road reserves.

[PCC1195]

30. In accordance with Section 68 of the Local Government Act, 1993 any premises proposing to discharge wastewater into Councils sewerage system other than domestic sewage, shall submit to Council a completed Liquid Trade Waste Application for a Liquid Trade Waste Services Agreement. The Application is to be approved by the General Manager or his delegate PRIOR to the issuing of a Construction Certificate to discharge to Council's sewerage system.

[PCC1255]

31. Pursuant to Section 68 of the Local Government Act, 1993 an approved pre-treatment device (eg. grease arrestor, oil separator, basket traps) must be installed in accordance with Tweed Shire Council's Policy - Discharge of Liquid Trade Waste to Council's Sewerage System. Submission of detailed hydraulic plans and specifications indicating the size, type and location of pre-treatment devices and full details of drainage installations in accordance with AS 3500 shall be submitted to Council for approval along with a Liquid Trade Waste Application Form and all required information required therein.

[PCC1265]

32. If the development is likely to disturb or impact upon water or sewer infrastructure (eg: extending, relocating or lowering of pipeline), written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.

Applications for these works must be submitted on Council's standard Section 68 Application to Alter Councils Water or Sewer Infrastructure application form accompanied by the required attachments and the prescribed fee. The arrangements and costs associated with any adjustment to water and wastewater infrastructure shall be borne in full by the applicant/developer.

The Section 68 Application must be approved by Council prior to the associated Construction Certificate for Building Works.

[PCC1310]

33. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.

The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

[PCC1325]

34. Prior to the issue of a Construction Certificate, application shall be made to Council under Section 305 of the Water Management Act 2000 for a certificate of compliance for development to be carried out - i.e.: the provision of water and sewerage to the development, as applicable.

Note:

- a. Following this, requirements shall be issued by Council under Section 306 of the Water Management Act 2000.
- b. Following this, any works needing to be undertaken will require a further application to be made to Council under Section 68 of the Local Government Act for the relevant water / sewer works. Approval of this application will be required prior to/in conjunction with issuing the Construction Certificate.

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.

[PCC1335]

35. The proposed water and sewer infrastructure on the Engineering Services Layout are considered to be preliminary and are subject to change to meet Council requirements.

36. If the developer is unable to connect to the existing sewer junction on lot 2 DP 4570, a 150mm diameter sewer extension to Council's existing sewerage system is required to be constructed from the existing 150mm diameter sewer manhole (DD/1) in Frances St to Lot 1 Section 4 DP 4570 to provide a new sewerage discharge point for the proposed building. Detail Design Plans of the new 150mm diameter sewer extension shall be provided to Council as part of a Section 68 application and approved by Council prior to the issue of a Construction Certificate.

[PCCNS01]

37. Prior to issue of the construction certificate a construction management plan shall be developed for the project. All works shall comply with the approved management plan.

38. Prior to issue of a Construction Certificate, an updated Waste Management Plan shall be submitted to Tweed Shire Council and approved by the General Manager or his delegate, demonstrating the following amendments to the current Waste Management Plan:

- Council recycling services includes bins to a maximum 360 litre capacity. Therefore amended bin provision required from that identified in Tables 4 - 6 of the submitted Waste Management Plan.
- In the event that increased area is required to facilitate the correct bin types within the refuse room, modifications should be made to the refuse room and demonstrated on an updated site plan, submitted to Council for approval of General Manager or delegate.

[PCCNS02]

39. Prior to the issue of a construction certificate, a modified awning design is to be submitted to Council for the approval of the General Manager or his delegate. This modified design should provide for a minimum 600mm horizontal clearance from the back of any roadside kerb to the awning above.

[PCCNS03]

#### PRIOR TO COMMENCEMENT OF WORK

40. 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]

41. An application is to be made to Council to disconnect the existing building from Council's sewerage system, prior to any demolition work commencing. [PCW0045]
42. 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]
43. 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]
44. 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]
45. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one closet for every 15 persons or part of 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]
46. 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]
47. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land or is likely to effect the integrity of the adjoining land, the person causing the excavation to be made must comply with the following:
- a. The person must, at the person's own expense:
    - i. preserve and protect the building / property from damage; and
    - ii. if necessary, underpin and support the building in an approved manner.

