



AGENDA

ORDINARY COUNCIL MEETING Tuesday 28 November 2006

Chairman: Mr Frank Willan

**Administrators: Ms Lucy Turnbull
Mr Max Boyd AM
Mr Frank Willan**

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

ITEMS FOR CONSIDERATION OF COUNCIL:

ITEM	PRECIS	PAGE
	ABORIGINAL STATEMENT	5
	CONFIRMATION OF MINUTES	5
	Minutes of the Ordinary and Confidential Council Meetings held 17 October 2006	5
	SCHEDULE OF OUTSTANDING RESOLUTIONS	7
	Schedule of Outstanding Resolutions	7
	ADMINISTRATOR'S MINUTE	11
	[AM] Signing of Documents	11
	ORDINARY ITEMS FOR CONSIDERATION	13
	REPORTS FROM THE GENERAL MANAGER	13
	REPORTS FROM THE DIRECTOR PLANNING & DEVELOPMENT	13
	REPORTS FROM SUB-COMMITTEES/WORKING GROUPS	15
1	[SUB-TRC] Minutes of the Tweed River Committee Meeting held 11 October 2006	15
2	[SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 19 October 2006	23
3	[SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 16 November 2006	33
4	[SUB-TDAC] Minutes of the Tweed Shire Council Disability Access Committee Meeting held Thursday 19 October 2006	45
5	[SUB-SAC] Minutes of the Sports Advisory Committee Meeting held Tuesday 24 October 2006	49
	ORDERS OF THE DAY	53
6	[NOM] War Memorial at Burringbar	53
7	[NOM] Burringbar Sewerage Scheme	53
8	[NOR] Development Application DA05/1464 for Works within Stage 1 of the Concept Plan including Land Clearing, Bulk Earthworks, Construction of Principal Roads and Other Services at Lorna, Catherine and Carne Streets and Ocean Avenue, Kingscliff	55

9	[PD-CM] Development Application DA05/1464 for a Concept Plan & Works within Stage 1 of the Concept Plan Including Land Clearing, Bulk Earthworks, Construction of Principal Roads and Other Services Within Lorna, Catherine and Carne Streets, Kingscliff	57
10	[NOR] Development Application DA05/0793 for Clearing and Replanting Vegetation at Lot 1971 DP 133919, Ocean Avenue, Kingscliff	91
11	[PD-CM] Development Application DA05/0793 for Clearing and Replanting Vegetation at Lot 1971 DP 133919 Ocean Avenue, Kingscliff	93
12	[NOR] Development Application DA05/0775 for Clearing and Replanting of Vegetation and a Cycleway Path and Beach Access at Lorna Street, Kingscliff	99
13	[PD-CM] Development Application DA05/0775 for Clearing & Replanting of Vegetation, Cycleway & Beach Access at Lot 500 DP727420 Tweed Coast Rd, Casuarina & Lots 4-6; Lots 14-15 Sec 1 DP14895 & Lots 1-8 and 11-12 Sec 5 DP14895, Lorna St, Kingscliff	101
	CONFIDENTIAL ITEMS FOR CONSIDERATION	107
	REPORTS THROUGH GENERAL MANAGER IN COMMITTEE	107
	REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS	107
1	[EO-CM] Riverside Drive, Tumbulgum - Acquisition for Road Widening	107
2	[EO-CM] Kallaroo Circuit Bund, Options for Resolution of Dispute with Byron Shire Council	107
	REPORTS FROM THE DIRECTOR ENVIRONMENT & COMMUNITY SERVICES	108
3	[EC-CM] Development Application DA05/1049 - Dwelling at Lots 15 & 18 DP755685; Lots 17 & 18 DP 252179 Dulguigan Road North Tumbulgum - Unauthorised Works	108

ABORIGINAL STATEMENT

Administrator Willan acknowledged the Bundjalung Aboriginal Nation with the following statement:

"We wish to recognise the generations of the local Aboriginal people of the Bundjalung Nation who have lived in and derived their physical and spiritual needs from the forests, rivers, lakes and streams of this beautiful valley over many thousands of years as the traditional owners of these lands."

CONFIRMATION OF MINUTES

Minutes of the Ordinary and Confidential Council Meetings held 17 October 2006

UNDER SEPARATE COVER/FURTHER INFORMATION:

To view any "**non confidential**" attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).

1. Minutes of the Ordinary Council Meeting held 17 October 2006 (DW 1480933)
 2. **Confidential Attachment** Minutes of the Extraordinary Council Meeting held 17 October 2006 (DW 1485334)
-

THIS
PAGE
THIS
PAGE
IS
IS
BLANK
BLANK

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

FOR COUNCILLOR'S INFORMATION:

25 JULY 2006

PLANNING COMMITTEE

REPORTS FROM DIRECTOR PLANNING AND DEVELOPMENT

P10 [PD-PC] Draft Tweed Local Environmental Plan 2000, Amendment No 69 - Seabreeze Estate, Pottsville (Stage 2)

P111 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Council defers this item so a workshop can be conducted on the draft Tweed Local Environmental Plan 2000, Amendment No 69 – Seabreeze Estate, Pottsville (Stage 2).

Current Status: Workshop to be organised in conjunction with assessment of DCP No 5.

ORDINARY MATTERS

ORDERS OF THE DAY

4 [NOM] Section 149 Certificates

150 COUNCIL DECISION:

Administrator Boyd

Administrator Turnbull

RESOLVED that Council staff be requested to bring forward a report which addresses the desirability of including details regarding the constraints which apply to all agricultural land classified as being of State or Regional significance on all Section 149 Certificates relevant to these lands.

Current Status: Legal advice being sought.

26 SEPTEMBER 2006

PLANNING COMMITTEE

REPORTS FROM DIRECTOR PLANNING AND DEVELOPMENT

P5 [EO-PC] SC06/0032 Road Widening - Lot 2 DP 777844, Coast Road, Bogangar

P 144 COMMITTEE DECISION

Administrator Boyd

Administrator Willan

That

5. The General Manager is requested to prepare a submission to the Minister for Education expressing concern with regard to school safety and the submission to be copied to the Minister for Local Government.

Current Status: Submission to be prepared.

P6 [EO-PC] SC06/0031 Road Widening - Lot 9 DP 1082139, Eucalyptus Drive, Banora Point

P 145 COMMITTEE DECISION

**Administrator Boyd
Administrator Turnbull**

That

5. The General Manager is requested to prepare a submission to the Minister for Education expressing concern with regard to school safety and the submission to be copied to the Minister for Local Government.

Current Status: Submission to be prepared.

O22 [EO-OC] Gruners Lookout, Tomewin Road

**O 263 COMMITTEE DECISION:
Administrator Boyd
Administrator Turnbull**

That:-

.....

3. The General Manager provides a report to Administrators on opportunities for lookouts that can be sustained through time.

Current Status: Report to be prepared.

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

ADMINISTRATOR'S MINUTE

[AM] Signing of Documents

Documents signed by Administrators

Administrator Boyd

13 October 2006	Licence Agreement - Neptunes Pleasure Pontoons - Southern Boatharbour, Tweed Heads
27 October 2006	Request - Acquisition of Land - Goonal Place, Banora Point
27 October 2006	Service Level Agreement - Rural Fire Services
8 November 2006	Joint Venture Deed - Sale of 41 Boyd Street, Tweed Heads
8 November 2006	Plan of Subdivision - Lot 9 & 11 DP 1080887 - Duranbah Road, Duranbah

RECOMMENDATION:

That the information be received and noted.

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

ORDINARY ITEMS FOR CONSIDERATION

REPORTS FROM THE GENERAL MANAGER

REPORTS FROM THE DIRECTOR PLANNING & DEVELOPMENT

Please refer to items 9, 11 and 13 under Section Heading "Orders of the Day"

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

1 [SUB-TRC] Minutes of the Tweed River Committee Meeting held 11 October 2006

VENUE:

Canvas & Kettle Meeting Room, Murwillumbah Civic Centre

TIME:

9.00am

PRESENT:

David Oxenham (Chair); Max Boyd (Tweed Shire Council Administrator); Richard Hagley (DNR); Martin Dobney (Action Sands Chinderah); Harry Christopher (Bilambil Heights Progress Assoc); Claire Masters (Tweed Landcare Inc); Errol Wright (Tweed River Charter Operators); Bob Loring (NSW Fisheries) Tom Alletson, Geoff Edwards, Marty Hancock, Mark Kingston (Tweed Shire Council)

INFORMAL:

Richard Collins; David Hannah; Graham Martin (Tweed River Advisory Committee & NSW Cane Growers' Association);

APOLOGIES:

Robert Quirk (Tweed River Advisory Committee & NSW Cane Growers' Association); David McPherson (Department of Lands); Lance Tarvey (Dept of Environment & Conservation); Des Williams (Tweed Byron Local Aboriginal Land Council); Jane Lofthouse (Tweed Shire Council)

MINUTES OF PREVIOUS MEETING:

Moved: Max Boyd

Seconded: Richard Hagley

Amendments:

Richard Hagley asked for an amendment to be made to the name of his organisation in the Minutes, from Department of Infrastructure, Planning & Natural Resources (DIPNR) to Department of Natural Resources (DNR).

Tom Alletson requests that the minutes in Correspondence Out – item 1 be amended. The words 'for funding' should be deleted from the final sentence in this paragraph so that it reads, "Robert Quirk suggested that another letter be sent to Fisheries, saying that due to the significance of the roosting sites, the committee seeks urgent approval.

RESOLVED that the Minutes of Meeting held Wednesday 9 August 2006 be accepted as a true and accurate record of the proceedings of that meeting, subject to the amendments noted above.

BUSINESS ARISING:

Item from Meeting held 9 August 2006

1. Response from NSW Fisheries regarding permit to remove mangroves for Bird Habitat Protection

Tweed River Committee

While no formal response has been received to Council's application or letter requesting a meeting on this issue, there has been a confirmation from NSW Fisheries that the application will not be supported.

- Apology from Pat Dwyer, who advised David Oxenham that it will not be supported.
- Consider resubmitting part of project if warranted (Rocky Point).
- Tom expressed disappointment that Fisheries have not agreed to negotiate and explore latitude for compromise.
- David Oxenham noted a good relationship must be maintained with Fisheries
- Query on whether Tweed River Committee can negotiate or must approach higher authority.
- Tom puts query - Does the Committee want to pursue this matter?
- Max Boyd - yes, we are not doing it to get rid of mangroves, and it is an important project founded on best information and offering a best possible solution.
- Max requested a round table discussion with Fisheries/National Parks and David Rohweder.
- Tom – notes that this is the same as the resolution from the last meeting which has not gained progress or a written response from Fisheries.
- Tom – raises issue of bird hide which TRC is being requested to support for Tweed Bird Observers. Notes that position of Fisheries with respect to bird habitat indicates that support for harm of marine plants to construct a bird hide would be very unlikely. Notes also that the area is SEPP 14. Committee advises we deal formally with the bird hide issue at same meeting as above.

Moved: Max Boyd

Seconded: Richard Hagley

RESOLVED that a meeting be set up with Fisheries, National Parks, David Rohweder and Tom Alletson to attempt to resolve the issue of mangrove clearing to preserve bird habitat.

CORRESPONDENCE IN:

1. Submissions from Lindy Smith and Tweed Heads Environment Group regarding Dedication of Certain Lands surrounding Cobaki Broadwater as National Park/Nature Reserve.

Cobaki Broadwater

The Tweed River Committee has been requested to support a submission to the NSW State Government for dedication of certain areas of Cobaki Broadwater and adjacent lands to be dedicated as a nature reserve or national park, based on its biodiversity value and importance to local Aboriginal people.

- Submission from Lindy Smith tabled.
- Concerns from David McPherson of Department of Land re: restrictions associated with this tenure type outlined.
- Confirmed that Lindy Smith has recognised concerns expressed by lands, and therefore defers to advice from Lands to prepare an integrated management plan for the area.
- Discussion of process to prepare a management plan for the area - as per model from Tweed Pony Clubs Environmental Trust Application 04/05.
- Invite Lindy Smith and Dept Lands to next Tweed River Committee meeting to discuss progression of this proposal.

CORRESPONDENCE OUT:

Nil.

AGENDA ITEMS:

1. ASS Research Update - Richard Collins

Acid Sulphate Soils

- ARC Project - reduce export of acid sulphate soil projects.
 - Commenced April last year - preliminary results in.
 - Objective - reduce transport of metals from soils. Main problems iron and aluminium. Where does iron and aluminium come from? How is it transported?
 - Measures to reduce transport. Measures to reduce drain slumping.
 - We are seeing more aluminium hydroxide (milky/clear/low pH, pure Al) buffered discharges of drain water hitting the river due to drain management, whereas previous discharge clear and pure, and toxic at pH 2-4.
 - No salinisation of ground water at Blacks Drain, hydraulic conductivity too low. Low hydraulic gradient too.
 - Possibility of fresh ground water perching on drain water.
 - Marty Hancock will receive a full report on this research.
-

2. Implementation Priorities for the Tweed Vegetation Management Plan - Mark Kingston

Vegetation Management/Tweed River Committee

Mark Kingston presents an overview of the vegetation and biodiversity management program. This presentation is available upon request.

- Max Boyd - has there been consideration of an environmental levy to fund these works?
- Max - Tweed River Committee should recommend an E levy at next budget that does not affect the general fund.
- David Oxenham - Council reviews budget each year and the budget numbers shown by Mark are not guaranteed. Councillors have the discretion to amend budgets.
- David - noted the reduction in original planned budget allocations, and delay in this program being funded. Council contributes \$250 k - \$500 k to Tweed River Committee. Further, the money allocated to implementation of the vegetation plan money is significant and we must ensure that it is expended well.
- Is this committee still the right organisation to govern this program? He believes it is. It has strengths as an existing forum
- The Committee is asked to confirm whether or not it wishes to recommend to Council to proceed with the introduction of an Environmental levy.
- Claire Masters - yes we have been lobbying for a long time.
- Max - need to be proactive in conservation planning - yes to environmental levy. Fixed amount as % land value.
- Geoff Edward – require a report from rates section on what is possible. Mark volunteered to do this, for next meeting.
- Tom A - will it cover biodiversity only or other issues such as climate change river?
- Graham Martin - Administration is important - need to be focused.
- Bob Loring – Makes the point that the Tweed River Committee shouldn't push for rate increases if the funding is not directly for the river.
- Tom – makes point that the charter of the Tweed River Committee needs to be revisited in light of the fact that it will now be expanding its focus to manage projects unrelated to river management. As such, should the committee be renamed the Tweed Catchment Committee to reflect this.
- Committee agrees it is time to consider this fully, and an agenda item for the next meeting will be to debate a new charter for the Tweed River Committee.

3. Report on Tugun Bypass Site Visits - David Hannah

Cobaki Broadwater

- Roof slab must be on tunnel by November 2007.
- Environmental Reference Group meetings monthly.
- Approval agencies on-site weekly.
- Compensation package issues: still under negotiation. Block A + E. Block identified at Cabarita - discussions ongoing.

