

The Meeting commenced at 4.30pm.

## **IN ATTENDANCE**

Administrators Mr Garry Payne, (Chairman), Mr Frank Willan, Mr Max Boyd.

Also present were Mr Mike Rayner (General Manager), Mr Troy Green (Director Technology & Corporate Services), Mr Patrick Knight (Director Engineering & Operations), Mr Noel Hodges (Director Planning & Development), Mr Don Buckley (Director Environment & Community Services), Ms Genevieve Slattery (Executive Officer), Mr Neil Baldwin (Manager Risk and Human Resources/Public Officer) and Maree Morgan (Minutes Secretary)

## **ABORIGINAL STATEMENT**

Administrator Payne 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."*

## **PRAYER**

The meeting opened with a Prayer by Council's Chaplain, Reverend Ben Richardson.

*Almighty God,*

*Creator of all mankind as we move towards the future we would offer unto You our gratitude for the past. Particularly as we remember the sacrifices made by so many that we might inherit the bountiful blessings of our land today. Help us all to accept these privileges with price and integrity. So that we bring honour and glory both to You and Your Son Jesus Christ and peace and happiness to our people.*

*Grant unto us both knowledge and wisdom to apply that knowledge for the benefit of all peoples so that we may all grow into the people that You call us to be.*

*Humbly we ask in Jesus name,*

*Amen.*

## CONFIRMATION OF MINUTES

### Minutes of the Ordinary and Confidential Council Meetings held Tuesday 27 March 2007

#### 54 COUNCIL DECISION:

Administrator Boyd  
Administrator Willan

**RESOLVED** that the Minutes of the Ordinary and Confidential Council Meetings held Tuesday 27 March 2007 be adopted as a true and accurate record of proceedings of that meeting.

***FOR VOTE - Unanimous***

#### APOLOGIES

Nil.

#### DISCLOSURE OF INTEREST

Nil.

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

Nil.

#### PLANNING COMMITTEE

#### 55 COUNCIL DECISION:

Administrator Payne  
Administrator Boyd

**RESOLVED** that Council resolves itself into the Planning Committee under the Chairmanship of Administrator Boyd.

***FOR VOTE - Unanimous***

## REPORTS THROUGH GENERAL MANAGER

### REPORTS FROM DIRECTOR PLANNING & DEVELOPMENT

**P1 [PD-PC] Development Application DA06/0976 for a Residential Flat Building Comprising Six (6) Residential Units and Demolition of Existing Structure at Lot 22 DP 23659, No. 24 Kirkwood Road, Tweed Heads South**

#### **P 38 COMMITTEE DECISION:**

**Administrator Payne  
Administrator Willan**

**RECOMMENDED** that Development Application DA06/0976 for a residential flat building comprising six (6) residential units and demolition of existing structure at Lot 22 DP 23659, No. 24 Kirkwood Road, Tweed Heads South be approved subject to the following conditions: -

#### **GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos DA1.01, DA1.02, DA1.03, DA2.01 Issue D prepared by Lightwave and dated 21/02/07, except where varied by the conditions of this consent.  
[GEN0005]
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.  
[GEN0115]
3. 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 within the public road reserve including (but not limited to) the construction or removal of driveway accesses or footpaths, the installation of site hoarding fences or sheet pile ground anchors. 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]
4. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property.  
[GEN0135]
5. Council will not permit ground anchors (to retain sacrificial sheet piling for basement excavations) within Council or private property, without prior consent from the property owner being obtained. If the landowner is Council, approval is required from the Director of Engineering and Operations. The

anchors are required to be removed upon completion of the works, unless a substantial compensation amount is negotiated with Council.

[GENNS01]

6. The entire property shall be managed as an 'Inner Protection Area' as outlined within Planning for Bushfire Protection 2006.

[GENNS02]

7. All fencing shall not be constructed from brushwood or treated pine materials.

[GENNS02]

8. Construction shall comply with AS3959 - 1999 level 1 'Construction of Buildings in bushfire prone areas'.

[GENNS02]

9. Roller doors, tilt-a-doors and the like shall be sealed to prevent the entry of embers into the structure.

[GENNS02]

10. Reticulated water supply shall comply with AS2419. Locations of fire hydrants are to be delineated by blue pavement markers in the centre of the road.