- b. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.  
[PCW0765]
48. Prior to commencement of the basement excavation, a Dilapidation Report detailing the current general condition (including the structural condition) of adjoining buildings/sites, infrastructure, driveways and roads is to be prepared and certified by a suitably qualified and experienced Structural Engineer. The Report (supported by recent photos) is to be submitted to and accepted by Council prior to commencement of ANY works on the site.  
[PCW0775]
49. Prior to commencement of building works a stormwater drainage plan is to be submitted to and approved by the Principal Certifying Authority.  
[PCW0955]
50. 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. These measures are to be in accordance with the approved Erosion and Sedimentation Control Plan and adequately maintained throughout the duration of the development.
- 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]
51. 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]
52. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of a new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.  
[PCW1170]
53. Prior to any soil being extracted from site, the Developer must advise Council of the proposed haul route and intended destination. No material can leave site until the proposed route and destination have been endorsed by the General Manager or his delegate.  
[PCWNS01]

DURING CONSTRUCTION

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

[DUR0005]

55. Commencement of work, including the switching on and operation of plant, machinery and 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]

56. 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]

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

[DUR0225]

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

[DUR0235]

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

[DUR0255]

60. 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]

61. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:
    - a. A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.
    - b. The chute shall be located in a position approved by the Principal Certifying Authority.
    - c. A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.
- [DUR0385]
62. 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]
63. 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]
64. 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 Work Health and Safety Regulation 2011.
- [DUR0415]
65. Excavation
    - a. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with WorkCover 2000 Regulations.
    - b. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- [DUR0425]
66. If the work involved in the erection or demolition of a building:
    - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
    - (b) building involves the enclosure of a public place,a hoarding or fence must be erected between the work site and the public place in accordance with the WorkCover Authority of NSW Code of Practice and relevant Australian Standards.

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

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

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

[DUR0435]

67. 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]

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

[DUR0815]

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

[DUR0905]

70. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council's General Manager or his delegate.

[DUR0985]

71. 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 deposited on the roadway by construction vehicles will be at the Developers expense and any such costs are payable prior to the issue of an Occupation Certificate.

[DUR0995]

72. 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]

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

[DUR1045]

74. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-

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

[DUR1685]

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

[DUR1695]
76. Where access for people with disabilities is required to be provided to a building, sanitary facilities for the use of the disabled must also be provided in accordance with the provisions Part F-2 of the Building Code of Australia.

[DUR1705]
77. A full width reinforced concrete footpath is to be maintained along the development's road frontage to both Wharf Street and Frances Street from the property line to the back of the existing kerb in accordance with Council's Development Design and Construction Specification, unless agreed otherwise by Council.

[DUR1755]
78. 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]
79. 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]
80. Where existing kerb, footpath or driveway laybacks are to be removed for new driveway laybacks, stormwater connections, pram ramps or for any other reason, the kerb, footpath or driveway laybacks must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.

[DUR1905]
81. The developer/contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times.

[DUR2015]
82. Council's Environmental Health Officer shall be advised within 24 Hours in the event of detection of any failure associated with the dewatering activity being carried out on the site.

[DUR2315]
83. 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 Council is satisfied that the site is fully rehabilitated.

[DUR2375]

84. 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]

85. 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 Plumbing Code of Australia and AS/NZS 3500.

[DUR2495]

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

[DUR2505]

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

[DUR2525]

88. 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]

89. 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]

90. 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:-

- \* 45°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]

91. Dust and Erosion Management

- a. All construction activities that generate dust shall cease when average wind speeds exceed 15m/s (54 km/h). The applicant shall be responsible for the monitoring of on-site wind speeds and be able to produce this data to Council on request.

[DUR2825]

92. Prior to commencement of dewatering the applicant shall arrange for a site inspection with Council's Environmental Health Officer and all representatives involved in the dewatering activity.

93. The names and 24 hour contact phone numbers of the site manager and project manager shall be provided to Council's Environmental Health Officer prior to the commencement of dewatering operations.

94. Prior to the commencement and following completion of dewatering operations closed circuit television (CCTV) footage and report examining sediment deposits in the drainage network shall be provided to Council's Stormwater Maintenance Engineer.

95. Prior to commencement and upon completion of the dewatering operations, the applicant shall arrange for an inspection of the dewatering connection point to Council's stormwater system with Council's Stormwater Maintenance Engineer. The applicant shall comply with any directions issued by Council's Stormwater Maintenance Engineer in respect to the dewatering connection point.