- 7km road to cost \$550,000,000
- Max - John Sweeny, submission to Gold Coast Airport Limited (GCAL). Illegal channel from airport to Cobaki.
- Airport appears to have constructed drain into Cobaki following 1987 flood. Coolangatta Creek can overflow into Cobaki.
- Tugun Tip being removed to construct desalination plant.
- Request update from Airport on Water Quality Monitoring data from all surface monitoring points into Cobaki.
- Council resolution exists to negotiate with GCAL over issue of Coolangatta Creek.

4. Tweed River Festival - Program of Events

Tweed River Festival

Events program distributed.

5. Cobaki and Terranora Broadwater Cultural Heritage Management Plan

Cobaki Broadwater/Terranora Broadwater

Plan was made available at the meeting.

Moved: Max Boyd

Seconded: Clair Martin

RESOLVED that the Committee recommend that Council adopts the Cobaki and Terranora Broadwater Cultural Heritage Management plan.

RECOMMENDATION:

That Council adopts the Cobaki and Terranora Broadwater Cultural Heritage Management Plan.

6. Ecosystem Health Monitoring Program

Monitoring

The final report from international water centre has been received and Tom Alletson is progressing arrangements to create funding partnerships to undertake implementation. Agencies that will be approached by Tweed River Committee are the Pacific Bypass Alliance, Leda Manorstead, Gold Coast Airport Limited, developers of Area E and Council's Water Unit. Copies of the report were made available to the meeting.

GENERAL BUSINESS:

7. Boating Plan of Management

Tweed River Committee

- Copies were requested by all attendees. Carl Cormack will be requested to attend the next meeting to overview and discuss the document.
- Photographic survey of the riverbank from Dallas Park to Condong shall be undertaken to document erosion.

8. Vegetation Management Plan

Vegetation Management

Mark Kingston - recommendation to Council to adopt Vegetation Management Strategy.

Tom will check previous resolutions as it is possible that this has already been done.

Moved: Rhonda James

Seconded: Max Boyd

RESOLVED that the Committee recommends to Council to adopt the Vegetation Management Strategy.

RECOMMENDATION:

That Council adopts the Vegetation Management Strategy.

9. Kunghur Development Proposal

Tweed River Committee

Claire Masters – Notes that there is significant concern from the Upper Valley community regarding a proposed residential development in Kunghur.

NEXT MEETING:

The next meeting of the Committee is to be held on 13 December 2006 at the Canvas & Kettle Meeting room commencing at 9.00 am.

The meeting closed at 1:00

DIRECTOR'S COMMENTS:

Item 8 - General Business

8. Vegetation Management Plan

Recommendation 2 is premature without full report to Council.

DIRECTOR'S RECOMMENDATIONS:

Agenda Items

**5. Cobaki and Terranora Broadwater Cultural Heritage Management Plan
Cobaki Broadwater/Terranora Broadwater**

As per the Committee's recommendation being:

"That Council adopts the Cobaki and Terranora Broadwater Cultural Heritage Management Plan"

General Business

8. Vegetation Management Plan

Vegetation Management

As per the Director's Recommendation being

"That a detailed report be prepared for Council to consider adoption of the Vegetation Management strategy."

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

2 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 19 October 2006

VENUE:

Peter Border Room

TIME:

Commencing at 9.15am.

PRESENT:

Committee Members: Mike Baldwin, Roads and Traffic Authority; S/C Jason Thrupp, NSW Police.

Informal: Chairman - Mr Paul Morgan, Mr Ray Clark and Jan McCrohon, Tweed Shire Council.

APOLOGIES:

Mr Don Page, MP, Member for Ballina; Mr Neville Newell, MP, Member for Tweed

MINUTES OF PREVIOUS MEETING:

RESOLVED that the Minutes of the Local Traffic Committee Meeting held Thursday 14 September 2006 were tabled at the meeting and accepted by the Committee as a true and accurate record of the proceedings.

SCHEDULE OF OUTSTANDING LOCAL TRAFFIC COMMITTEE ITEMS

Item From Meeting Held 14 September 2006:

6. Use of Tweed Shire Roads for Permitted Access for B-Double Vehicles
DW1452814; Traffic - Weight of Vehicles (inc B-Doubles)

"Request received for permission to use Tweed Shire Roads that are designated for B-Double usage.

The Committee considered the information in the applicant's letter to be unclear and suggested that the request be forwarded to the Roads & Traffic Authority for advice and referred back to the Local Traffic Committee once this is available.

For Council's information."

Additional information was tabled and considered by the Committee. It was noted that Council is reluctant to accept heavier vehicles on local roads at this stage, and the application should be refused.

BUSINESS ARISING:

Nil.

GENERAL BUSINESS:

PART A

1. Tweed Coast Road, Peninsula Street, Hastings Point
Local Area Traffic Management; DW1445732; 1437116; 1429800; Tweed Coast Road;
Peninsula Street; Complaint; Speed Zones; Pedestrian Crossings

Ms J Boyd to address the Committee at 9.30am on the issues below.

Request received for an address by the Hastings Point Progress Association in relation to the following:-

1. The Hastings Point Village Plan seeks to make Hastings Point as pedestrian-friendly as possible. What measures are planned for the future? People are seeking pedestrian-friendly locations for family holidays and increased consideration is requested to be given to this issue.
2. A pedestrian crossing across the Tweed Coast Road.
3. The reduction in the speed limit from 60 to 50kph is not calming traffic and the speed at the southern end of the village is causing serious concern to residents living in that area.
4. Peninsula Street remains a major problem area for traffic speed, safety of pedestrians and is a 4WD nuisance.

This item heard at 9.40am, when Ms Boyd addressed the Committee on the above points, adding that pedestrian safety was the major concern of the Hastings Point Progress Association.

The Committee explained the restraints that applied to the installation of pedestrian crossings, and how this impacts on their effectiveness. It was agreed that Council would undertake a speed survey and pedestrian usage data in the village for the consideration of the police in regards to speed enforcement, and the warrants for zebra crossings.

The Committee agreed to extend the 50kph to the service station at the southern end of the village.

RECOMMENDATION:

That the 50kph be extended to the service station at the southern end of the village on Tweed Coast Road.

2. Tumbulgum Road, Cane Road, Queensland Road, Racecourse Road
DW1462578; Roads - General; Sport & Recreation - General; Local Area Traffic Management; Safety

Request received for permission to use Tumbulgum Road, Cane Road, Queensland Road and Racecourse Road for the Tweed Valley Triathletes summer triathlon season. It is anticipated that 25 to 45 senior competitors and 20 to 35 junior competitors will compete. Senior competitor events will be held between 6:00am and 7:15am and juniors between 7:30am and 8:00am.

Juniors will have up to 5 Marshals with adults riding with the juniors to ensure road rules and safe riding are observed.

The events will be held on Saturdays from 7 October 2006 to 24 March 2007.

The Committee discussed the proposal and was concerned that the Triathlon is run as a race and uses busy rural roads that have 100kph speed zones, including heavy cane haulage trucks. The Committee suggests that the event organiser discusses alternative routes with the Council Road Safety Officer, with a view of Section 40 of the Road Transport Safety & Management Act. Further police approval is to be sought if this event is to be conducted as a race rather than as a social sporting event. Public liability insurance is also required to cover the event, with documentary evidence.

For Council's information.

3. Railway Level Crossings
DW1470602; Railways - General; Traffic - Safety; Traffic - Directional Signs; Railways - Level Crossings

Request received for removal of "Stop" signs at railway level crossings in the Tweed/Richmond areas.

Since the Murwillumbah to Casino railway line closed over 2 years ago, the flashing lights on all automatic electrically operated crossings were covered up, but the Stop signs on other crossings remained uncovered, for example at Dunbible and Stokers Siding.

Thus on some crossings, motorists can drive straight across without regard for whether there is a train coming or not, but are forced to obey the Stop sign on the others.

The inconsistency has created an anomaly at railway level crossings:-

1. Drivers are disregarding the "Stop" signs at railway crossings, and the effect of this will be known should the trains return or drivers venture beyond Casino and encounter an active line;

2. The ambiguity is fuelling road rage, with some drivers getting frustrated at the ones who stop and react accordingly, eg horn blowing, overtaking on the crossing etc.

Previous advice given to the RTA by the State Rail Authority is that the line is not closed, as regular routine maintenance is still undertaken on the line, and for this reason the stop signs cannot be moved. Based on this information no anomaly exists, and drivers should stop as directed by the regulatory signage at the level crossings.

For Council's information.

4. Casuarina Way, Salt Water Crescent, Shipstern St, Bells Blvde
DW1475030; Salt Development/Salt Village; Sport & Recreation - General; Bicycle
Matters - General; Traffic - Committee; Traffic - Safety

Request received for permission to use Casuarina Way, Salt Water Crescent, Shipstern St and Bells Blvde between 9.30am and 3.00pm for a cycle race on Sunday 26 November 2006, to be called the Salt Village Darren Smith Cycle Classic.

The proposed race will be conducted on a closed circuit through the Salt Village and running south along Casuarina Way. A traffic deviation to the north bound lane of Casuarina Way will occur for the duration of the race and separated by traffic cones with a traffic controller in place. The race will run for one hour. The deviation will be cleared immediately after the race.

Riders will include Robbie McEwen and other Tour de France and European professional riders.

The organisers will provide sufficient marshals to properly control the event. Cyclists are covered by Public Liability Insurance.

The Committee discussed the application and it was noted that the operation times are now 1.00pm to 3.00pm and the following changes have been requested:-

- Casuarina Way - traffic will be controlled by authorised controllers and the north bound lane will be used for north bound and south bound traffic at alternate times;
- Maximum number of riders to be restricted to 50;
- All signage specified on the Traffic Control Plan to be installed;
- Written approval by the NSW Police is required.

RECOMMENDATION:

That the event be approved subject to the following conditions:-

- Casuarina Way - traffic will be controlled by authorised controllers and the north bound lane will be used for north bound and south bound traffic at alternate times;
 - Maximum number of riders to be restricted to 50;
 - All signage specified on the Traffic Control Plan to be installed;
 - Written approval by the NSW Police is required.
-

5. Sunnyside Mall Undercover Car Park
DW1472308; Car Parks - Murwillumbah; Traffic - Parking Zones

Request received for:-

1. The undercover car park at Sunnyside Mall to be used for short term customers only;
2. Signage to be modified accordingly;
3. Council Rangers to patrol the undercover car park.

It is reported that the car park is currently being used by surrounding business owners and their staff who park undercover all day. There is no problem with them parking all day in the open car park leased from Council.

The Committee supported the request subject to a detailed plan of the parking restrictions and signage being submitted for the next Local Traffic Committee meeting in November. Council's Regulatory Services Supervisor has advised that he has no concerns with adding the shopping centre car park to the enforcement program for the Murwillumbah CBD.

RECOMMENDATION:

That:-

1. Council endorses the request from the Sunnyside Shopping Centre management for the installation of 2 hour parking restrictions in the undercover area subject to a plan of the parking restrictions and signage being submitted;
 2. Council accepts the invitation from the shopping centre management for Council's rangers to enter the car park and undertake enforcement of (1) above.
-

6. Kingscliff Street

DW 1475031; Traffic - Speed Zones; Traffic - Safety

Request received for speed humps and/or pedestrian crossings on Kingscliff Street. It is reported that there is a serious speeding problem on this road, with nothing to slow traffic down. It is also reported that the noise level is getting worse, with fully laden semi trailers, trucks and buses using the road.

The Committee considered the request and noted that speed survey data has already been undertaken by Council, which indicates the 85th percentile speed is 65kph with an average daily traffic up around 5,000 vehicles. It is also noted that Kingscliff St has and will always be the main distributor road servicing Kingscliff and will therefore carry higher volumes of traffic including heavy vehicles when compared to local side streets. Pedestrian crossings need to meet specific criteria in relation to volumes of pedestrians and vehicles, and no locations on Kingscliff St meet these criteria.

Speed bumps are not acceptable on major roads as they have a high noise generation rate which is generally unacceptable to adjoining property owners and forces traffic to look for alternative routes on minor roads. Copies of the speed count data have been provided to the police for their information.

For Council's information.

7. Lochlomond Drive, Banora Point

DW1478117; Traffic - Speed Zones; Traffic - Safety; Parking - Illegal

Request received for "No Standing" signs to be erected for the length of the 45 degree bend in the road at 71 Lochlomond Drive. There is a problem with:-

1. Drop-off and pick-up of children at the Tweed Shire Family Day Care centre at No 69;
2. Prospective buyers stopping to inspect cars regularly offered for sale at the same address;
3. Illegal parking on the nature strip;
4. Traffic travelling on the street at high speeds.

The Committee discussed the issues raised and items 2 and 3 will be referred to the Regulatory Services Supervisor to enforce if necessary. In regard to item 4, speed surveys have been conducted at this location and found that the 85th percentile is 58kph, and the average daily traffic (ADT) is 1200 vehicles.

The Committee noted that the pavement width is adequate for 2 lanes of traffic as well as a parked vehicle, and given the road is a residential road with relatively low volumes of traffic, parking restriction signage is not warranted at this time.

For Council's information.

PART B

1. Development Application DA06/1027 Pt1 - Demolition of existing structures and establishment of a service station at Lot 1 DP 207188; Lot 1 DP 780342; Lot 1 DP 780345; Lot 1 DP 780344, No 98 - 102 Minjungbal Drive Tweed Heads South DW1466833; DA06/1027 Pt1; Minjungbal Drive; Development Applications: Pty: 12408; 12409

The proposed service station is identified by *State Environmental Planning Policy No. 11 – Traffic Generating Developments* (SEPP No. 11) as requiring consultation with the local traffic authority.

The application proposes to demolish all existing structures and construct a service station with an associated car park.

The Committee noted that there is a significant problem at the existing Woolworths petrol station on Wharf Street, Tweed Heads, where queuing vehicles regularly obstruct traffic on the service road and there are concerns that the impact of similar queuing at the subject site would be a major safety and traffic flow issue. It was noted that a plan has been submitted showing 38 vehicles queued within the site, however, at least 3 of these are impractical as they are unable to obtain fuel from these positions.

The Committee notes that whilst the traffic generation assessment is based on the RTA's Guide to Traffic Generating Developments, this document would have been based on conventional service stations, not high turnover discount service stations. Given the major disruptions queuing onto Minjungbal Drive could cause, the Committee requests that actual data obtained from similar Woolworths petrol stations be supplied, demonstrating that the traffic generation and associated on site queuing is manageable on site and, the impact of delivery semi-trailers on the capacity for queuing be addressed.

The developer needs to demonstrate that adequate sight distances are provided for pedestrians when vehicles are exiting the property, as the large sign at the exit extends to the ground level and may cause non compliance with the appropriate Australian Standards.

It is noted there is limited street lighting in this vicinity and the driveway should be lit to the appropriate standard to ensure that vehicles' turning movements and pedestrian activity are safe.

For Council's information.