[GENNS02]

11. All fencing is to be positioned and constructed to comply with AS2890 (Part 1) - Section 3.2.4.

#### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

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

[PCC0945]

13. The basement carpark shall be provided with a system of ventilation in accordance with the provisions of part F4.11 of the Building Code of Australia. Details of the ventilation system shall be submitted to the Principal Certifying Authority prior to the issue of a construction certificate.

[PCCNS01]

14. The developer shall provide 9 parking spaces two of which are to be made accessible to visitors and shown on any strata plan as common property including parking for the disabled in accordance with Development Control Plan 2 - "*Site Access and Parking Code*", as well as provisions for one Car Wash Bay.

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

[PCC0065]

15. Section 94 Contributions

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

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

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

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

(a) Tweed Road Contribution Plan: S94 Plan No. 4 (Version 4.0) Sector2_4	\$4,378
(b) Open Space (Structured): S94 Plan No. 5	\$2,280
(c) Open Space (Casual): S94 Plan No. 5	\$487
(d) Shirewide Library Facilities: S94 Plan No. 11	\$2,012
(e) Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$409
(f) Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$586
(g) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$3,708.45
(h) Cycleways S94 Plan No. 22	\$1,028
(i) Regional Open Space (Structured) S94 Plan No. 26	\$6,799
(j) Regional Open Space (Casual) S94 Plan No. 26	\$2,499

[PCC0215]

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

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

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

Water DSP4:	3.8 ET @ \$4598	\$17,472
Sewer Banora:	5 ET @ \$2863	\$14,315

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

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

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

[PCC0265]

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

[PCC0285]

18. 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's General Manager or delegate for approval.

[PCC0465]

19. 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. The construction of any retaining wall structure or fill batters must at no time result in additional ponding occurring within neighbouring properties.

All earthworks 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]

20. The basement car parking is to be protected against the inflow of water to a level of 500mm above the design flood level of RL 2.6m AHD in accordance with DCP5 - *Development of Flood Liable Land*. This immunity shall be provided at all accesses including external stairs to the basement car park.

The pump system shall be designed for a storm event with a 10 year average return interval (ARI 10) and shall have failsafe measures in place such that property (on site and adjacent) is protected against pump failure. Consequences of the 100 year ARI storm event must also be addressed. Details of the basement stormwater pump-out system shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

Installed pumps must be designed and installed in accordance with Section 9 of AS/NZS 3500.3.2.1998 "*Natural Plumbing and Drainage - Part 3.2 : Stormwater Drainage - Acceptable Solutions*"

[PCC0685]

21. 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 shall be installed prior to any earthworks being undertaken
    - (ii) The basement oil/grit arrestor shall be sized in accordance with Section D7.12 of Councils *Development Design Specification D7 - Stormwater Quality*.

The exposed car wash bay shall be constructed of permeable material or be provided with appropriate facilities such that runoff from these areas are treated to remove oil and sediment prior to discharge into the stormwater system.

[PCC1105]

22. 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]

23. An application shall be lodged and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage or drainage works (including the connection of a private stormwater drain to a public stormwater drain, the installation of stormwater quality control devices and erosion and sediment control works) prior to the issue of a construction certificate.

[PCC1195]

24. The legal point of discharge for piped stormwater from the site is via direct connection into the kerbside inlet pit within Kirkwood Road. Full engineering details of this connection shall be submitted with a s68 Stormwater Application for approval, prior to the issue of a Construction Certificate.

[PCCNS02]

25. Prior to issue of Construction Certificate the applicant is to submit to Council's General Manager or his delegate a list of the finished building materials and colours (including colour product photo images) for approval.