96. The exportation of waste (including fill or soil) from the site must be in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the Office of Environment and Heritage "*Waste Classification Guidelines*". If retained in NSW excavated material shall be neutralised for acid sulfate on site and disposed of at an approved landfill facility unless material has been demonstrated to be the subject of a resource recovery exemption under Clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005*. Records of excavated material and disposal location to be maintained on site and provided to Council upon request.

[DURNS01]

97. Works shall be completed in accordance with the Acid Sulfate Soil Investigation and Management Plan HMC Environmental June 2017 (HMC2017.053.03). Where excavated spoil is transported to QLD it shall be

deposited and treated as stipulated in the identified Acid Sulfate Management Plan.

98. Works shall be completed in accordance with the Dewatering Management Plan HMC Environmental, May 2017 (HMC.2017.053.3) and revised monitoring schedule dated 20 November 2017.

[DURNS02]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

99. Prior to issue of an Occupation Certificate, all works / actions / inspections etc required at that stage by other conditions or any approved Management Plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

100. 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]

101. 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]

102. A final occupation certificate must be applied for and obtained within 6 months of any Interim Occupation Certificate being issued, and all conditions of this consent must be satisfied at the time of issue of a final occupation certificate (unless otherwise specified herein).

[POC0355]

103. Section 94 Contributions

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

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 94 Contributions must have been paid in full and the Certifying Authority must have 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 (Residential charge):  
 167.67 Trips @ \$876 per Trips \$146,879  
 (\$815 base rate + \$61 indexation)  
 S94 Plan No. 4  
 Sector1\_4
- (b) Tweed Road Contribution Plan (Retail/Commercial charge):  
 23.66 Trips @ \$876 per Trips \$12,435.60  
 (\$815 base rate + \$61 indexation)  
 (\$8,290.40 has been subtracted from this total as this development is  
 deemed an 'Employment Generating Development')  
 S94 Plan No. 4  
 Sector1\_4
- (c) Open Space (Casual):  
 27.274 ET @ \$564 per ET \$15,383  
 (\$502 base rate + \$62 indexation)  
 S94 Plan No. 5
- (d) Open Space (Structured):  
 27.274 ET @ \$645 per ET \$17,592  
 (\$575 base rate + \$70 indexation)  
 S94 Plan No. 5
- (e) Shirewide Library Facilities:  
 27.274 ET @ \$869 per ET \$23,701  
 (\$792 base rate + \$77 indexation)  
 S94 Plan No. 11
- (f) Bus Shelters:  
 27.274 ET @ \$66 per ET \$1,800  
 (\$60 base rate + \$6 indexation)  
 S94 Plan No. 12
- (g) Eviron Cemetery:  
 27.274 ET @ \$127 per ET \$3,464  
 (\$101 base rate + \$26 indexation)  
 S94 Plan No. 13
- (h) Community Facilities (Tweed Coast - North)  
 27.274 ET @ \$1457 per ET \$39,738  
 (\$1,305.60 base rate + \$151.40 indexation)  
 S94 Plan No. 15

- (i) Extensions to Council Administration Offices  
& Technical Support Facilities  
27.636 ET @ \$1935.62 per ET \$53,492.79  
(\$1,759.90 base rate + \$175.72 indexation)  
S94 Plan No. 18
- (j) Cycleways:  
27.274 ET @ \$490 per ET \$13,364  
(\$447 base rate + \$43 indexation)  
S94 Plan No. 22
- (k) Tweed Heads Master Plan:  
41 MDU @ \$1047 per MDU \$42,927  
(\$1,047 base rate + \$0 indexation)  
S94 Plan No. 27

[POC0395]

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

[POC0435]

105. 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.

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 64 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Certificate of Compliance" signed by an authorised officer of Council.

BELOW IS ADVICE ONLY

The Section 64 Contributions for this development at the date of this approval have been estimated as:

Water:	20.976 ET @ \$13,632 =	\$285,938.80
Sewer:	31.948 ET @ \$6,549	\$209,229.70

[POC0675]

106. Prior to the issue of an Occupation Certificate, the applicant shall produce a copy of the "Satisfactory Inspection Report" issued by Council for all works required under Section 138 of the Roads Act 1993.