2. Development Application DA06/1040 Pt1 - Tavern at Lot 902 DP 1097490, No 2-6 Pandanus Parade, Cabarita Beach
DW1467527; DA06/1040 Pt1; Development Applications - No Rates Ref

Council has received a development application for the fit out and operation of a tavern at The Beach development, Lot 902 DP 1097490, No 2-6 Pandanus Parade, Cabarita Beach.

The application is forwarded to the Traffic Committee for comment in accordance with the provisions of State Environmental Planning Policy No 11 - Traffic Generating Developments, specifically Schedule 2 development.

The Committee reviewed the application and has no issues in regard to traffic safety as a result of the development, subject to Council planners accepting the proposed car parking arrangements.

For Council's information.

3. Development Application DA06/0988 Pt1 - Upgrade of Murwillumbah Swimming Pool and Associated Multi-Storey Car Park at Lot 1 DP 863851; Lot 701 DP 1054065; Lot 11 Section 16 DP 758739, Ferryview Lane Murwillumbah, Queen Street Murwillumbah
DW1469283; DA06/0988 Pt1; Development Applications - Proclaim; Development Applications - No Rates Ref; Pty: 39323, 42364

This application is listed within Schedule 2 sub-clause (q) of SEPP No 11 - Traffic Generating Developments, being an extension of a parking area where the enlargement accommodates 50 or more motor vehicles (but not greater than 200 motor vehicles).

Council will advertise the application for a period of 14 days from Wednesday 27 September 2006 to Thursday 12 October 2006 (public holiday excepted).

The Committee reviewed the application and raised no concerns in regards to traffic management and safety.

For Council's information.

NEXT MEETING:

The next meeting of the Local Traffic Committee will be held 16 November 2006 in the Peter Border Room commencing at 9.00am.

The meeting closed at 12.20pm.

DIRECTOR'S COMMENTS:

Nil.

DIRECTOR'S RECOMMENDATIONS:

GENERAL BUSINESS:

PART A

1. Tweed Coast Road, Peninsula Street, Hastings Point

As per Committee's recommendations being:

That the 50kph be extended to the service station at the southern end of the village on Tweed Coast Road.

4. Casuarina Way, Salt Water Crescent, Shipstern St, Bells Blvde

As per Committee's recommendations being:

That the event be approved subject to the following conditions:-

- Casuarina Way - traffic will be controlled by authorised controllers and the north bound lane will be used for north bound and south bound traffic at alternate times;***
 - Maximum number of riders to be restricted to 50;***
 - All signage specified on the Traffic Control Plan to be installed;***
 - Written approval by the NSW Police is required.***
-

5. Sunnyside Mall Undercover Car Park

As per Committee's recommendations being:

That:-

- 1. Council endorses the request from the Sunnyside Shopping Centre management for the installation of 2 hour parking restrictions in the undercover area subject to a plan of the parking restrictions and signage being submitted;***
 - 2. Council accepts the invitation from the shopping centre management for Council's rangers to enter the car park and undertake enforcement of (1) above.***
-

3 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 16 November 2006

VENUE:

Peter Border Room

TIME:

Commencing at 9.00am.

PRESENT:

Committee Members: Mike Baldwin, Roads and Traffic Authority; Jason Thrupp, NSW Police.

Informal: Chairman: Mr Paul Morgan, Mr Ray Clark and Judith Finch Tweed Shire Council.

APOLOGIES:

Mr Don Page MP, Member for Ballina, Mr Neville Newell, MP, Member for Tweed.

MINUTES OF PREVIOUS MEETING:

RESOLVED that the Minutes of the Local Traffic Committee Meeting held Thursday 19 October 2006 were tabled at the meeting and accepted by the Committee as a true and accurate record of the proceedings.

BUSINESS ARISING:

Nil.

GENERAL BUSINESS:

PART A

1. Cudgera Creek Road

Bus Services - Stops; Cudgera Creek Road; DW483780

Request received for the installation of bus zone signage on Cudgera Creek Road just west of the Pottsville Road intersection. A bus lay-by was constructed as part of the recent road works.

The Committee noted that b-double trailers are parking in the bus bay.

RECOMMENDATION:

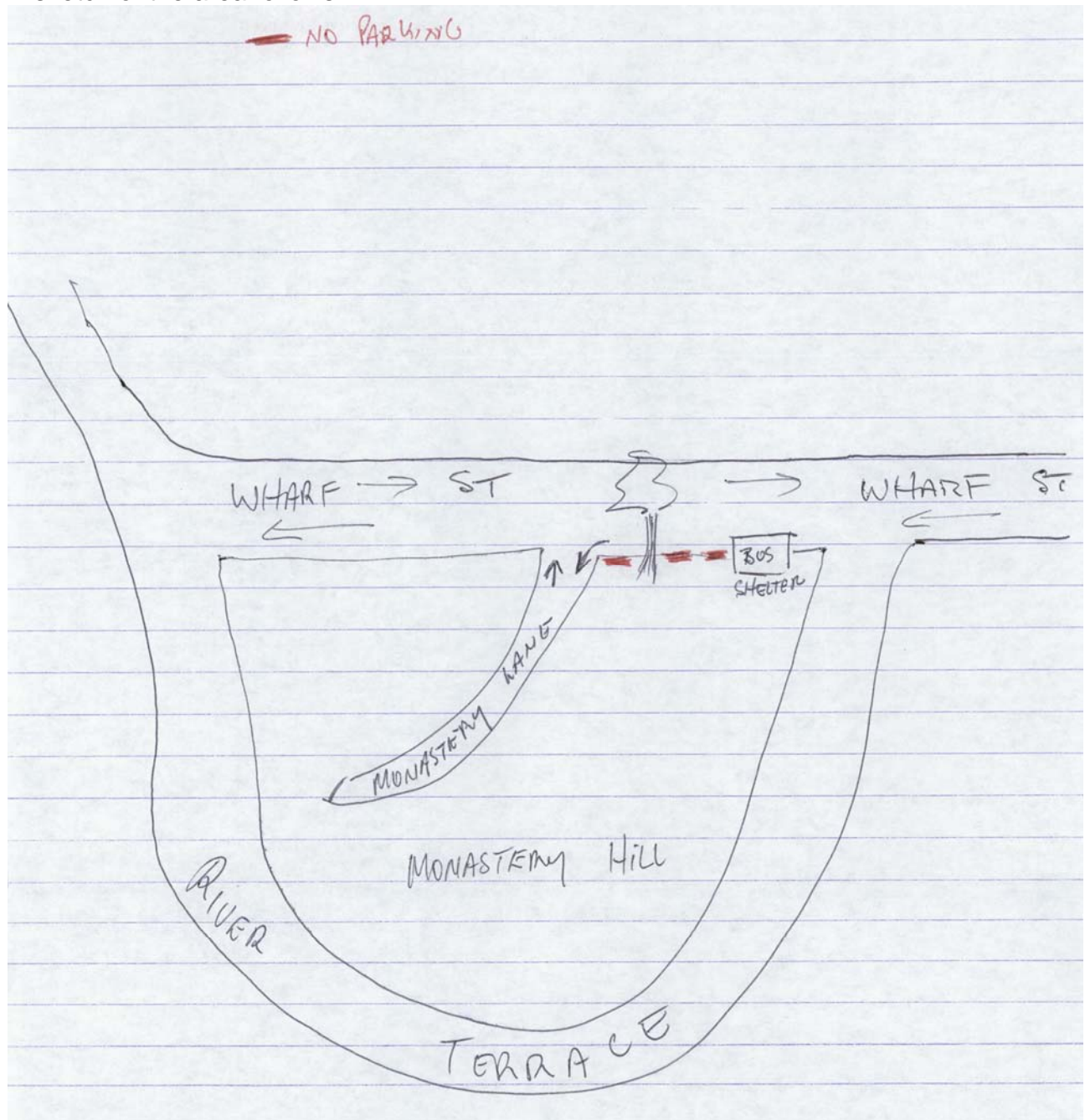
That a bus zone be installed on Cudgera Creek Road on the north west corner of the intersection with Mooball Road, at appropriate operational times specified by the bus company.

2. Wharf Street, Tweed Heads

DW1479729; Traffic - Parking Zones; Street - Signs; Traffic - Safety

Request received for the installation of 'No Parking' or 'No Standing' signs at the intersection of Wharf Street Tweed Heads between the bus shelter and Monastery Lane. This is due to the limited view of traffic heading south whilst leaving Monastery Lane. It is reported that there is also a tree at this location which also obstructs the view of oncoming traffic.

A sketch of the area follows:-



Prohibitive signage is not supported at this location as drivers exiting Monastery Lane have adequate sight distance to make the turn safely if undertaken cautiously.

Statutory restrictions apply to how close vehicles can park to intersections, which are enforceable by Council Rangers and the Police without signage.

For Council's information.

3. Tumbulgum Road, Murwillumbah

DW1484856; Tumbulgum Road; Parking - Zones; Library - Murwillumbah

Request received for the provision of short term (1/2 hour) parking along the western side of Tumbulgum Road (approximately 6 spaces) between the Backpackers Hostel and the pedestrian crossing point for Murwillumbah Library patrons.

The proposal is considered to be potentially unsafe by encouraging significantly higher levels of reversing associated with parking manoeuvres on a busy distributor road near a blind bend also impacting on traffic efficiency. Furthermore patrons would be forced to cross this road to access the Library. It is also noted that such parking would not be for exclusive use of the Library as requested but would be available for any member of the public regardless of their destination. Alternatives were considered with the most appropriate being to convert the 1 hour parking adjacent to the Cenotaph at the front of the Civic Centre to ½ hr parking and to extend its length for the whole parking bay. This is a much safer area for high turnover parking and pedestrians do not have to cross Tumbulgum Road to access the Library or Civic Centre. The Committee felt that as this is Council's car park the suggestion should be referred back to the Manager Environment & Community Services for his endorsement or otherwise prior to Council making a determination.

For Council's information.

4. Cudgen Road, Kingscliff

DW1484896; Tumbulgum Road, Parking - Pool - Kingscliff

Request received for the installation of a bus zone on Cudgen Road, adjacent to the Kingscliff Swimming Pool east of the access driveway. It is reported that the bus operator shuffles school children to and from the pool for sports days and cars parked in this location, (noting the on site car park is generally empty) make this difficult and illegal due to double centrelines.

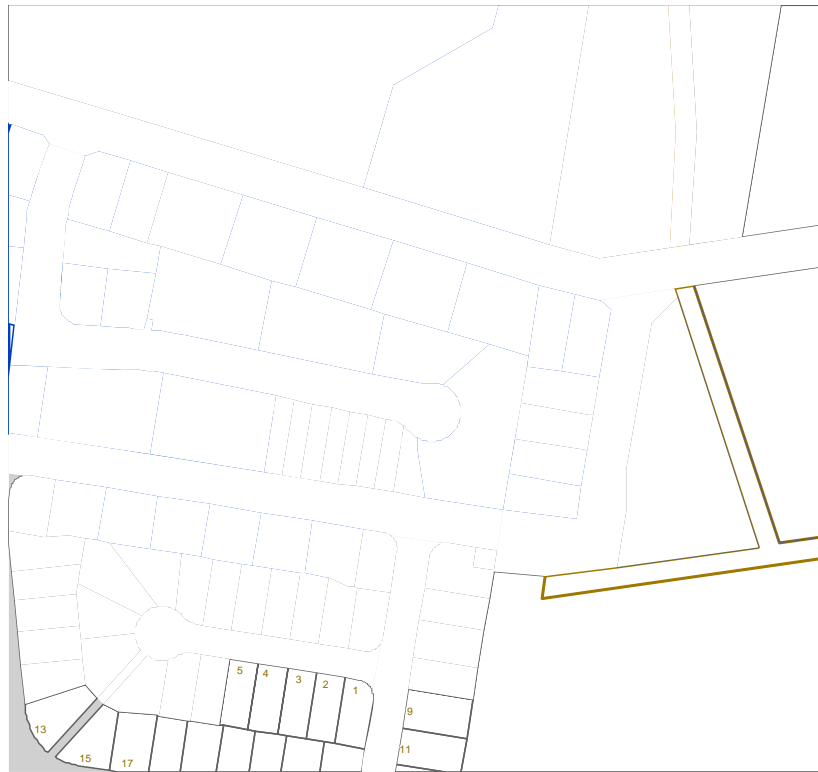
RECOMMENDATION:

That the double centrelines on Cudgen Road be removed 20m north east of the Kingscliff Swimming Pool and 'No Parking - Buses Excepted' signs be installed.

5. Eastlakes Drive and Soorley Street, Tweed Heads South
DW1484931; Traffic - Committee; Local Area Traffic Management

Request received for the installation of a 'Give Way' sign on Eastlakes Drive and Soorley Street.

A sketch of the area follows:-



RECOMMENDATION:

That 'Give Way' signage be installed on Eastlakes Drive at Soorley Street.

6. Kyogle Road, Murwillumbah

DW1488344; Kyogle Road; Speed Zones

Request received for the 50kph speed zone to be moved 100m to the west on Kyogle Road to help access to the SES building due to sight restrictions caused by the 80kph speed zone.

RECOMMENDATION:

That the 80/50kph signage on Kyogle Road, Murwillumbah, near the SES building, be moved 100m west of the current location.

7. Simpson Drive, Bilambil Heights

DW1477201; 1489136; Traffic - Safety; Simpson Drive

Request received in relation to the intersection of Simpson Drive and Scenic Drive. It has been suggested that the Committee consider making Simpson Drive to Peninsula Drive a one way street to improve the intersection.

Numerous problems have been identified with this suggestion being access to the shops and Sierra Vista Boulevard being severely impacted on, forcing additional traffic onto residential streets and to make longer circuitous trips which is ecologically undesirable. Furthermore this does not address the greater problem of sight distance at the intersection of McAllisters Road with Bilambil Road, the best solution being the installation of a roundabout.

For Council's information.

8. Harwood Road, Burringbar

DW1488558; 1489110; Traffic - Safety; Directional Signs; Speed Zones; Harwood Road

Request received for the provision of a speed sign (25kph) at the entrance to Harwood Road and at suitable points along the road.