[PCC0175]

26. A detailed plan of landscaping is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate.

[PCC0585]

#### **PRIOR TO COMMENCEMENT OF WORK**

27. The erection of a building in accordance with a development consent must not be commenced until:
- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and



- (b) the person having the benefit of the development consent has:
    - (i) appointed a principal certifying authority for the building work, and
    - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
  - (c) the principal certifying authority has, no later than 2 days before the building work commences:
    - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
    - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
  - (d) the person having the benefit of the development consent, if not carrying out the work as an owner-building, has:
    - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
    - (ii) notified the principal certifying authority of any such appointment, and
    - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.
- [PCW0215]*
28. 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]*
29. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (15) persons employed at the site. Each toilet provided must be:-
- (a) a standard flushing toilet connected to a public sewer, or
  - (b) if that is not practicable, an accredited sewage management facility approved by the council
- [PCW0245]*
30. 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]

31. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
- (a) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
  - (b) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and
  - (c) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
    - (i) the method of protection; and
    - (ii) the date of installation of the system; and
    - (iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
    - (iv) the need to maintain and inspect the system on a regular basis.

Note: Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.

[PCW0775]

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

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

Please note that this sign is to remain in position for the duration of the project.

[PCW0985]

33. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW1065]

34. It is the responsibility of the contractor to locate and identify all existing 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.

Any proposed relocation of services to construct the basement car park shall be to the satisfaction of the associated authority and asset owner.

[PCW0005]

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

[PCW0125]

36. Written approval for any application under Section 138 of the Roads Act 1993 is required prior to commencing works within the road reserve.

[PCW0705]

37. Prior to start of building works provide a certificate of adequacy of design, signed by a practising Structural Engineer on any proposed retaining wall in excess of 1.2m in height. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall and be supported by Geotechnical assessment of the founding material.

[PCW0745]

#### **DURING CONSTRUCTION**

38. 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 and demolition.

[DUR2185]

39. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

- (a) internal drainage, prior to slab preparation;
- (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
- (c) external drainage prior to backfilling.
- (d) completion of work and prior to occupation of the building.

[DUR2485]

40. Plumbing

- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.

[DUR2495]

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

[DUR2505]

42. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.

[DUR2545]

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

- \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- \* 50<sup>0</sup>C in all other classes of buildings.

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

[DUR2555]

44. Where two (2) or more premises are connected by means of a single water service pipe, individual water meters shall be installed to each premise beyond the single Council water meter (*unless all the premises are occupied by a single household or firm*).

[DUR2615]

45. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover Authority.

[DUR0645]

46. Minimum notice of 48 hours shall be given to Tweed Shire Council for the capping of any disused sewer junctions. Tweed Shire Council staff in accordance with the application lodged and upon excavation of the service by the developer shall undertake Works.

[DUR0675]

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

Monday to Saturday from 7.00am to 7.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

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

[DUR0375]

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

[DUR0395]

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

[DUR0405]

51. 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]

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

[DUR0445]

53. 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]

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

[DUR0005]

55. 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 to the satisfaction of the General Manager or his delegate.

Such to specifically include the following:

- (a) 150 millimetres thick reinforced with SL72 mesh, (unless modified by the approved Section 138 Application)
- (b) Minimum Sight Lines for pedestrian safety at the property boundary, in accordance with Council's "Driveway Access To Property - Design Specification - Part 1 July 2004".

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]

56. The driveway is to be constructed 6.0 metres wide at the property boundary and 9.0 metres wide at the kerb line with a uniform taper.

[DUR0075]

57. The provision of 9 off street car parking spaces including parking for the disabled where applicable. The layout and construction standards to be in accordance with Development Control Plan No. 2 - *Site Access and Parking Code*. In accordance with DCP2, 2 of the car spaces are to be marked and allocated as visitor spaces.

[DUR0085]

58. 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]

59. All pumps used for any onsite dewatering operations shall be acoustically shielded to the satisfaction of the General Manager or his delegate so as to prevent the emission of offensive noise as a result of their operation.

[DUR0235]

60. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead" and the WorkCover guidelines on working with and handling of asbestos.

[DUR0655]

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

[DUR0785]

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

[DUR0815]

63. Provision of an adequate turfed area, or other suitable media, is incorporated and maintained into the proposed landscape of the property for use as a car wash-down area.

[DUR0965]

64. 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]

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

[DUR0995]

66. The habitable floor area of the building is to be at a level not less than RL 3.1 m AHD.

[DUR1435]

67. A concrete ribbon footpath 1.2 meters wide (including standard pram ramps at all road intersections) shall be provided on a compacted base along the entire frontage of the site in accordance with Councils adopted Development Design and Construction Specification and Standard Drawing S.D. 013. This may require the reconstruction of the existing footpath along the frontage of the site, such that it complies with Council's standards.