[POC0745]

107. Upon completion of the basement excavation and prior to the issue of an Occupation (including interim) Certificate, a further Dilapidation Report is to be prepared and certified by a suitably qualified and experienced structural engineer detailing the condition including the structural condition of the adjoining buildings/sites, infrastructure and roads. The Dilapidation Report shall take into consideration the findings of the original reports and advise if any damages have occurred that could be attributed to the work the subject



of this development consent. If damages have occurred the PCA is to be provided with evidence that the damages have been satisfactorily repaired prior to the issue of an Occupation Certificate (including interim).

A copy of the Dilapidation Report is to be provided to the Principle Certifying Authority/Council.

[POC0825]

108. The lots are to be consolidated into one (1) lot under one (1) title. The Plan of Consolidation shall be registered with the Lands and Property Information (LPI) (formerly the Lands Titles Office), prior to issue of an Occupation Certificate.

[POC0855]

109. 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]

110. 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]

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

[POC1055]

112. Prior to the issue of the occupation certificate a site audit statement from an accredited contaminated land site auditor shall be provided to Council to the satisfaction of the General Manager or his delegate.

[POCNS01]

113. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the relevant stage of development shall be repaired in accordance with Council's Development Design and Construction Specifications, prior to the issue of an Occupation Certificate.

[POCNS02]

#### USE

114. 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]

115. 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]

116. 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]
117. 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]
118. All mechanical ventilation shall comply with AS1668.2 Ventilation Requirements.  
[USE0845]
119. Footpath dining activities shall not be carried out unless a Footpath Dining License Agreement has been approved by the General Manager or his delegate. Footpath dining activities shall be restricted to the approved footpath dining area and carried out in accordance with Councils adopted Footpath Dining Policy.  
[USE1105]
120. The residential visitor, retail and commercial car parks shall be clearly sign posted and fully accessible to the public.  
[USENS01]
121. The Level 2 and Level 8 communal areas are to be clearly identified for the use of residents in the subject development and are not to be open to the public or operated commercially without further consent from Council.
122. All wastes shall be collected, stored and disposed of in accordance with the provisions of Tweed Shire Council Development Control Plan Section A15 - Waste Minimisation and Management and to the satisfaction of the General Manager or his delegate.  
[USENS02]

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

### General Conditions (all approvals)

The purposes of these conditions are to:

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

- Allow conditions to be imposed for management of fuel (petroleum)

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

'the department' means the department administering the Water Act 1912;  
'approval' means a license, permit, authority or approval under that Act;  
'river' has the same meaning as in Section 5 of the Water Act 1912;  
'work' means any structure, earthwork, plant or equipment authorised under the approval to be granted, as defined in Section 5 and 105 of the Water Act 1912;  
'controlled work' means any earthwork, embankment or levee as defined in Section 165 of the Water Act 1912

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

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

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

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

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

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

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

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

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

Conditions of water use (including irrigation)

The purpose of these conditions are to:

- Allow the department to obtain an accurate measure of water use where necessary
- Specify the purpose(s) for which the water may be used

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

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

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

#### Conditions for bores and wells

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

The purpose of these conditions are to:

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

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

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

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

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

- (1) The licensee must allow authorised officers of the NSW office of Water, and its authorised agents reasonable access to the works with vehicles and equipment at any time for the purposes of:
  - Inspecting the said work
  - Taking samples of any water or material in the work and testing the samples.

- (2) the licensee shall within 2 weeks of being notified install to the satisfaction of the NSW Office of Water in respect of location, type and construction an appliance(s) to measure the quantity of water extracted from the works. The appliance(s) to consist of either a measuring weir or weirs with automatic recorder, or meter or meter(s) of measurement as may be approved by the NSW Office of Water. The appliance(s) shall be maintained in good working order and condition. A record of all water extracted from the works shall be kept and supplied to the NSW Office of Water upon request. The licensee when requested must supply a test certificate as to the accuracy of the appliance(s) furnished either by the manufacturer or by some person duly qualified.
- (3) the authorised work shall not be used for the discharge of polluted water into a river or lake otherwise than in accordance with the conditions of a licence granted under the protection of the environment operations act 1997. A copy of the licence to discharge is to be provided to the NSW Office of Water.
- (4) the term of this licence shall be one (1) years.
- (5) the volume of groundwater authorised from the work by this licence shall not exceed 30 megalitres per water year.
- (6) the authorised work shall not be used for the discharge of water unless the ph of the water is between 6.5 and 8.5, or the water has been treated to bring the ph to a level between 6.5 and 8.5 prior to discharge, or the water is discharged through the council's sewerage treatment system.
- (7) the licensee shall test the ph of any water extracted from the work prior to the commencement of any discharge and at least twice daily thereafter and record the date, time and result of each test in the site log. A copy of the records of the ph testing is to be returned with the form 'ag'.
- (8) A Groundwater Management Plan must be developed for the site including a monitoring bore, a comprehensive list of analytes, and proposed threshold values for parameters with contingency and reporting measures outlined for threshold breaches.
- (9) An acid sulphate soil management plan to the satisfaction of the Water NSW must be developed for the site in accordance with the ASSMAC guidelines which includes management of impacts on both soils and the pit water. The need for procedures such as mechanical removal of ASS fines and lime dosing should be considered.
- (10) The works shall be managed in accordance with the approved Acid Sulfate Soil Management Plan.