The request is made for the following reasons:-

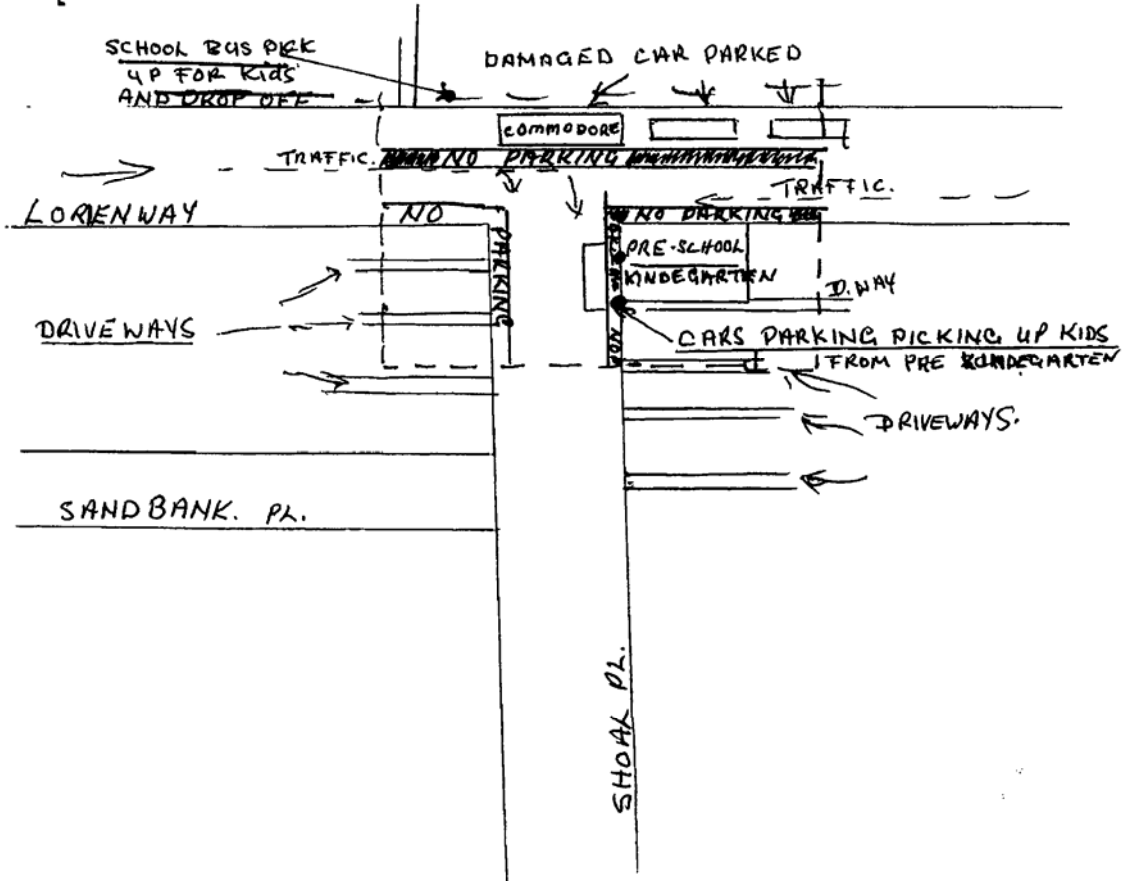
- An accident has happened involving a long term resident.
- In recent times residents have experienced numerous near misses from cars being driven too fast for the conditions.
- The road is a narrow dirt road with sharp curves, steep table drains and high drop off points with no barrier protection.
- Some residents and visitors exceed sensible speeds for the conditions.
- Road dust created by cars is a concern in dry weather.
- The road is used by residents who walk for exercise.
- There are several small children who live along this road.
- Speed signs might stop this ongoing problem.

The Committee did not support the provision of a 25kph speed zone on Harwood Road because it does not comply with Roads & Traffic authority Policy which states "*as conditions on an unsealed road vary markedly over time it is not appropriate to speed zone these types of roads*". This is a rural area and the issues raised above are similar to rural roads of this type.

For Council's information.

9. Lorien Way and Shoal Place, Kingscliff
DW1486873; 1489121; Traffic - Parking Zones; Safety; Parking - Illegal; Lorien Way;
Shoal Place

Request received in relation to vehicles parking at the T-intersection of Lorien Way and Shoal Place, Kingscliff. See diagram below:-



The Committee decided that the matter be referred to the Rangers for monitoring of parking in this vicinity. The Committee noted that the statutory distance from a corner to nearest point a vehicle can park is 10 metres and signage is not required. Generally prohibitive parking is not supported in residential areas.

For Council's information.

10. Minjungbal Drive, Tweed Heads South

DW1489454; Minjungbal Drive; Traffic - Linemarking; Directional Signs; Local Area Traffic Management; DA06/0351 Pt4

Request received for amendments to linemarking, traffic islands, regulatory signage and traffic signals on Minjungbal Drive between Soorley Street and Kirkwood Road by Tweed City Shopping Centre as Condition of Consent.

The plans submitted by the Shopping Centre Consultants were tabled at the meeting. The RTA Representative advised that Clearways must go to the RTA for comment and approval. A copy of the plans was taken by the RTA Representative and he advised that advice would be forthcoming.

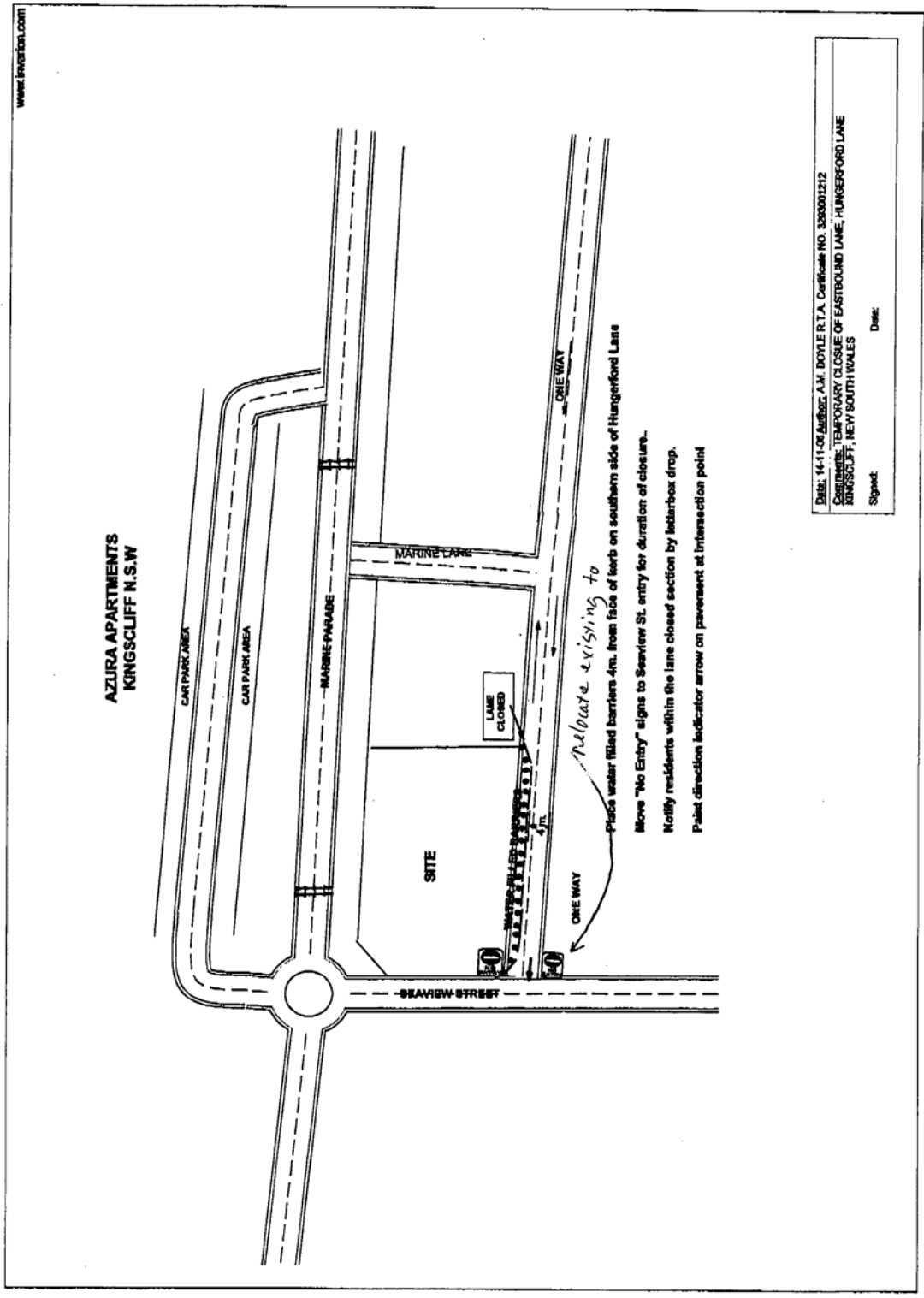
For Council's information.

11. Hungerford Lane, Kingscliff

DW1495529; Hungerford Lane; Local Area Traffic Management; LN 10163

Request received for temporary closure of the eastbound lane of Hungerford Lane at the Azura Development to enable scaffolding to be erected for the duration of the project, as the property boundary is only 200mm behind the kerb. The Committee noted the short section of 2 way traffic in the lane was constructed to service the old car park on the site and therefore the proposal virtually has no impact on traffic flow or efficiency in the lane.

The Traffic Management Plan follows:-



RECOMMENDATION:

That Council supports the temporary conversion of the eastbound lane of Hungerford Lane at the Azura Development to one-way until the development is completed.

12. Tweed Heads Hospital Car Park

DW1494381; LN; 10897; Traffic - Parking Zones; Parking Illegal; SN: 669; SN: 1222

Late Agenda item. Request received for Tweed Shire Council enforcement of on site car parking in the Tweed Hospital car park. The Committee noted that staff car parking still needed to be provided on site, in conjunction with visitor restricted parking.

The Committee suggested that the area of car park off Keith Compton Drive that is blocked by boom gates for the night shift staff could be better utilised by enabling visitor parking up until a certain time such as 2:00pm at which time the Hospital would close the boom gates to reserve the spaces for the 3:00pm night shift commencement. This should be further pursued direct with the Hospital.

RECOMMENDATION:

That Council accepts the invitation from the Tweed Heads Hospital to undertake parking patrols of their car parks adjacent to Powell Street and the new car park adjacent to Florence Street.

PART B

Nil.

NEXT MEETING:

The next meeting of the Local Traffic Committee will be held 14 December 2006 in the Peter Border Room commencing at 9.00am.

The meeting closed at 11.45am.

DIRECTOR'S COMMENTS:

Nil.

DIRECTOR'S RECOMMENDATIONS:

PART A

1. Cudgera Creek Road

Bus Services - Stops; Cudgera Creek Road; DW483780

As per the Committee's recommendation being:

"That a bus zone be installed on Cudgera Creek Road on the north west corner of the intersection with Mooball Road, at appropriate operational times specified by the bus company."

4. Cudgen Road, Kingscliff

DW1484896; Tumbulgum Road, Parking - Pool - Kingscliff

As per the Committee's recommendation being:

"That the double centrelines on Cudgen Road be removed 20m north east of the Kingscliff Swimming Pool and 'No Parking - Buses Excepted' signs be installed."

5. Eastlakes Drive and Soorley Street, Tweed Heads South

DW1484931; Traffic - Committee; Local Area Traffic Management

As per the Committee's recommendation being:

"That 'Give Way' signage be installed on Eastlakes Drive at Soorley Street."

6. Kyogle Road, Murwillumbah

DW1488344; Kyogle Road; Speed Zones

As per the Committee's recommendation being:

"That the 80/50kph signage on Kyogle Road, Murwillumbah, near the SES building, be moved 100m west of the current location."

11. Hungerford Lane, Kingscliff

DW1495529; Hungerford Lane; Local Area Traffic Management; LN 10163

As per the Committee's recommendation being:

"That Council supports the temporary conversion of the eastbound lane of Hungerford Lane at the Azura Development to one-way until the development is completed."

12. Tweed Heads Hospital Car Park

DW1494381; LN; 10897; Traffic - Parking Zones; Parking Illegal; SN: 669; SN: 1222

As per the Committee's recommendation being:

"That Council accepts the invitation from the Tweed Heads Hospital to undertake parking patrols of their car parks adjacent to Powell Street and the new car park adjacent to Florence Street."

THIS
PAGE
THIS
PAGE
IS
IS
BLANK
BLANK

4 [SUB-TDAC] Minutes of the Tweed Shire Council Disability Access Committee Meeting held Thursday 19 October 2006

VENUE:

HACC Centre, Heffron Street, Tweed Heads South

TIME:

2.00pm

PRESENT:

Present:

Administrator Max Boyd, Maggie Groff, Stephen Pollitt, Ross Cameron, Graham Williams, Vic Sparks, Julie Lewin, Barbara Carroll, Milena Morrow, Pam Veness (Minutes)

Apologies: Ron Douglas (Chair), Una Cowdroy, Stefan Zak, Ray Clark, Gary Corbett, Paige Ridgeway

APOLOGIES:

Nil

MINUTES OF PREVIOUS MEETING:

Moved: Julie Lewin

Seconded: Vic Sparks

RESOLVED that the Minutes of the Tweed Shire Council Disability Access Committee meeting held Thursday 24 August 2006 be accepted as a true and accurate record of the proceedings of that meeting, with the following amendment :

Carried unanimously

Item from Meeting held 17 February 2005

7. Footpath Access - Kennedy Drive

Mr Clark advised that Country Energy have completed the relocation of one of the poles. It is planned to extend the footpath around the other pole to remove the limitation to access.

BUSINESS ARISING:

Item from Meeting held 17 February 2005

9. Mobility Map

All notations and amendments are with Recreation Services to input and the draft is nearing completion.

Item from Meeting held 16 June 2005

2. 'Missed Business' - How to attract more customers by providing better access to your business

Finalisation of the draft document is underway.

Item from Meeting held 16 June 2005

6. Murwillumbah Bowls & Sports Club

MR CAMERON REPORTED THAT NO FURTHER ADVICE HAS BEEN RECEIVED REGARDING THE CLUB'S INTENTIONS WITH REGARD TO A UNISEX ACCESSIBLE TOILET.

ITEM FROM MEETING HELD 18 AUGUST 2005

7. Disability Access Awards - Tweed Shire

The Working Party's intention is to seek direct sponsorship in order to award a monetary prize as an incentive. Ms Groff distributed Council's policy on sponsorship. The Working Party will convene in early November.

Ms Carroll advised the Committee that Tweed Valley Respite Service would participate in the awards as a sponsor, with the level of commitment offered to be confirmed.

Administrator Boyd commended the Working Party on their work to date.

Items from Meeting Held 16 February 2006

4. Footpath Access - Tweed Valley Way, Murwillumbah South

No report received.

6. Uki Resident's Association

An accessibility audit compiled by Uki Resident's Association was tabled.

Ms Groff will liaise with the appropriate officer in Council to request an assessment of disability issues in Uki.

Items from Meeting held 24 August 2006

1. Surfside Buslines - Policy for Visually Impaired Persons

The policy provided by Surfside Buslines for Visually Impaired Persons with a Carer/Attendant was tabled.

Ms Groff advised that a representative of Blind Citizens Australia will monitor the review of Translink guidelines (South East Queensland) and advise if necessary.

4. International Day of People with a Disability 2006

The intended launch of the Multi-Arts Performance Project to celebrate IDOPWAD 2006 has been deferred. A call for expressions of interest for the position of Creative Director has been advertised.

The Committee was advised of arrangements for a fancy-dress party to be held on Friday 1 December 2006 at the Salvation Army Sports and Lifestyle Centre at Banora Point.

The Public Programs Officer at Tweed River Art Gallery has organised a Disability Workshop entitled *Feeling Earth – A Ceramic Workshop for Seeing Hands*. This will be held on Sunday 10 December and is targeted for the age group of late teens and adults with vision impairment.

