

TWEED SHIRE COUNCIL of Tumbulgum Road, Murwillumbah in the State of New South Wales ("Council") hereby grants to the person whose name and address are set out in Item 1 of the Schedule ("the Licensee") the non-exclusive licence revokable at the will of Council, to use that part of the land owned by Council which is adjacent to the land owned by the Licensor and which is identified in Item 2 of the Schedule ("the Licensed Area") for the purpose of maintaining upon that land the structure owned by the Licensee which is identified in Item 3 of the Schedule ("the Structure") UPON THE FOLLOWING terms and conditions:

- ❖ The Licensed Area and the Structure must be used for domestic purposes only and not for any business or commercial purpose.
- ❖ The Licensed Area and the Structure must be kept and maintained at all times in a condition which is deemed by Council in its absolute discretion to be clean, safe and otherwise satisfactory.
- ❖ The Licensee must abide by all laws of any authority having jurisdiction over the Licensed Area or the Structure.
- ❖ The Licensee must not erect any further structures (including, without limitation, signage) upon the Licensed Area or the Structure.
- ❖ Use of the Licensed Area and the Structure shall be at the sole risk of the Licensee and Council shall be in no way responsible for any loss of property from the Licensed Area.
- ❖ If any property that may be on the Licensed Area or the Structure is lost, destroyed or damaged from any cause whatsoever no part of any loss or damage occasioned thereby shall be borne by Council.
- ❖ The Licensee is liable for, and indemnifies Council against, liability or loss arising from, and costs incurred in connection with:
 - ❖ damage, loss, injury or death caused or contributed to by the act, negligence or default of the Licensee or of any person whom the Licensee expressly or impliedly authorises to be upon the Licensed Area or the Structure; and
 - ❖ Council doing anything, which the Licensee must do under this Deed but has not done, or which Council considers the Licensee, has not done properly.
- ❖ The Licensee releases Council from and agrees that Council is not liable for, liability or loss arising from, and costs incurred in connection with:
 - damage, loss, injury or death unless it is caused by the act, negligence or default of Council; and
 - Council doing anything which the Licensee must do under this Licence but is not done or which the Council considers the Licensee has not done properly.
- Each indemnity is independent from the Licensee's other obligations and continues during the licence and after it expires or is terminated. Council may enforce an indemnity before incurring expense.
- Council may make and vary rules in connection with the operation, use, management and occupation of the Licensed Area.
- The Licensee must maintain and keep current an insurance policy covering liability to the public in an amount not less than \$20,000,000.00 (or a higher amount if Council notifies the Licensee that a higher amount is required) for each accident or event, and

Deed of Grant of Licence



must produce to Council upon request the policy and the receipt for payment of the last premium.

- This Agreement does not confer upon the Licensee any estate or interest in the Licensed Area (including, without limitation, any estate or interest as tenant) and control and management of the Licensed Area shall at all times remain vested in Council.
- Council may terminate this Agreement at any time by notice in writing to the Licensee. Upon termination the Licensee must promptly remove the Structure and all other property from the Licensed Area, failing which Council shall be entitled to remove the same to any convenient place for storage and all costs, charges and expenses of removal and storage shall be payable by the Licensee to Council.

THE SCHEDULE

Item 1: **Name**

Item 2: **Address**

Lot DP

Item 3: **Pontoon**

DATED:

SIGNED AS A DEED

.....
Signed for and on behalf of Tweed
Shire Council

.....
Signature of Licensee



Installation of pontoons and Boat Ramps Guidelines

Pontoons

Pontoons for installation in canals and natural waterways are to be designed and constructed to withstand the expected loading from wind, wave action, berthing loads, flood and debris loads, and in accordance with the Relevant Australian Design Standards. All applications must be in accordance with the Tweed River Domestic Structures Strategy (2008) and must conform to the following guidelines:

1. All materials used in the construction are to be suitably corrosive resistant.
2. The pontoon and walkway is to be suitably tied to anchor blocks at ground level behind the revetment wall and be structurally independent of the revetment wall.
3. Pontoons are to be wholly located within the waterway allocation of the lot. The waterway allocation is illustrated in figure 1. The waterway allocation extends 12m from the revetment wall, measured as an extension of the lot's side boundaries. The outside edge of the pontoon is to be no less than 1.5m from the side boundary of the waterway allocation.
4. Private domestic pontoons for single lot use may be no more than 10m in length. Larger pontoons may be considered for shared private or commercial use.
5. Boats moored at the pontoon must not exceed the width of the lot's canal or waterway frontage.
6. The property owner must consent in writing to:
 - a) Remove the structure, at no cost to the Council, if directed, to permit canal maintenance;
 - b) Maintain the structure in a safe and tidy condition;
 - c) The owner shall obtain Public Liability Indemnity Insurance to the value of \$20,000,000 and documentary evidence of this is to be supplied prior to the finalisation of the license agreement;
 - d) A license agreement shall be entered into with Council/NSW Land and Property Management Authority in respect of the use of that part of the public land (canal/drainage easement/natural waterway etc) owned by Council or the Crown, occupied by the proposed pontoon;
 - e) Fees will be applicable in accordance with Councils fees and charges, or as determined by NSW Land and Property Management Authority.
7. The design must present a low visual profile and be aesthetically acceptable.

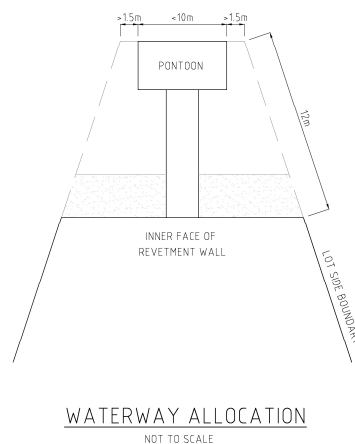


Figure 1 – Waterway Allocation

Installation of pontoons and Boat Ramps

Guidelines

Boat Ramps

Ramps are to be constructed of concrete and must conform to the relevant Australian Standards, as well as the following guidelines:

1. Concrete to be not less than 150mm thick on the canal side of the revetment wall.
2. Isolation joints are to be provided on either side of the revetment wall so that the slabs are not supported by it and can move independently.
3. Adequate cut-off walls are to be provided to prevent scouring under the slabs. Cut-off walls of 600mm depth at the end of the slab and 300mm at the side of the slab as a minimum should normally be provided.
4. Ramps should be wholly located within the frontage of the lot. Boat ramps should be no wider than 3.5m.
5. The outer end of the ramp is to be no more than 100mm above the level of the beach.
6. The owner shall obtain public liability insurance to the value of \$20,000,000 and documentary evidence of this is to be supplied to Council prior to the finalisation of the license agreement.
7. A license agreement shall be entered into with Council/NSW Land and Property Management Authority in respect of the use of that part of the public land (canal/drainage easement/natural waterway etc) owned by Council or the Crown, occupied by the proposed pontoon.

Fees will be applicable in accordance with Council's fees and charges, or as determined by NSW Land and Property Management Authority.

Applications

Development Applications must be submitted in accordance with Development Application Checklist - pontoons and Boat Ramps.

This plan provides guidance for the management of acid sulfate soils where they are disturbed during minor works including the installation of:-

- Footings for single dwelling and duplex developments
- Sewer and stormwater drainage associated with single dwellings and duplex developments
- Swimming pools (residential only)
- Domestic sewage management facilities and associated land application areas.
- Other works determined by Council's Environmental Health Services Unit as minor which disturb less than 10 tonnes of soil

Acid Sulfate Soils

Acid Sulfate Soils (ASS) are extremely acidic and sulphur rich soils found within the floodplain of coastal areas generally below RL 5m AHD. Potential Acid Sulfate Soils (PASS) is the common name given to soil and sediment containing iron sulfide (usually pyrite). They can become Actual Acid Sulfate Soils (AASS) and produce sulfuric acid if they become exposed to air through excavation or lowering of the watertable.