- 3            **[PR-PC] Development Application D91/0266.01 for an Amendment to Development Consent D91/0266 for the Erection of a Three (3) Storey Mixed Development Comprising Seven (7) Shops and Five (5) Flats With Associated Car Parking at Lot 3 SP 64511, No. 3/31-33 Tweed Coast Road Bogangar**

**RECOMMENDED** that this item be deferred to 5 April 2018 Planning Committee meeting to seek further clarification from the Applicant regarding the fire safety and tenure of this unit.

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

**RECOMMENDED** that Council notes there are no variations for the month of February 2018 to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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#### **ORDERS OF THE DAY**

Nil.

#### **REPORTS THROUGH THE GENERAL MANAGER**

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

Nil.

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

Nil.

#### **REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES**

Nil.

**REPORTS FROM THE DIRECTOR ENGINEERING**

- 2 [E-CM] RFO2017191 Major Flood Repair Work/Various Bridge and Culvert Related Works - Bundle 2**

This item was dealt with in conjunction with the Addendum Report at Item 6.

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- 3 [E-CM] RFO2018002 Major Flood Repair Work - Landslip Repairs Bundle 6**

This item was dealt with in conjunction with the Addendum Report at Item 7.

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**REPORTS FROM THE EXECUTIVE MANAGER FINANCE, REVENUE AND INFORMATION TECHNOLOGY**

Nil.

**REPORTS FROM THE EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE**

**PROCEDURAL MOTION**

**70**

**Cr W Polglase  
Cr P Allsop**

**RESOLVED** that Items 4 to 6, be considered in block.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**71**

**Cr W Polglase  
Cr P Allsop**

**RESOLVED** that Items 4 to 6, be moved in block.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**4 [PCG-CM] Councillor Induction and Professional Development Guidelines - Consultation Draft**

**72**

**Cr W Polglase  
Cr P Allsop**

**RESOLVED** that, on review, Council has no formal comment to make on the Councillor Induction and Professional Development Guidelines Consultation Draft, other than to advise the Office of Local Government that it is in the process of implementing the Local Government New South Wales Capability Framework in identifying councillor professional development requirements.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**5 [PCG-CM] Model Code of Meeting Practice Consultation Draft**

**73**

**Cr W Polglase  
Cr P Allsop**

**RESOLVED** that the discussion points as highlighted within the report form the submission to the Office of Local Government on the Consultation Draft of the Model Code of Meeting Practice.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**ADDENDUM ITEMS**

**LATE ITEM**

**74**

**Cr W Polglase  
Cr P Allsop**

**RESOLVED** that Items 6 and 7 being Addendum items be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**6 ADDENDUM [E-CM] RFO2017191 Major Flood Repair Work - Various Bridge and Culvert Related Works Bundle 2**

75

**Cr W Polglase  
Cr P Allsop**

**RESOLVED** that in respect to Contract RFO2017191 Major Flood Repair Work – Various Bridge and Culvert Related Works Bundle 2:

1. Council awards the offer to Australian Marine and Civil Pty Ltd, ABN: 66 601 876 680) for the amount of \$637,818.18 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.
3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) 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.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**7 ADDENDUM [E-CM] RFO2018002 Major Flood Repair Work - Landslip Repairs Bundle 6**

76

**Cr P Allsop  
Cr J Owen**

**RESOLVED** that the matter not be dealt with at this meeting and a further report be brought back to a future meeting.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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## MOTION OF URGENCY

77

Cr W Polglase

Cr J Owen

**RESOLVED** that:

1. Tweed Shire Council to take No action against suppliers and businesses receiving deliveries of goods outside of their normal delivery hours for the period 1 April to 30 April 2018 due to the impact of the Commonwealth and Para Commonwealth Games.
2. This be advertised in the Tweed Link from the first edition available from today.