Moved: Stephen Pollitt

Seconded: Milena Morrow

RECOMMENDATION:

That Council endorse and support International Day of People with a Disability 2006 and authorise the fancy dress party as an activity of Council.

Carried unanimously

CORRESPONDENCE:

1. Surfside Buslines – Policy on Visually Impaired Persons with Carer/Attendant
2. Mr N. Allan – Wheels in the Sand event at Salt

GENERAL BUSINESS:

1. Regional Access Committee Report – Paige Ridgeway

No report was received.

3. Wheels in the Sand Event

A very successful disability surfing event was held on 16 September at Salt. A letter of congratulations has been forwarded from Council, with an offer to disseminate information on similar events via the Tweed Disability Interagency and Tweed Disability Access Committee.

NEXT MEETING:

The next meeting will be held at 2 pm on Thursday 21 December in the Buchanan Room, Tweed Depot, Buchanan Street, Murwillumbah

The meeting closed at 3.15 pm

DIRECTOR'S COMMENTS:

Nil.

DIRECTOR'S RECOMMENDATIONS:

Items from Meeting held 24 August 2006

4. International Day of People with a Disability 2006

As per Committee's recommendation being:

"That Council endorse and support International Day of People with a Disability 2006 and authorise the fancy dress party as an activity of Council."

5 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held Tuesday 24 October 2006

Sports Advisory Committee

VENUE:

Cabarita Beach Sports Centre

TIME:

5.10pm

PRESENT:

Committee Members: Administrator Boyd, Stewart Brawley, Merve Edwards, Linda Threlfo, Rob Neinhuis, Allana Brims, Joanne Watters, Stephen Reade, Neville Douglas and Robert McDowell

Informal: Mrs Blyth Short (Recorder)

APOLOGIES:

Nil

CONFIRMATION OF MINUTES:

Moved: Merve Edwards

Seconded: Robert Neinhuis

RESOLVED that the Minutes of Sports Advisory Meeting held Tuesday 20 June 2006 be accepted as a true and accurate record of the proceedings of that meeting.

Welcome new committee members by Administrator Boyd and Stewart Brawley.

CORRESPONDENCE:

1. Assets Reserve Trust Funding – Uki Application

S Brawley explained the background to the Assets Reserves Trust Fund. S Reade enquired about liability issues with staff working on Council facilities. S Brawley advised that liability & OH & S issues must be considered at all times.

Application received from Uki Sports and Recreation Club requesting financial assistance of \$4,000 towards total project of \$8,000 for the upgrade of field lights to 100lux. General discussion.

Moved: Allana Brims
Second: Linda Threlfo
RECOMMENDATION:

That Council contribute \$4,000 from the Assets Reserves Trust Fund toward the upgrade of existing sports fields lights

2. Fair Play Program

Fair Play program targeting young NRL and ARL league players on and off the field. Information for general consideration.

3. Cabarita Beach Table Tennis (CBTT)

CBTT have been established 10 years and during this time members have been very successful in achieving state and national titles. The club has 80 registered members half of which are over 55years. The club has developed strong relations with Sydney, Japan, Germany, and Korea.

The greatest difficulty in developing the club further is limited by space. The Baptist Church at Bogangar only caters for 4 tables and cost \$5-6,000/year in hire fees and has limited hiring times. Two players are on the verge of National selection for both Olympic and Commonwealth Games selection and are limited with their training. The venue also limits the ability for the club to host the NSW Country Championships (250 players and family). CBTT have also been asked to consider hosting the NSW and Australian Youth Championships and players from Japan.

CBTT are asking for assistance to build its own Table Tennis Centre to cater for current members needs and have the ability to host national events. They envisage a hall to fit 10 – 15 tables each having a playing space of 12 x 5 meters, total area 600-900 sqm. CBTT request assistance with locating a site available for the construction of a hall at the Les Burger Sports Field or for any similar land in the Bogangar area.

General discussion. The committee supports the CBTT and assist in identifying a venue. Robert McDowell offered to discuss further with Graham Townsend for the next meeting.

GENERAL BUSINESS:

1. Sports Field Capital Works

S Brawley explained and presented:

- Sports Field Fertilizer Program 2006/07
 - Local Sports Field Capital works program
 - Capital Works Program 2006/07
-

2. Assets Reserve Trust Funding

S Brawley updated Assets Reserves Fund expenditure and balance to date and tabled the following ideas to help inspire thought and discussion.

- Coaching development programs
- Club management programs ie training for committee members etc
- Sport insurance workshops
- Financial assistance and/or incentives toward club development plans
- Financial assistance for facility development
- Financial planning seminars
- Junior elite sport assistance programs

R Neinhuis suggested a forum/workshop environment to facilitate sharing of knowledge and information amongst clubs. J Watters suggested networking with Southern Cross University students to assist clubs with preparing club development plans. S Reade enquired about assistance for grant applications.

R Neinhuis suggested financial support for event assistance and a Tweed Masters Games. S Brawley advised that organising games is extremely difficult and are particularly resource hungry. L Threlfo noted that the airport makes the Tweed very accessible and was in strong support for a Masters Games. S Brawley noted there are currently Masters games at the Gold Coast , Lismore and Coffs Harbour.

S Brawley advised that a Sports Development Officer would be part funded through Council's Seven Year Plan in a few years. This Officer would liaise between clubs and associations to Assist develop sports plans. General discussion. Stewart raised the option of employing this officer now for 1 or 2 days a week funding through the Assets Reserve Trust Fund. Max advised that this was a worthy option and a good place to commence.

Max suggested passing the issues discussed on in the next Sports News.

3. Plans Update

Regional Facilitates Plan prepared last year was adopted in February 2006. One of the proposal was to redevelop and expand Arkinstall Park. The consultants commenced initial analysis of the site and stakeholder consultation. Anticipated commencement of works in 2008.

The consultant will commence the Kingscliff Plan of Management within the next month.

NEXT MEETING:

The next meeting of the Sports Advisory Committee will be held 12 December 2006 at the Tweed Heads Civic Centre.

The meeting closed at 7.00pm

DIRECTOR'S COMMENTS:

Nil.

DIRECTOR'S RECOMMENDATIONS:

1. Assets Reserve Trust Funding – Uki Application

As per the Committee's recommendation being:

"That Council contributes \$4,000 from the Assets Reserves Trust Fund toward the upgrade of existing sports fields lights".

ORDERS OF THE DAY

6 [NOM] War Memorial at Burringbar

NOTICE OF MOTION:

Administrator Boyd moves:

That a letter of congratulations from Tweed Shire Council be forwarded to Mr Alan Vincent, President of the Burringbar Branch of the RSL and his members on the very impressive "World War II, Other Conflicts and Peace Keeping Operations" memorial which they unveiled on Saturday 21 October 2006.

7 [NOM] Burringbar Sewerage Scheme

NOTICE OF MOTION:

Administrator Boyd moves:

That in view of the fact that Council commenced a levy on the residents of Burringbar and Mooball in 2003 to the value of \$350 per year for 10 years, and purchased the site for the Treatment Plant, on the basis that Burringbar Mooball Sewerage Scheme was an approved scheme under the State Government's Country Towns Water Supply and Sewerage Scheme and therefore would have received 70% subsidy as per the previous grant assistance guidelines, Council seeks the urgent assistance of the State Member for Tweed, Mr Newell, to have the State honour its original commitment.

THIS
PAGE
THIS
PAGE
IS
IS
BLANK
BLANK

8 [NOR] Development Application DA05/1464 for Works within Stage 1 of the Concept Plan including Land Clearing, Bulk Earthworks, Construction of Principal Roads and Other Services at Lorna, Catherine and Carne Streets and Ocean Avenue, Kingscliff

NOTICE OF RESCISSION:

Administrator Turnbull and Administrator Boyd move:

That Planning Committee recommendation P150 of 17 October 2006 (Minutes pages 53-78), included in Council Resolution Number 201 of 17 October 2006, referring to:

Development Application DA05/1464 for Works within Stage 1 of the Concept Plan including Land Clearing, Bulk Earthworks, Construction of Principal Roads and Other Services at Lots 1 - 18 Section 1 DP 14895, Lots 1 - 18 Section 2 DP 14895, Lots 1 18 Section 2 DP 14895, Lots 1 - 16 Section 6 DP 14895, Lorna Street, Lots 1 - 36 Section 3 DP 14895, Lots 1 - 18 Section 4 DP 14895, Lots 1 -16 Section 5 DP 14895, Lots 2 - 32 Section 7 DP 14895 & Lots 1 - 16 Section 8 DP 14895, Catherine Street & Lots 19 - 36 Section 2 DP 14895, Lot 17 - 32 Section 6 DP 14895 & Lots 1 Section 7 DP 14895, Carne Street, Kingscliff, Lot 1971 DP 133919 Ocean Avenue, Kingscliff and various unnamed roads and laneways

be rescinded.

THIS
PAGE
THIS
PAGE
IS
IS
BLANK
BLANK

- 9 **[PD-CM] Development Application DA05/1464 for a Concept Plan & Works within Stage 1 of the Concept Plan Including Land Clearing, Bulk Earthworks, Construction of Principal Roads and Other Services Within Lorna, Catherine and Carne Streets, Kingscliff**

ORIGIN:

Development Assessment

FILE NO: DA05/1464 Pt4

SUMMARY OF REPORT:

Council resolved to approve the Seaside development application on 17 October 2006 subject to the Appeal being withdrawn. The applicants seek clarification of the approved development so that the land use plan (Concept Plan) approved as part of the Seaside City Development Control Plan is referenced in the description of the approved development.

RECOMMENDATION:

That: -

1. **Council grants owners consent to the Stage 1 works proposed in the development application.**

2. **Development Application DA05/1464 for a Concept Plan and Works within Stage 1 of the Concept Plan Including Land Clearing, Bulk Earthworks, Construction of Principal Roads and Other Services at Lots 1 - 18 Section 1 DP 14895, Lots 1 – 18 Section 2 DP 14895, Lots 1 – 16 Section 6 DP 14895, Lorna Street, Lots 1 – 36 Section 3 DP 14895, Lots 1 – 18 Section 4 DP 14895, Lots 1 - 16 Section 5 DP 14895, Lots 2 – 32 Section 7 DP 14895 & Lots 1 – 16 Section 8 DP 14895, Catherine Street & Lots 19 – 36 Section 2 DP 14895, Lot 17 - 32 Section 6 DP 14895 & Lots 1 Section 7 DP 14895, Carne Street, Kingscliff, Lot 1971 DP 133919 Ocean Avenue, Kingscliff and various unnamed roads and laneways be approved subject to the following conditions: -**

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Drawing Nos. 2967/03/03-210K, 211A, 212E, 213C, 214, 215H, 216D, 217C, 220A, 221C, 222C, 223C, 225B, 226B, 230, 233 prepared by Cardno MBK and dated 23 December 2004, and the plan marked Land Use Plan Seaside City marked Concept Plan and dated 15/11/06 and Concept Plan Controls dated 15/11/06 except where varied by the conditions of this consent.
[GEN0005]
2. All dangerous goods, fuels and chemicals shall be stored in a secure area and shall not be permitted to flow or percolate to any watercourse, groundwater or drain.
3. All works shall comply with the Acid Sulfate Soils Management Plan, Cardno, December 2005.
4. All works shall comply with the Erosion & Sediment Control Plan, Cardno, December 2005.
5. Noise from the proposed works shall not be permitted to impact the amenity of any residential premise.
6. Prior to the commencement of works a report considering road noise from Casuarina Way shall be submitted to Council. The report shall compare road traffic noise projections to the NSW EPA Environmental Criteria for Road Traffic Noise and indicate areas which will receive noise levels above relevant criteria.
7. The site shall not be dewatered.
8. Following clearing works and prior to earthworks or commencement of construction works surface radiation monitoring is to be undertaken for the entire Seaside City site including Lot 500 DP 747420 and Lot 1971 DP 133919. The draft Seaside City Radiation report dated June 2006 is to be amended to include the results of the surface monitoring and the final report submitted to Council (including proposals for continuous monitoring during bulk earthworks and remediation plans, if applicable) for approval by the General Manager or his delegate. All works shall comply with the approved plan. Additionally, a post earth works surface radiation survey shall be completed and a validation statement provided to Council to the satisfaction of the General Manager or his delegate, prior to issue of a Construction Certificate or commencement of construction works, which (provides details of radiation monitoring on the site) establishes that surface radiation levels are below relevant NSW Health Action Levels and the site is suitable for the proposed use.

9. All works shall comply with the approved Water Quality Monitoring Program, Cardno, December 2005 and baseline values shall be agreed in writing with the Director of Environment and Community Services prior to the commencement of construction.
10. Runoff from the site shall not be permitted to flow or percolate from the site where the pH is outside the range 6.5 - 8.5 or SS exceeds 50mg/L.
11. The concept plan submitted with the application is not approved. The plan is to be replaced with the plan titled Land Use Plan Seaside City marked Concept Plan dated 15/11/06 and the associated Built Form Controls Table marked Concept Plan dated 15/11/06.
12. The opening of the northern She Oak Lane cul-de-sac is not approved.
13. This consent does not include approval for clearing or earthworks within any land zoned 7(f) Environmental Protection (Coastal Lands).
14. A dilapidation report detailing the current structural condition of the adjoining and adjacent buildings, infrastructure and roads is to be prepared and endorsed by a qualified structural engineer. The report is to be submitted to Council prior to commencement of works.

A second dilapidation report is to be prepared by a suitably qualified person at the completion of the works to ascertain if any structural damage has occurred to the adjoining and adjacent buildings, infrastructure and roads. The report is to be compared with the first report and recommend a course of action to carry out repairs if required. The report is to be submitted to Council.

[GENNS01]

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

[GEN0045]

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

[GEN0135]

17. The works are to be carried out in accordance with Development Control Plan No. 16 - Subdivisions Manual and Councils adopted Development Design and Construction Specifications.

[GEN0125]

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

[PCC0285]

19. Prior to the issue of the Construction Certificate the applicant shall obtain written permission from non Richtech Pty Ltd property owners to authorise filling works inside these properties.
20. The Construction Certificate shall include detailed engineering plans clearly identifying the finished surface levels for the proposed Seaside City Development. The finished surface levels shown within the Construction Certificate shall be generally in accordance with Drawing No. 2967/03/03-215 H, 216D and 220A prepared by Cardno MBK.

In the event that permission from Non Richtech Pty Ltd land owners is not obtained for filling, earthworks associated with the road construction shall be carried out in accordance with Drawing No. 2967/03/03-230 and 231. The retaining wall shall be a reinforced concrete block wall and shall be located 50mm from the property boundary. The footing maybe located wholly inside the road reserve. Retaining walls constructed from timber or rock will not be permissible.

21. Trunk stormwater drainage shall be constructed generally in accordance with drawing Nos. 2967/03/03-215H, 220A and 221C.

The overland flow channel and underground R.C.B.C shall be extended west from Casuarina Way to the infiltration basin. This drainage system shall have a cross section similar to that shown on section 1, drawing 2967/03/03-221C. The open channel shall be located entirely within public land with provisions made for satisfactory maintenance access. The dedication of any private land necessary to comply with this requirement shall be free of cost to Council

Hydraulic sizing for the infiltration basin nominated on drawing 2967/03/03 -221C shall also be provided.