Problems caused by Acid Sulfate Soils include:-

- Fish kills and aquatic habitat changes
- Corrosion of concrete, iron and steel
- Reduced plant growth – bare patches and scalds
- Poor foundation bearing capacity (clay sediments only)
- Iron staining of paths, driveways and retaining walls.

Where does this plan apply?

Under Clause 35 of Council's Local Environment Plan 2000 a person is required to obtain development consent to undertake works on land shown as being Class 1, 2, 3, 4 or 5 on the Acid Sulfate Soil Planning Maps.

Class of Land	Specified Works
1	Any works
2	<ul style="list-style-type: none"> o Works below the ground surface o Works by which the watertable is likely to be lowered
3	<ul style="list-style-type: none"> o Works beyond 1 metre below the natural ground surface o Works by which the watertable is likely to be lowered beyond 1 metre below the natural ground surface
4	<ul style="list-style-type: none"> o Works beyond 2 metres below the natural ground surface o Works by which the watertable is likely to be lowered beyond 2 metres below the natural ground surface
5	<ul style="list-style-type: none"> o Works within 500 metres of Class 1, 2, 3 or 4 land which are likely to lower the watertable below 1 metre AHD in adjacent Class 1, 2, 3 or 4 land

Council must not grant consent unless it has considered:-

- (a) A preliminary soil assessment to ascertain the presence or absence of acid sulfate soils within the area of proposed works, unless the applicant agrees that acid sulfate soils are present within the area of proposed works; and
- (b) Where the preliminary soil assessment ascertains (or the applicant agrees) that acid sulfate soils are present, the adequacy of an acid sulfate soils management plan prepared in accordance with guidelines, as amended from time to time, published by the Environment Protection Authority; and
- (c) The likelihood of the proposed development resulting in the oxidation of acid sulfate soils and discharge of acid water from the area of the proposed works; and
- (d) Any comments received from any relevant public authority the Council may consult with in respect of the application.