Cr R Cooper temporarily left the meeting at 06:45 PM.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**ABSENT. DID NOT VOTE - Cr R Cooper**

## CONFIDENTIAL COMMITTEE

## EXCLUSION OF PRESS AND PUBLIC

78

Cr R Byrnes

Cr K Milne

**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**

**ABSENT. DID NOT VOTE - Cr R Cooper**

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 FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE**

**C1 [PR-CM] Unauthorised Forestry and Roadworks Lot 136 DP 755724  
Boormans Road, Tyalgum**

**REASON FOR CONFIDENTIALITY:**

This is subject to current legal investigations.

**Local Government Act**

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

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

Cr R Cooper returned to the meeting at 06.57PM.

Cr J Owen left the meeting at 07:03 PM.

**C 8**

That:

- 1 (a) Council issue a new Notice of Intention to issue an Order (s121H) requiring Hewittville Pty. Ltd. to cease using Lot 136 DP755724, Boormans Road Tyalgum for the current forestry operations, and  
(b) Council pursue an investigation of the apparent offence under section 76A of the Environmental Planning and Assessment Act for failing to obtain development consent.
2. Council seek further information on previous uses of the site to inform the action in Part 1(b).
3. A further report be brought back for potential offences in regard to the Section 120 of PoEO Act.
4. Continues to retain solicitors to assist with the required notices and or orders.

Cr P Allsop temporarily left the meeting at 07:16 PM.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**ABSENT. DID NOT VOTE - Cr J Owen, Cr P Allsop**

Cr P Allsop returned to the meeting at 07.17 PM.

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## **ADJOURNMENT OF MEETING**

Adjournment for dinner at 7.17 pm.

## **RESUMPTION OF MEETING**

The Meeting resumed at 7.56pm

### **C2 [PR-CM] Unauthorised Works within Crown Road Reserve, Zara Road, Limpinwood**

#### **REASON FOR CONFIDENTIALITY:**

This is subject to current legal investigations.

#### **Local Government Act**

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

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

### **C 9**

That Council, in respect of the current legal investigations relating to the unauthorised works within the Crown Road at Zara Road Limpinwood:

1. Continues to pursue the alleged offence of Section 76A of the Environmental Planning and Assessment Act including the engagement of experts to support the action; and
2. Pursues the alleged offence under Section 120 of the Protection of the Environment Operations Act by engaging an expert as required by Council solicitors to investigate whether, by undertaking the road works, including placing the sediment on the shoulders of the road, that matter was likely to fall, wash or descend into one or more of the drainage channels/and or the dam and nearby Creeks.
3. If the opinion of the expert is in the affirmative Council's solicitors are instructed to commence proceedings on behalf of Council for an offence under Section 120 of the Protection of the Environment Operations Act.
4. Council seeks further advice in regard to whether it is appropriate to issue a Notice of Intention to cease using the Crown Road Reserve.

Cr P Allsop temporarily left the meeting at 08:01 PM.

The Motion was **Carried**

**FOR VOTE - Unanimous**  
**ABSENT. DID NOT VOTE - Cr J Owen, Cr P Allsop**

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Cr P Allsop has returned from temporary absence at 08:02 PM

**C3 [PR-CM] Unauthorised Works at Lot 1 DP783892, No.1110 Urliup Road, Urliup**

**REASON FOR CONFIDENTIALITY:**

This is subject to current legal investigations.

**Local Government Act**

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

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

**C 10**

That Council in respect of the investigations into the alleged Unauthorised Works at Lot 1 DP783892, No.1110 Urliup Road, Urliup, pursue the water pollution offences either in the Local Court or by issuing Penalty Infringement Notices as guided by Council's solicitors. A further report be brought back to Council subsequent to the Solicitors advice.

The Motion was **Carried**

**FOR VOTE - Cr R Byrnes, Cr C Cherry, Cr R Cooper, Cr K Milne, Cr P Allsop**  
**AGAINST VOTE - Cr W Polglase**  
**ABSENT. DID NOT VOTE - Cr J Owen**

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**REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE**

**C4 [CNR-CM] Masterplan for the Stotts Creek Resource Recovery Centre**

**REASON FOR CONFIDENTIALITY:**

Involves future plans that can impact contractor and ratepayer relationships.