22. The construction certificate application shall show how the second 225mm diameter rising main under Cudgen Creek will be installed. In addition, the plans must show how a third pump in the regional pump station located in SALT will be installed and detail the upgrading of the impellers in the other two pumps. These works will then be required to be constructed in accordance with the approved Construction Certificate.
23. The traffic turning head and carparks on the east end of the southern road is to be redesigned and removed from the 7(f) Environmental Protection (Coastal Lands) zone. Amended plans are to be submitted to Council for approval by the General Manager or is delegate prior to release of the construction certificate. [PCCNS01]
24. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17° or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.

Such plans shall generally incorporate the following and preferably be prepared by a landscape architect:

- (a) Contours and terraces where the height exceeds 1m.
- (b) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
- (c) Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
- (d) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.

[PCC0455]

25. All imported fill material shall be from an approved source. Prior to the issue of a construction certificate details of the source of fill, documentary evidence that the fill material is free of any contaminants and haul route shall be submitted to Tweed Shire Council for approval. [PCC0465]

[PCC0465]

26. Submission for approval by the Principal Certifying Authority design detail including surcharge loads for any retaining walls to be erected on the site in accordance with AS 4678, DCP47 and Councils adopted Design and Construction Specifications. Design detail is to be supported by certification of adequacy of design from a suitably qualified structural engineer.

Please note timber retaining walls are not permitted.

[PCC0475]

27. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted and approved by the PCA prior to the issue of a construction certificate. Drainage must be installed and operational prior to commencement of any building work.

All fill and cut batters shall be maintained wholly within the subject land. Detailed engineering plans of fill levels and perimeter drainage shall be submitted with a S68 stormwater application for Council approval.

[PCC0485]

28. Notwithstanding any other condition of this consent separate construction certificates for bulk earthworks and civil works may be issued and the carrying out of bulk earthworks may be commenced prior to the issue of a Construction Certificate for civil works where it can be demonstrated all works are compatible.

[PCC0495]

29. A detailed plan of landscaping is to be submitted and approved by Council prior to the issue of a Construction Certificate.

[PCC0585]

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

[PCC0865]

31. The proponent shall submit plans and specifications with an application for a construction certificate for the following roadworks with associated subsurface overland flow and piped stormwater drainage structures designed in accordance with Councils adopted Design and Construction specifications.

- (a) Construction of Ocean Avenue between Casuarina Way (Chainage 0.0) and Lorna Street (Chainage 300.00) shall be generally in accordance with Drawing No. 2967/03/03 -210K, 211A, 214, 215H and 216D.
- (b) The construction of Casuarina Way shall be generally in accordance with Drawing No.'s 2967/03/03 - 210K, 214 and 216D.
- (c) Construction of Lorna Street shall be generally in accordance with Drawing No.'s 2967/03/03 - 210K, 212E, 213C, 214 and 216D. The drainage of Lorna Street shall be as follows;
- (d) Underground road drainage and overland flow in Lorna Street shall be designed to drain in a northerly direction only to the open channel located at chainage 700. The intersection of Ocean Avenue and Lorna Street shall be designed to allow free passage of overland flow along Lorna Street in a northerly direction. No road drainage (underground or overland flow) shall be directed in a westerly direction down Ocean Avenue.
- (e) The construction certificate shall show how the low points located in Lorna Street at Chainage 160 and 260 will be satisfactorily drained.
- (f) A concrete footpath minimum 1.2m wide and 100 millimetres thick shall be constructed on a compacted base along the entire frontage (both sides) of Lorna Street and Ocean Avenue in accordance with Council's adopted Design and Construction Specification.
- (g) The underground drainage system at the intersection of Carne Street and Ocean Avenue shall be designed to cater for the Q₁₀₀ storm event.
- (h) A concrete cycleway to the west of the development within lot 1971 DP 133919 linking the existing cycleways in SALT and Casuarina.
- (i) A concrete cycleway to the east of Lorna Street linking the coastal cycleways in SALT and Casuarina.

[PCC0875

32. Prior to the issue of a Construction Certificate the following detail in accordance with Council's adopted Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.

- (a) copies of compliance certificates relied upon

(b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:

- earthworks
- roadworks/pavement design/furnishings
- stormwater drainage
- water supply works
- sewerage works
- landscaping works
- sedimentation and erosion management plans
- location of all service conduits (water, sewer, Country Energy and Telstra)

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

[PCC0985]

33. Permanent stormwater quality treatment shall be provided in accordance with the following:

(a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.

(b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 - Stormwater Quality*.

(c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management. Typical water sensitive features include infiltration, maximising permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.

(d) Specific Requirements to be detailed within the Construction certificate application include:

- (i) Shake down area along the haul route immediately before the intersection with the road reserve.

[PCC1105]

34. 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 1993.

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

[PCC1145]

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

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

[PCC1155]

36. Where water is to be drawn from Council's reticulated system, the proponent shall: -

- Make application for the hire of a Tweed Shire Council metered standpipe including Council's nomination of point of extraction.
- Where a current standpipe approval has been issued application must be made for Council's nomination of a point of extraction specific to the development.
- Payment of relevant fees in accordance with Council's adopted fees and charges.

[PCC1205]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

37. Prior to the issue of a construction certificate, the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-

- (a) Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
- (b) AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
- (c) WorkCover Regulations 2000

[PCC0015]

38. The beachside car parking including parking for the disabled is to be in accordance with DCP2, AS 2890 and Austroads Part 11.

Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate. The designer shall ensure that on street car parking will not conflict or compromise access to residential driveways.

[PCC0065]

39. Any works to be carried out within the adjoining road reserve is subject to application and approval being issued by Tweed Shire Council as the road authority.

Application for these works and receipt of approval is to be obtained prior to the issue of a construction certificate for works within the development site.

[PCC0075]

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

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

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

[PCC0275]

PRIOR TO COMMENCEMENT OF WORK

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

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

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

[PCW0255]

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

[PCW0985]

43. Prior to commencement of work all actions or prerequisite works required at that stage, as required by other conditions or approved management plans or the like, shall be installed/operated in accordance with those conditions or plans.

[PCW0015]

44. 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]

45. Subdivision work in accordance with a development consent must not be commenced until:-

- (a) a construction certificate for the subdivision work has been issued in accordance with Councils adopted Development Design and Construction Specification C101 by:
 - (i) the consent authority, or
 - (ii) an accredited certifier, and
- (b) the person having the benefit of the development consent:
 - (i) has appointed a principal certifying authority,
 - (ii) has appointed a Subdivision Works Accredited Certifier in accordance with Development Control Plan No. 16, Appendix C, and

(iii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment, and

(c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the subdivision work.

[PCW0815]

46. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Subdivision Works Accredited Certifier shall be erected and maintained in a prominent position entry to the site in accordance with Councils adopted Development Design and Construction Specifications. The sign is to remain in place until the Subdivision Certificate is issued.

[PCW0825]

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

[PCW0835]

48. The proponent shall locate and identify all existing underground services prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure including areas external to the development site where works are proposed.

[PCW0005]

49. A Construction Management Plan shall be submitted to Council for approval prior to the commencement of works. The plan shall be to the satisfaction of the Director of Environment and Community Services and shall address all relevant issues including noise, erosion control, security, dust, hours of operation, fuel and chemical storage, waste and complaints handling etc. All works shall comply with the approved Plan.

50. The carparking proposed for the southern side of the southern east west road indicated on the plan 2967/03/03-225 Rv B is to be relocated to the northern side of the road. An amended plan is to be submitted to Council for approval by the General Manager or his delegate prior to commencement of work.

51. Prior to commencement of work an audit of the *Banksia integrifolia* trees is to be undertaken on the site. The *Banksia integrifolias* are to be replaced at a rate of one for one within the final landscaped areas of the site, Lot 1971 DP133919 and lot 500 DP727420 as part of the revegetation plans for those sites. An additional 30% to the removed *Banksias integrifolias* consisting of local indigenous native species is to be planted in the same areas. A schedule of species is to be submitted to Council for approval by the General Manager or his delegate prior to planting. Management of the replacement plantings to be undertaken in the same manner for the vegetation plans approved for lots 1971 (DA 05/0793) and 500 (DA 05/0775).

[PCWNS01]

DURING CONSTRUCTION

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

Monday to Friday from 7.00am to 7.00pm

Saturday 7.00am to 12.00pm

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]

53. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

A. Short Term Period - 4 weeks.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

B. Long term period - the duration.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0215]

54. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied in accordance with WorkCover 2000 Regulations.

[DUR0415]

55. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties. [DUR0805]
56. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited. [DUR0815]
57. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council. [DUR0985]
58. All work associated with this approval is to be carried out so as not to impact on the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -
- Noise, water or air pollution
 - Minimise impact from dust during filling operations and also from construction vehicles
 - No material is removed from the site by wind
- [DUR1005]
59. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. All such materials should be chipped on site and used in landscaping unless it is not possible due to size, non suitability of the material or some other limitation, in which case the material will be disposed of at Council's Stotts Creek depot. [DUR1015]
60. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development. [DUR1025]
61. 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 1742.3-2202 (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]
62. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction. [DUR2185]

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

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

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

[DUR2375]

64. Appropriate measures are to be put in place during the construction period to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up prior to cessation of same days work and/or commencement of any rain event.

[DUR2405]

65. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads.

[DUR2415]

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

[DUR0005]

67. During construction, all works required by other conditions or approved management plans or the like shall be installed and operated in accordance with those conditions or plans.

[DUR0015]

68. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the General Manager or his delegate.

Such to specifically include the following:

- (a) 150 millimetres thick reinforced with F72 Mesh for residential development or F82 mesh for Commercial/Industrial Development

Twenty four (24) hours notice is to be given to Council's Engineering & Operations Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the works and its reconstruction.

Paving bricks are not acceptable unless laid on a 100mm thick concrete base.

[DUR0065]

69. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of fill shall be submitted to the satisfaction of the General Manager of his delegate.

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

The approved haul route for the transportation of filling to the site is via Old Bogangar Road and Casuarina Way.

[DUR0725]

70. All lots must be graded to prevent the ponding of surface water and be adequately vegetated to prevent erosion from wind and/or water to the satisfaction of the General Manager or his delegate.

[DUR0745]

71. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped.

[DUR0755]

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

[DUR0785]

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

[DUR0795]

74. All fill and cut batters shall be obtained wholly within the subject land.

[DUR0825]

75. All retaining walls proposed are to be constructed in accordance with the construction Certificate approval issued by the Principal Certifying Authority.

[DUR0845]

76. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties.

[DUR0865]

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

[DUR0995]

78. Landscaping of the site shall be carried out in accordance with the approved landscaping plans.

[DUR1045]

79. A concrete ribbon footpath minimum of 1.2 metres wide and 100 millimetres thick is to be constructed on a compacted base along the entire frontage of Lorna Street and Ocean Avenue (both sides) in accordance with Councils adopted Development Design and Construction Specification.

Twenty four (24) hours notice is to be given to Council's Engineering & Operations Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the works and its reconstruction.

[DUR1735]

80. Before the commencement of the relevant stages of road construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.

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

[DUR1805]

81. All proposed road/streets, drainage and associated works within the development shall be designed and constructed in accordance with the development consent plans AND the relevant provision of DCP No. 16 - Subdivisions Manual and Development Design and Construction Specifications, except where varied by the conditions of this consent. [DUR1815]
82. During the relevant stages of road construction, reports shall be submitted to the PCA by a Registered NATA Geotechnical firm demonstrating.
- (a) That the pavement layers have been compacted in accordance with Councils adopted Design and Construction Specifications.
- (b) That pavement testing has been completed in accordance with Table 8.1 of AS 3798 including the provision of a core profile for the full depth of the pavement. [DUR1825]
83. Provision of temporary turning areas and associated signage for refuse vehicles at the end of roads which will be extended in subsequent stages. The temporary turning areas shall be constructed with a minimum 150mm pavement (CBR 45) and shall have a right of carriageway registered over the turning area until such time as the road is extended. [DUR1835]
84. The proponent must not undertake any work within the public road reserve without giving Council's Engineering & Operations Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken. [DUR1845]
85. Pram ramps are to be constructed at road intersections in accordance with Council's Standard Drawing No. SD 014 within all kerb types including roll top kerb. [DUR1855]
86. The footpath area is to be graded to the kerb and turfed for the full frontage of the site. [DUR1865]
87. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils adopted Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings. [DUR1875]

88. The proponent shall comply with all requirements tabled within any approval issued under Section 138 of the Roads Act.
89. Tweed Shire Council shall be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with Appendix D, DCP16 - Subdivisions Manual based on the rates contained in Council's current Fees and Charges:-

[DUR1885]

Roadworks

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

Water Reticulation, Sewer Reticulation, Drainage

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

Sewer Pump Station

- (a) Excavation
- (b) Formwork/reinforcement
- (c) Hydraulics
- (d) Mechanical/electrical
- (e) Commissioning - on maintenance
- (f) Off maintenance

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

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

[DUR1895]

90. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.

[DUR1955]

91. The written consent of the registered proprietors of adjoining land, where the said works encroach thereon is to be submitted to Council prior to works commencing.

[DUR2005]

92. The 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]

93. The works are to be completed in accordance with Councils Development Control Plans and Design & Construction Specifications, including variations to the approved drawings as may be required due to insufficient detail shown on the drawings or to ensure that Council policy and/or good engineering practices are achieved.

[DUR2025]

94. Drainage Reserve

(a) Dedication of the proposed drainage reserve at no cost to Council.

(b) An accurate plan of the proposed drainage reserve shall be submitted to Council 60 days prior to lodgement of Application for Subdivision Certificate (form 13) to allow the land to be classified.

Failure to comply with this condition may result in delays in the issue of the Subdivision Certificate.

[DUR2295]

95. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. Drainage must be installed and operational prior to commencement of any building work.

[DUR2325]

96. Provision of a stormwater drainage system in accordance with the approved Construction Certificate.

[DUR2345]

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

[DUR2355]

98. All water drawn from Councils reticulated system shall be via a Tweed Shire Council metered standpipe. The location of the hydrant shall be nominated by Tweed Shire Council and all water shall be only used for the purposes nominated by the applicant for the duration of the construction activities.

[DUR2575]

99. An accurate plan of the sewage pumping station site shall be submitted to Council 60 days prior to lodgement of the Application for Subdivision Certificate to allow the land to be classified.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

[DUR2635]

100. The works proposed in DA 05/0775 and DA 05/0793 are to be undertaken in conjunction with the works proposed in this consent (DA 05/1464). Final approval for the works in DA05/1464 will not be issued unless the works proposed in DA05/0775 and DA 05/0793 have progressed to a satisfactory level as determined by the General Manger or his delegate.

101. A minimum of 223 on street carparking spaces are to be provided for beach access east of and including Carne Street.