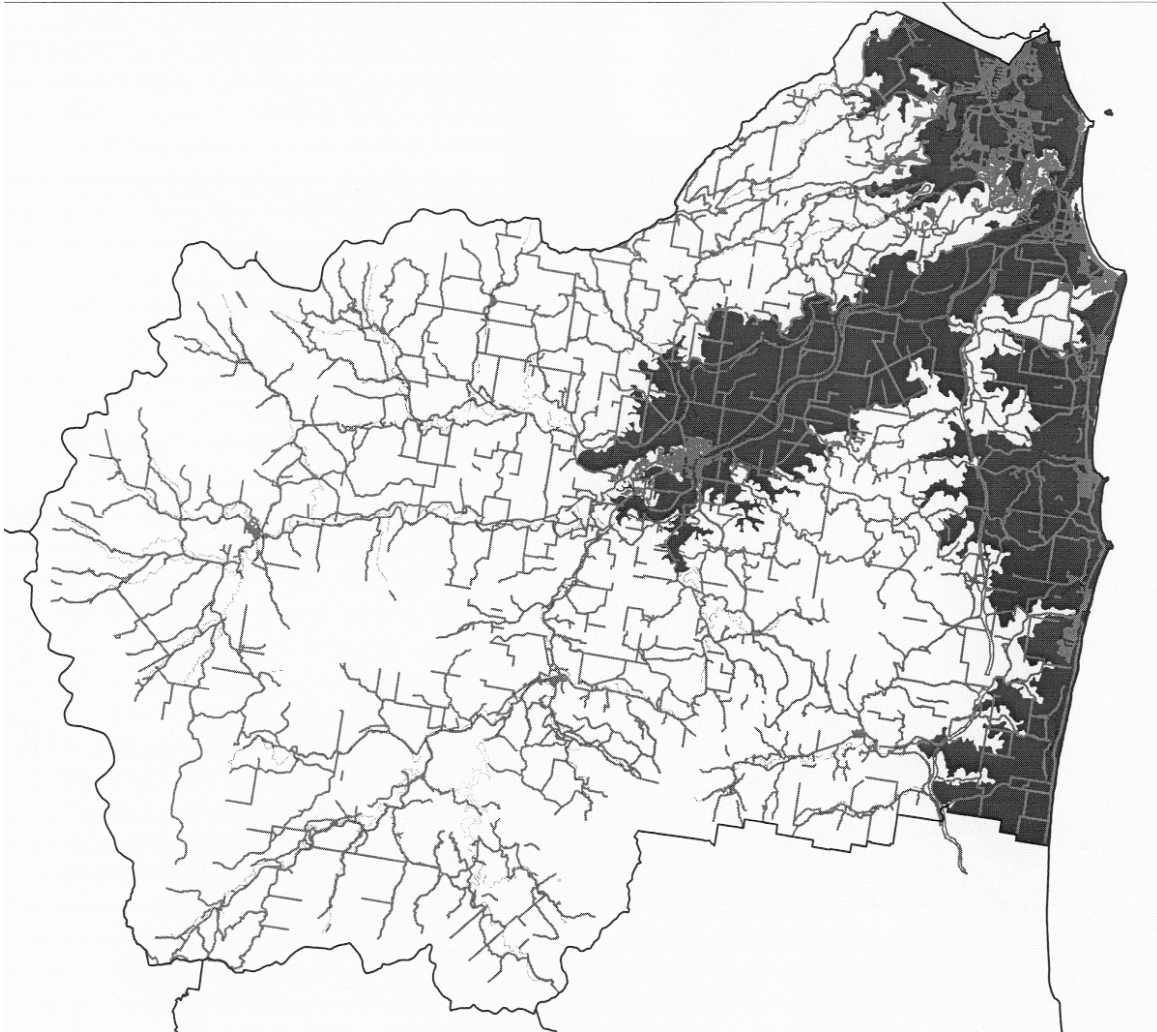
The guidelines nominated in (b) above (Acid Sulfate Soil Manual produced by the Acid Sulfate Soil Management Advisory Committee, 1998) require soil and water assessment including chemical analysis to develop a detailed management plan. However the guidelines note that the level of assessment undertaken or the complexity of an acid sulfate soils management plan, should match the level of risks to the environment from the proposed activity. Council has concluded that the risk to the environment from the defined minor works is very low and conservative applications of agricultural lime will address any likely negative impacts.

Exemption

If the applicant can demonstrate the land has been lawfully filled, and any excavation will not extend below the depth of the fill, consent and thus an Acid Sulfate Soil Management Plan will not be required.

Acid Sulfate Soil Planning Maps

The NSW Department of Land & Water Conservation have produced maps which indicate the likely presence of acid sulfate soils and what depth below natural ground surface they may be expected to occur. These maps may be viewed at Council offices.



Department of Land and Water Conservation mapping of Acid Sulfate Soils in Tweed Shire.

Management

Where the applicant has agreed ASS are present on site the following management strategies are deemed satisfactory. Agricultural lime is recognised as a cost efficient method of neutralising acid generated with the disturbance of ASS.

Agricultural lime is to be used to treat ASS. Hydrated or slaked lime must not be used without specific approval from Council. Lime is to be thoroughly mixed with the excavated material. Treatment is to occur on-site unless previous approval has been obtained from Council's Environmental Health Services Unit for alternative arrangements.

Excavated material is to be treated within 48 hours of excavation or the following measures are to be in place:

1. Provide a bed of agricultural lime beneath excavated material
2. Provide non-ASS bunds to excavated material to contain any leachate.
3. Treat excavated material within 14 days of excavation.

Liming Rates

Sandy material (assuming maximum 1% pyrite) – apply a minimum 50kg agricultural lime per tonne of excavated soil.

Clayey Material (assuming maximum 3% pyrite) – apply a minimum 150kg agricultural lime per tonne of excavated soil.