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**Local Government Act**

This report is **CONFIDENTIAL** in accordance with Section 10A(2) 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 11**

That:

1. Council endorses the progression of the Masterplan for the Stotts Creek Resource Recovery Centre to the design stage.
2. Council requests an extended timeframe from the NSW Environment Trust for the grant of \$2.1m provided as a contribution towards the construction of the organics processing infrastructure until after the completion of the Masterplan design.
3. The integrated Waste Strategy be updated to incorporate the planning in the Masterplan, and this be brought back to a future Council Meeting.
4. Council endorses the planning and feasibility analysis to relocate other Council infrastructure to an alternative site to cater for demands of the Masterplan.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**ABSENT. DID NOT VOTE - Cr J Owen**

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**C5 [CNR-CM] Stotts Creek Resource Recovery Centre Landfill Management Contract**

**REASON FOR CONFIDENTIALITY:**

This report deals with ongoing contractor relationships and the discussion of this report in open Council may prejudice these relationships.

**Local Government Act**

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

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

**C 12**

That:

1. Council rescinds parts two and three of minute number 254 of 15 June 2017 meeting being:
  - '12. *[CNR-CM] RFO2016129 for the Management of the Stotts Creek Resource Recovery Centre:*
  - ...
  2. *Council undertakes a new procurement process for the management of the Stotts Creek Recovery Centre with an amended specification that makes specific provision to deal with the likelihood of legislative change.*
  3. *Council receives a further report for Council's consideration on the subsequent procurement process."*
2. Council notifies Solo Resource Recovery that Council is terminating the current contract EC2013139 effective 31 May 2018, and will not be proceeding with a further procurement process at this stage as the proposed legislative changes have still not proceeded.
3. Council takes over the management of the Stotts Creek Resource Recovery Centre site until the Masterplan and associated capital works program have been delivered.
4. A further report be brought back to Council following delivery of the capital works program, on the best options for the long term management of the Stotts Creek Resource Recovery Centre site.
5. Council maintains a watching brief and report to Council any significant decisions made by the State Government or regulators that will impact Council's short and longer term options for management of the site.

Cr R Cooper temporarily left the meeting at 08:26 PM.

The Motion was **Carried**

**FOR VOTE - Cr R Byrnes, Cr C Cherry, Cr K Milne, Cr P Allsop**

**AGAINST VOTE - Cr W Polglase**

**ABSENT. DID NOT VOTE - Cr R Cooper, Cr J Owen**

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**LATE ITEMS IN COMMITTEE**

**LATE ITEM**

**C 13**

**Cr K Milne**

**Cr C Cherry**

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**RESOLVED** that Item C6 being a Late item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**ABSENT. DID NOT VOTE - Cr R Cooper, Cr J Owen**

**C6 LATE [PR-CM] Class 1 Appeal - DA03/0445.03 Amendment to Development Consent DA03/0445 for Use of an Existing Stock & Domestic Water Bore for the Purpose of a Rural Industry Comprising the Harvesting & Bottling of Mineral Water at Lot 1 DP 735658 No. 477 Urliup Road, Urliup**

**REASON FOR CONFIDENTIALITY:**

The report concerns legal matters that could influence the current Class 1 appeal process.

**Local Government Act**

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

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

**C 14**

That Council, in relation to ongoing compliance complaints received in respect of the current use of an existing stock and domestic water bore for the purpose of a rural industry comprising the harvesting and bottling of mineral water at Lot 1 DP 735658 No. 477 Urliup Road, Urliup:

1. Supports the advice of its solicitors in respect of the recommended investigative procedures and the level of defensible evidence required for Council to take enforcement in response to the alleged non-compliance as contained within a confidential attachment. A subpoena to gather the evidence is lodged if required;
2. Engages the necessary external consultants to carry out this investigative work; and
3. Submits a report on the progress of these actions to Council at appropriate intervals.

Cr R Cooper has returned from temporary absence at 08:29 PM

The Motion was **Carried**

**FOR VOTE - Cr R Byrnes, Cr C Cherry, Cr R Cooper, Cr K Milne**

**AGAINST VOTE - Cr W Polglase, Cr P Allsop**

**ABSENT. DID NOT VOTE - Cr J Owen**

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79

Cr K Milne  
Cr C Cherry

**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 9.06PM



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

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**Chairman**

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