[DURNS01]

USE

102. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

[USE0145]

103. Except as may be expressly provided in the approval, the approval holder must comply with section 120 of the Protection of the Environment Operations Act 1997 prohibiting the pollution of waters.

[USE0155]

104. 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 creating a nuisance to neighbouring or adjacent premises.

[USE0225]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

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

[PSC0005]

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

The bond shall be based on 5% of the value of the works (minimum \$1,000) which will be held by Council for a period of 6 months from the date on which the Subdivision Certificate is issued. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

[PSC0215]

107. Prior to the issue of a Subdivision Certificate, a maintenance bond equal to 25% of the contract value of the footpath construction works shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths are built on.

Alternatively, the developer may elect to pay a cash contribution to the value of the footpath construction works plus 25% in lieu of construction and Council will construct the footpath when the subdivision is substantially built out. The cost of these works shall be validated by a schedule of rates.

[PSC0225]

108. A bond shall be lodged prior to the issue of the subdivision certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.

[PSC0235]

109. All landscaping requirements shall be completed to the satisfaction of the General Manager or his delegate PRIOR to the issue of a Subdivision Certificate.

[PSC0485]

110. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the General Manager or his delegate PRIOR to the issue of a Subdivision Certificate. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.

[PSC0725]

- 111. Prior to the issue of a Subdivision Certificate, Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual and Councils adopted Design and Construction Specification.**

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

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

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

[PSC0735]

- 112. All retaining walls are to be certified by a suitably qualified geotechnical/structural engineer. The certification is to be submitted with the subdivision certificate application and shall state that the retaining walls have been designed and constructed in accordance with AS4678-2002 Earth Retaining Structures and are structurally sound.**

In addition to the above certification, the following is to be included in the Section 88B Instrument to accompany the final plan of subdivision.

- (a) A restriction to user for each lot that has the benefit of a retaining wall that prevents any cut or fill greater than 0.3m in vertical height within a zone adjacent to the wall that is equal to the height of the wall.**
- (b) Each lot burdened and or benefited by a Type 1 wall as defined in AS4678-2002 Earth Retaining Structures, shall contain a restriction to user advising the landowner of the need to maintain the wall in accordance with that standard.**

Tweed Shire Council is to be nominated as the authority empowered to release, vary or modify the restrictions.

[PSC0785]

- 113. A Subdivision Certificate will not be issued by the General Manager until such time as all relevant conditions of this Development Consent have been complied with.**

[PSC0825]

114. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:

- (a) Easements for sewer, water supply and drainage over ALL services on private property.**
- (b) All roof water drainage is to be discharged to infiltration trenches/devices located on each contributing allotment.**

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

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

[PSC0835]

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

[PSC0855]

116. Where new state survey marks and/or permanent marks are placed a copy of the locality sketch relating to the marks shall be submitted to Council within three months of registration of the Subdivision Certificate in accordance with the Survey Practices Regulation.

[PSC0865]

117. Prior to registration of the plan of subdivision, a Subdivision Certificate shall be obtained.

The following information must accompany an application:

- (a) original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.**
- (b) all detail as tabled within DCP16, CL 7.6 and Councils Application for Subdivision Certificate including the attached notes.**

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

[PSC0885]

118. The following restrictions apply to dog and cat ownership and control on all residential lots:-

- (a) Owners of dogs within the development shall have their yards fenced so as to securely contain a maximum of one (1) dog per allotment and the ownership of cats within the development shall be restricted to one de-sexed cat per allotment and such cats shall be restrained within the house or a secure night cage between the hours of 6.00pm and 6.00am.**
- (b) No dog shall be registered without the construction of a dog-proof compound which must be approved by Council and the relevant fee paid by the applicant.**
- (c) No owner can retrieve a dog that has been impounded unless they can demonstrate to Council they have a secure compound.**

These ownership and control requirements shall be reinforced by a Restrictions as to User under Section 88B of the Conveyancing Act, 1919-1964.

A Section 88B Instrument creating the restriction as to user shall contain a provision enabling the restriction to be revoked, varied or modified only with the consent of Council.

[PSC0905]

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

- (a) Compliance Certificate - Roads**
- (b) Compliance Certificate - Water Reticulation**
- (c) Compliance Certificate - Sewerage Reticulation**
- (d) Compliance Certificate - Sewerage Pump Station**
- (e) Compliance Certificate - Drainage**

Note:

1. All compliance certificate applications must be accompanied by documentary evidence from the developers Subdivision Works Accredited Certifier (SWAC) certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, DCP16 - Subdivision Manual and Councils adopted Design and Construction Specifications.
2. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".

[PSC0915]

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

[PSC0925]

121. Your attention is invited to conditions of Development Consent DA05/1464. Compliance with the conditions of the development consent and the construction certificate is required prior to the issue of a subdivision certificate.

[PSC0935]

122. Prior to the issue of a Subdivision Certificate and also prior to the end of defects liability period, a CCTV inspection of the stormwater pipes and sewerage system including joints and junctions will be required to demonstrate that the standard of the stormwater system is acceptable to Council.

Any defects identified by the inspection are to be repaired in accordance with Councils adopted Development Design and Construction Specification.

All costs associated with the CCTV inspection and repairs shall be borne by the applicants.

[PSC1065]

123. Prior to the release of the subdivision certificate the proponent shall:

- (a) Dedication of the proposed drainage reserve at no cost to Council.
- (b) Submit an accurate plan of the proposed drainage reserve to Council 60 days prior to lodgement of Application for Subdivision Certificate to allow the land to be classified.

[PSC1075]

124. Prior to issuing a Subdivision Certificate, reticulated water supply and outfall sewerage reticulation shall be provided to all lots within the subdivision in accordance with DCP16 - Subdivisions Manual, Councils adopted Development Design and Construction Specifications and the Construction Certificate approval.

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.

[PSC1115]

125. The site of the sewage pumping station shall be transferred to Council in fee simple, at no cost to Council within 28 days of the date of registration of the plan of subdivision.

[PSC1125]

126. The production of written evidence from the local telecommunications supply authority certifying that satisfactory arrangements have been made for the provision of underground telephone supply.

[PSC1165]

127. Electricity

(a) The production of written evidence from the local electricity supply authority certifying that reticulation of underground electricity (residential and rural residential) has been completed; and

(b) The reticulation to include the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.

[PSC1185]

128. A subdivision certificate application shall be lodged with Council for the creation of any new road reserves or drainage reserves.

129. Land for casual open space indicated on the plan titled Land Use Plan Seaside City Concept Plan dated 15/11/06 is to be dedicated to Council at no cost prior to release of the subdivision certificate for road widening. In this regard Lot 1 Section 5 DP 14895 and the adjoining road reserve is to be embellished at no cost to Council. The plans detailing embellishment are to be submitted to Council for approval by the General Manager or his delegate prior to release of the subdivision certificate for road widening.

130. A restriction under the provisions of Section 88B of the Conveyancing Act is to be placed on the title of Lots 1 to 9 Section 8 DP14895 and Lots 17 and 18 Section 4 DP14895 indicating that part of the lots as indicated on plan 296703-VMP01 Rv 4 contained in DA 05/ 0793 are located within the 50m Cudgen Creek buffer area and no works, swimming pools or structures except fences are to be placed within this buffer area. A draft copy of the instrument is to be submitted to Council at least one month prior to lodgement of the subdivision certificate application for road widening.

GENERAL TERMS OF APPROVAL

PERMIT UNDER PART 3A OF THE RIVERS AND FORESHORES IMPROVEMENT ACT 1948

1. Erosion and sediment control measures are required to be implemented prior to any works commencing, and must be maintained for as long as necessary after the completion of works, to prevent sediment and dirty water entering Cudgen Creek.
2. Provision of stormwater quality treatment measures (in accordance with the Soil and Stormwater Management Plan) to ensure retention of pollutants and no detrimental water quality impacts downstream.
3. Excavated material may contain potential acid sulfate soils and shall be tested. If present then appropriate management measures shall be employed to control any acid sulfate soil impacts in accordance with the ASMACC Manual.
4. Excavation operations shall be conducted so as not to damage or cause erosion of the adjoining riverbank of Cudgen Creek.
5. Excavation operations and construction activities shall be conducted with minimal impact on riparian vegetation.

REPORT:

Applicant: Richtech Pty Ltd

Owner: Richtech Pty Ltd; Steven Blair, Leanne Connor, Michael Connor, Anthony Creswick, Zelma Creswick, Cudgen Superannuation Services Pty Ltd, Richard D'Apice, William D'Apice, Domlis Pty Ltd, Frizelle (Wholesale) Pty Ltd, Henry Gill, Rodney Gill, Gormell Pty Ltd, Harwood Willows Pty Ltd, Intact Group Australia-Asia Pty Ltd, Josip Jutrisa, Mira Jutrisa, Paula McKenzie-Blair, Noela Nunan, Maree Sandifort-Westhoff, Timothy Sandifort-Westhoff, A St George, Dudley St George, Terence Staines, Tunfall Pty Ltd & Keith Wright

Location: Lots 1 - 18 Section 1 DP 14895, Lots 1 – 18 Section 2 DP 14895, Lots 1 – 16 Section 6 DP 14895, Lorna Street, Lots 1 – 36 Section 3 DP 14895, Lots 1 – 18 Section 4 DP 14895, Lots 1 - 16 Section 5 DP 14895, Lots 2 – 32 Section 7 DP 14895 & Lots 1 – 16 Section 8 DP 14895, Catherine Street & Lots 19 – 36 Section 2 DP 14895, Lot 17 - 32 Section 6 DP 14895 & Lots 1 Section 7 DP 14895, Carne Street, Kingscliff, Lot 1971 DP 133919 Ocean Avenue, Kingscliff and various unnamed roads and laneways

Zoning: 2(e) Residential Tourist, 7(f) Environmental Protection (Coastal Lands) and 7(l) Environmental Protection (Habitat)

Cost: \$6,685,000

BACKGROUND:

Council resolved at its meeting on 17 October 2006 to approve the three Seaside City Development Applications, Development Control Plan, Contributions Plan and a Planning Agreement.

Issuing of the consents was conditional upon the deemed refusal Appeals being withdrawn.

The main application DA05/1464 was for a Concept Plan and Stage 1 of the concept plan involving earthworks, clearing and infrastructure provision. Council was preparing a DCP for the site that included similar land uses and controls proposed in the concept Plan. It was agreed that having both a Concept Plan and a DCP in this instance was not workable nor necessary. A condition was imposed to replace the DA concept Plan with the DCP provisions in the DA. The condition is as follows-

"The concept plan submitted with the application is not approved. The concept plan is to be replaced with the plan titled Building Controls Accommodation Area and the associated Built Form Controls Table contained in DCP No.55 Seaside City."

The applicants seek greater certainty by including the Land Use Plan and Controls in the list of approved development. This is acceptable and requires only minor rewording of Council's previous resolution. The recommendation now includes the above items. Condition 11 has been amended to include the Land Use Plan rather than the Building Controls Accommodation Area Plan. The Land Use Plan contains additional detail and is more comprehensive. Condition 128 requires dedication of the casual open space. The condition has been amended to reference the Land Use Plan.

It should be noted that Item C of Council's previous resolution has been satisfied regarding owners consent.

The Appeals have been stood over until 20 December 2006 and they are to be referred to the Chief Judge if not resolved by this date.

The report containing the assessment is provided in the attachments and the amended agreed Concept Plan has been assessed in accordance with the matters for consideration under Section 79(c) of the Environmental Planning and Assessment Act, 1979.

DEVELOPMENT CONTROL PLAN NO 55

Table 1 - Built Form Controls

Type	Height		Max. Building Site Coverage (based on land title area)	Density		Min. Landscape Area of Site (Incl. Deep Soil Zone)
	Metres Ridge & Ceiling	Storeys		FSR (floor space to site area)	Min. N ^o . Units / m ² Full Site Area	
Coastal Dwellings (2 Storey Low Density)	9 m & 7 m	2 storeys	50%		NA	30%
Coastal Multi-Dwellings Housing (2 Storey Medium Density)	9 m & 7 m	2 storeys	50%	0.7:1	1 Unit / 220m ²	30%
Coastal Units (3 Storey Medium Density)	11m & 9m	3 Storeys	70%	1.25:1	1 Unit / 160m ²	30%
Tourist Accommodation Area	13m & 10m	3 Storeys		1.75:1	1 Unit / 125m ²	25%
Village Centre Accommodation						
West side of Lorna Street	13m & 11m	3 storey		2:1		
East side of Lorna Street	10m & 8m	2 storey		2:1		

* For the purposes of this plan the site includes the full area of the lot including that area with the 7(f) zone to the east of Lorna Street.

DCP55 - 34

CONCEPT PLAN CONTROLS 15/11/06

OPTIONS:

1. Resolve as per the Recommendation
2. Alternate resolution for specified reasons.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Council has incurred legal expenses given the Appeal process.

POLICY IMPLICATIONS:

The Concept Plan is the identical Land Use plan contained in DCP55 - Seaside City. The plan is appropriate for the site and will enable co-ordinated development of Seaside City.

CONCLUSION:

The adjusted recommendation will enable finalisation of the Seaside City application and issuing of the consents.

UNDER SEPARATE COVER/FURTHER INFORMATION:

To view any "non confidential" attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).

1. Council report from 17/10/2006 meeting (DW 1476658)
-

THIS
PAGE
THIS
PAGE
IS
IS
BLANK
BLANK

10 [NOR] Development Application DA05/0793 for Clearing and Replanting Vegetation at Lot 1971 DP 133919, Ocean Avenue, Kingscliff

NOTICE OF RESCISSION:

Administrator Turnbull and Administrator Boyd move:

That Planning Committee recommendation P151 of 17 October 2006 (Minutes pages 79-82), included in Council Resolution Number 201 of 17 October 2006, referring to:

Development Application DA05/0793 for Clearing and Replanting Vegetation at Lot 1971 DP 133919, Ocean Avenue, Kingscliff

be rescinded.

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

11 [PD-CM] Development Application DA05/0793 for Clearing and Replanting Vegetation at Lot 1971 DP 133919 Ocean Avenue, Kingscliff

ORIGIN:

Development Assessment

FILE NO: DA05/0793 Pt2

SUMMARY OF REPORT:

Council resolved to approve the development application for lot 1971 associated with the Seaside City application on 17 October 2006 subject to the Appeal for a deemed refusal being withdrawn. Amendments have been negotiated to the conditions for DA05/1464 and it is now recommended to issue the consents for the three applications.

RECOMMENDATION:

That Development Application DA05/0793 for clearing and replanting vegetation at Lot 1971 DP 133919, Ocean Avenue, Kingscliff be approved subject to the following conditions: -

GENERAL

- 1. This consent shall be completed in accordance with the Vegetation Management Plan - Western Boundary dated 27 June 2006 prepared by Cardno except where varied by the conditions of this consent.** [GEN0005]
- 2. A restriction under the provisions of Section 88B of the Conveyancing Act is to be placed on the title of Lots 1 to 9 Section 8 DP14895 and Lots 17 and 18 Section 4 DP14895 indicating that part of the lots as indicated on plan 296703-VMP01 Rv 4 contained in DA 05/ 0793 are located within the 50m Cudgen Creek buffer area and no works, swimming pools or structures except fences are to be placed within this buffer area.**
- 3. Prior to completion of the five year maintenance period coastal tea tree (*Leptospermum laevigatum*) is to be removed completely from Lot 1971 DP133919.**
- 4. The maintenance period is to be five years from the date of planting works commencing.**
- 5. The reports required by Section 10 of the Vegetation Management Plan are to be prepared by an independent suitably qualified and experienced environmental scientist/ecologist. The environmental scientist/ecologist is to be approved by the General Manager or his delegate.**

6. Separate development applications are to be submitted to Council for the viewing platforms and creek access facility within one month of commencement of work.
7. All dangerous goods, fuels and chemicals shall be stored in a secure area and shall not be permitted to flow or percolate to any watercourse or drain.
8. Acid sulfate soils shall not be exposed or disturbed. The approved works shall not include earthworks, except as strictly necessary for approved vegetation clearing and replanting.
9. Existing vegetation shall not be removed, lopped or damaged, except as strictly necessary to complete the proposed works.
10. Runoff from the site shall not be permitted to flow or percolate to the Creek when pH is outside the range 6.5-8.5 or SS exceed 50mg/L.
11. Following clearing works and prior to earthworks or commencement of construction works surface radiation monitoring is to be undertaken for the entire Seaside City site including Lot 500 DP 747420 and Lot 1971 DP 133919. The draft Seaside City Radiation report dated June 2006 is to be amended to include the results of the surface monitoring and the final report submitted to Council (including proposals for continuous monitoring during bulk earthworks and remediation plans, if applicable) for approval by the General Manager or his delegate. All works shall comply with the approved plan. Additionally, a post earth works surface radiation survey shall be completed and a validation statement provided to Council to the satisfaction of the General Manager or his delegate, prior to issue of a Construction Certificate or commencement of construction works, which (provides details of radiation monitoring on the site) establishes that surface radiation levels are below relevant NSW Health Action Levels and the site is suitable for the proposed use.
12. Lot 1971 DP 133919 is to be dedicated to Council at full cost to the applicant within one month of completion of the planting works. In this regard the land is to be classified as operational following completion of the dedication.

[GENNS01]

PRIOR TO COMMENCEMENT OF WORK

13. Prior to commencement of work all native vegetation that is not proposed to be removed is to be identified and clearly marked.
14. Prior to commencement of work liaison with the Department of Natural Resources is to be undertaken regarding any approvals required under the Native Vegetation Act.

15. Prior to commencement of work consultation with the Tweed Byron Local Aboriginal Land Council and the local Aboriginal community is to be undertaken regarding the presence of any heritage sites within the site. Additionally a search of the Department of Environment and Conservation's Aboriginal Heritage Information Management System (AHIMS) is to be undertaken. If the consultation or AHIMS reveals any sites requiring protection a report from a suitably qualified and experienced person is to be prepared and submitted to Council and the Department of Environment and Conservation for approval (in Council's case by the General Manger or his delegate) detailing mitigation and management of the site (s).

[PCWNS01]

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

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

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

[PCW0255]

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

[PCW0985]

DURING CONSTRUCTION

18. All vegetation that is identified for retention is to be protected during vegetation removal works.
19. The works proposed in DA 05/0793 are to be undertaken in conjunction with the works proposed in DA 05/1464 and DA05/0775. Final approval for the works in DA05/1464 will not be issued unless the works proposed in DA05/0775 and DA 05/0793 have progressed to a satisfactory level as determined by the General Manager or his delegate.
20. All vegetation clearance works are to be supervised by a suitably qualified and experienced environmental scientist/ecologist.

21. All sedimentation and erosion control measures shall be installed and maintained to the satisfaction of the Director of Environment and Community Services.

[DURNS01]

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

Monday to Saturday from 7.00am to 7.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

23. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied in accordance with WorkCover 2000 Regulations.

[DUR0415]

24. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council.

[DUR0985]

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

- Noise, water or air pollution
- Minimise impact from dust during filling operations and also from construction vehicles
- No material is removed from the site by wind

[DUR1005]

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

[DUR1025]

27. Where potential or actual Acid Sulfate Soils are disturbed as a result of on-site excavation works, all such disturbed soils are to be managed in strict compliance with the Acid Sulphate Soil Management Plan for minor works.

[DUR1075]

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

[DUR2185]

29. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads.

[DUR2415]

USE

30. 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, fumes or the like.

REPORT:

Applicant: Cardno MBK Pty Ltd
Owner: Richtech Pty Ltd
Location: Lot 1971 DP 133919 Ocean Avenue, Kingscliff
Zoning: Part 7(a) Environmental Protection (Wetlands and Littoral Rainforests) and Part 7(l) Environmental Protection (Habitat)
Cost: \$200,000

BACKGROUND:

The subject application is for the land to the west of the subdivided lots. The report containing the assessment is provided in the attachments. No changes were necessary to the report or the conditions. The only change to the 17 October 2006 resolution is to not wait for withdrawal of the Appeal before issuing the consent. Council's solicitors advise that the Appeal proceedings have been stood over to 20 December 2006 and that it will be referred to the Chief Judge if not resolved by the 20th.

The report containing the assessment is provided in the attachments.

OPTIONS:

1. Resolve as per the recommendation.
2. Alternate resolution for specified reasons.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Council has incurred legal expenses given the Appeal process.

POLICY IMPLICATIONS:

Nil.

CONCLUSION:

The adjusted resolution will enable issuing of the consent.

UNDER SEPARATE COVER/FURTHER INFORMATION:

To view any "non confidential" attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).

1. Council report from 17/10/2006 meeting (DW 1476174)
-

12 [NOR] Development Application DA05/0775 for Clearing and Replanting of Vegetation and a Cycleway Path and Beach Access at Lorna Street, Kingscliff

NOTICE OF RESCISSION:

Administrator Turnbull and Administrator Boyd move:

That Planning Committee recommendation P152 of 17 October 2006 (Minutes pages 83-87), included in Council Resolution Number 201 of 17 October 2006, referring to:

Development Application DA05/0775 for Clearing and Replanting of Vegetation and a Cycleway Path and Beach Access at Lot 500 DP727420 Tweed Coast Road, Casuarina & Lots 4-6; Lots 14-15 Section 1 DP 14895 & Lots 1-8 and 11-12 Section 5 DP 14895, Lorna Street, Kingscliff

be rescinded.

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK

- 13 [PD-CM] Development Application DA05/0775 for Clearing & Replanting of Vegetation, Cycleway & Beach Access at Lot 500 DP727420 Tweed Coast Rd, Casuarina & Lots 4-6; Lots 14-15 Sec 1 DP14895 & Lots 1-8 and 11-12 Sec 5 DP14895, Lorna St, Kingscliff

ORIGIN:

Development Assessment

FILE NO: DA05/0775 Pt2

SUMMARY OF REPORT:

Council resolved to approve the development application for Lot 500 and the eastern Richtech Seaside City lots associated with the Seaside City application on 17 October 2006 subject to the Appeal for a deemed refusal being withdrawn. Amendments have been negotiated to the conditions for DA05/1464 and it is now recommended to issue the consents for the three applications.

RECOMMENDATION:

That Development Application DA05/0775 for clearing and replanting of vegetation, cycleway and beach access at Lot 500 DP 727420 Tweed Coast Road, Casuarina & Lots 4-6; Lots 14-15 Section 1 DP 14895 & Lots 1-8 and 11-12 Section 5 DP 14895, Lorna Street, Kingscliff be approved subject to the following conditions: -

GENERAL

1. This consent shall be completed in accordance with the Vegetation Management Plan - Eastern Boundary dated 17 August 2006 prepared by Cardno except where varied by the conditions of this consent. [GEN0005]
2. The maintenance period is to be five years from the date of planting works commencing.
3. The reports required by Section 9.1 of the Vegetation Management Plan are to be prepared by an independent suitably qualified and experienced environmental scientist/ecologist. The environmental scientist/ecologist is to be approved by the General Manager or his delegate.

4. The Vegetation Management Plan is to be amended to expand, diversify and increase the density of the tree species proposed for Vegetation Management Unit 1 and 2. The updated species list is to be submitted to Council for approval prior to commencement of planting by the General Manager or his delegate and the Department of Lands. In this regard the shrub list is to be removed for VMU 1 and replaced with *Banksia integrifolia*.
5. The following ground cover species are to be removed from Vegetation Management Unit 2 list- *Sporobolus virginicus*, *Zoysia macrantha*, *Spinifex sericeus*, *Stephania japonica* and *Ipomoea pes-caprae*.
6. *Juncus usitatatus* and *Scaevola calendulacea* are to be removed from all planting lists.
7. The Vegetation Management Plan is to be amended to include a schedule of works and performance requirements for weed removal similar to the Salt Lot 500 and 7(f) Management Plan.
8. The Vegetation Management Plan is to be amended to include a growth rate standard for planted trees of 1.5m after five years, an 80% survival rate for groundcovers shrubs and trees and 80% cumulative cover at the end of the five year maintenance period.
9. The Vegetation Management Plan is to be amended to include an additional three monitoring plots within VMU 2 is to be included and plots are to be chosen at random within each VMU.
10. The Vegetation Management Plan is to be amended to include further detail selective clearing work practices for VMU 1 and VMU 2 similar to that set out in section 5.1.2.
11. All dangerous goods, fuels and chemicals shall be stored in a secure area and shall not be permitted to flow or percolate to any watercourse.
12. Acid sulfate soils shall not be exposed or disturbed. The approved works shall not include earthworks, except as strictly necessary for approved vegetation clearing and replanting and works contained in the management plan.
13. Existing vegetation shall not be removed, lopped or damaged, except as strictly necessary to complete the proposed works.

14. Following clearing works and prior to earthworks or commencement of construction works surface radiation monitoring is to be undertaken for the entire Seaside City site including Lot 500 DP 747420 and Lot 1971 DP 133919. The draft Seaside City Radiation report dated June 2006 is to be amended to include the results of the surface monitoring and the final report submitted to Council (including proposals for continuous monitoring during bulk earthworks and remediation plans, if applicable) for approval by the General Manager or his delegate. All works shall comply with the approved plan. Additionally, a post earth works surface radiation survey shall be completed and a validation statement provided to Council to the satisfaction of the General Manager or his delegate, prior to issue of a Construction Certificate or commencement of construction works, which (provides details of radiation monitoring on the site) establishes that surface radiation levels are below relevant NSW Health Action Levels and the site is suitable for the proposed use.

[GENNS01]

PRIOR TO COMMENCEMENT OF WORK

15. Prior to commencement of work all native vegetation that is not proposed to be removed is to be identified and clearly marked.
16. Prior to commencement of work liaison with the Department of Natural Resources is to be undertaken regarding any approvals required under the Native Vegetation Act.
17. The cycleway path alignment is to be marked prior to works commencing.
18. The Vegetation Management Plan is to be amended in accordance with the requirements of this consent. The amended plan is to be submitted to Council for approval by the General Manager or his delegate and the Department of Lands prior to commencement of works.

[PCWNS01]

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

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

[PCW0255]

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

[PCW0985]

DURING CONSTRUCTION

21. All vegetation that is identified for retention is to be protected during vegetation removal works.

22. The works proposed in DA 05/0793 are to be undertaken in conjunction with the works proposed in DA 05/1464 and DA05/0775. Final approval for the works in DA05/1464 will not be issued unless the works proposed in DA05/0775 and DA 05/0793 have progressed to a satisfactory level as determined by the General Manager or his delegate.

23. All vegetation clearance works are to be supervised by a suitably qualified and experienced environmental scientist/ecologist.

24. A post and rail fence similar to the fence constructed in the adjoining estates is to be constructed along the full length of the boundary between the eastern lots of Seaside City and Lot 500 DP 727420.

25. All sedimentation and erosion control measures shall be installed and maintained to the satisfaction of the Director of Environment and Community Services.

[DURNS01]

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

Monday to Saturday from 7.00am to 7.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

27. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied in accordance with WorkCover 2000 Regulations.

[DUR0415]

28. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council.

[DUR0985]

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

- Noise, water or air pollution
- Minimise impact from dust during filling operations and also from construction vehicles
- No material is removed from the site by wind

[DUR1005]

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

[DUR1025]

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

[DUR2185]

32. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads.

[DUR2415]

USE

33. If any unlawful clearing occurs within Lot 500 DP727420 a visual barrier is to be erected in accordance with Section 9.1 of the Vegetation Management Plan.

[USENS01]

34. 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, fumes or the like.

[USE0125]

DEPARTMENT OF PLANNING CONCURRENCE CONDITIONS

- Any works on land on the private lots zoned 7(f) adjacent to Lot 500 shall be undertaken in accordance with the management requirements set out in the Management Plan for VMU 3.
- The alignment of the cycleway shall be designed by survey so it is located in an alignment that will limit the need to remove mature native vegetation species. This alignment should be marked out prior to any vegetation clearing occurring on the land.
- The boundary between VMU 2 and VMU 3 shall be marked out on the ground prior to any clearing taking place to avoid accidental clearing on VMU 2.

REPORT:

Applicant: Cardno MBK Pty Ltd
Owner: Tweed Shire Council and Richtech Pty Ltd
Location: Lot 500 DP 727420 Tweed Coast Road, Casuarina & Lots 4-6; Lots 14-15 Section 1 DP 14895 & Lots 1-8 and 11-12 Section 5 DP 14895, Lorna Street, Kingscliff
Zoning: 7(f) Environmental Protection (Coastal Lands)
Cost: \$170,000

BACKGROUND:

The subject application is for the eastern side of the Seaside Estate. The report containing the assessment is provided in the attachments. No changes were necessary to the report or the conditions. The only change to the 17 October 2006 resolution is to not wait for withdrawal of the Appeal before issuing the consent. Council's solicitors advise that the Appeal proceedings have been stood over to 20 December 2006 and that it will be referred to the Chief Judge if not resolved by the 20th.

OPTIONS:

1. Resolve as per the recommendation.
2. Alternate resolution for specified reasons

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Council has incurred legal expenses given the Appeal process.

POLICY IMPLICATIONS:

Nil

CONCLUSION:

The adjusted resolution will enable issuing of the consent.

UNDER SEPARATE COVER/FURTHER INFORMATION:

To view any "non confidential" attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).

1. Council report from 17/10/2006 meeting (DW 1476056)
-

CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

1 [EO-CM] Riverside Drive, Tumbulgum - Acquisition for Road Widening

REASON FOR CONFIDENTIALITY:

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

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

2 [EO-CM] Kallaroo Circuit Bund, Options for Resolution of Dispute with Byron Shire Council

REASON FOR CONFIDENTIALITY:

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

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

REPORTS FROM THE DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

- 3 [EC-CM] Development Application DA05/1049 - Dwelling at Lots 15 & 18 DP755685; Lots 17 & 18 DP 252179 Dulguigan Road North Tumbulgum - Unauthorised Works**

REASON FOR CONFIDENTIALITY:

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

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