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]

68. 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]

69. 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]

70. 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 any use or occupation of the building.

[DUR1875]

71. The proponent shall comply with all requirements tabled within any approval issued under Section 138 of the Roads Act.

[DUR1885]

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

[DUR1905]

73. 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. Certification to be provided to the PCA prior to the issue of an Occupation Certificate.

[DUR1955]

74. A certificate from a suitably qualified practicing structural engineer shall be submitted to Council and the Principle Certifying Authority within seven (7) days of the site being excavated certifying the adequacy of the sheet piling or other retaining method used to support adjoining properties.

[DUR1965]

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

[DUR2205]

76. 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.

77. 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]

78. Prior to any works commencing, 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]

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

[DUR2415]

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

[DUR2435]



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

[DUR2445]

82. All works shall be carried out in accordance with the Preliminary Acid Sulfate Soil Investigation & Management Plan and Dewatering Management Plan for the subject site prepared by HMC Environmental Consulting Pty Ltd dated September 2006 (Report No: 2006.99B).

[DURNS01]

83. The burning off of trees, associated vegetation felled by clearing operations, and the building waste is prohibited.

[DURNS01]

### **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

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

[POC0205]

85. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate, a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

[POC1045]

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

[POC0005]

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

[POC0985]

### **USE**

88. 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]

89. 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]

90. All externally mounted air conditioning units, swimming pool pumps, water tank pumps and any other mechanical plant and equipment shall be

acoustically treated so as to avoid the creation of intrusive or unreasonable noise to any occupant of neighbouring or adjacent premises.

[USE0235]

91. All wastes shall be collected, stored and disposed to the satisfaction of the General Manager or his delegate.

[USE0875]

**GENERAL TERMS OF APPROVAL UNDER SECTION 10 OF THE WATER ACT 1912** (Licence to construct and use a work and to take and use water if any conserved or obtained by the work and to dispose of the water for the use of occupiers of the land)

- Before commencing any works or using any existing works for the purpose of Temporary Dewatering for Construction Purposes, an approval under Part 5 of the Water Act 1912 must be obtained from the Department. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.
- An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the Water Act 1912.
- When the Department grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or to let lapse.
- All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.
- All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.
- The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.
- All vegetation clearing must be authorised under the Native Vegetation Conservation Act 1997, if applicable.
- The approval to be granted may specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.
- A license fee calculated in accordance with the Water Act 1912 must be paid before a license can be granted.
- If and when required by the Department, suitable devices must be installed to accurately measure the quantity of water extracted or diverted by the works.
- All water measuring equipment must be adequately maintained. It must be tested as and when required by the Department to ensure its accuracy.
- Works for construction of bores must be completed within such period as specified by the Department.
- Within 2 months after the works are completed the Department must be provided with an accurate plan of the location of the works and notified of the results of any pumping tests, water analysis and other details as are notified in the approval.

- Officers of the Department or other authorised persons must be allowed full and free access to the works for the purpose of inspection and testing.
- Water shall not be pumped from the works for any purpose other than dewatering for construction purposes.
- The use of water shall be conditional on no tailwater drainage being discharged into or onto -
  - any adjoining public or crown road
  - any crown land
  - any river, creek or watercourse
  - any groundwater aquifer
  - any area of native vegetation
  - any wetlands
- The work shall be managed in accordance with the constraints set out in the "Preliminary Acid Sulfate Soil Assessment & Management Plan, and Dewatering Management Plan" produced by HMC Environmental Consulting dated September 2006 Report No.2006.99B as presented for the proposed development.
- The volume of groundwater extracted as authorised must not exceed 5 megalitres.
- The Department has the right to vary the volumetric allocation or the rate at which the allocation is taken in order to prevent the overuse of an aquifer.
- The licence shall lapse within six (6) months of the date of issue of the licence.

**FOR VOTE - Unanimous**

**P2 [PD-PC] Development Application DA06/1013 for the Demolition of Existing Structures and the Erection of a Residential Building Comprising 6 x 3 Bedroom Units & Swimming Pool at Lot B DP 361922, No. 46 Pearl Street, Kingscliff**

**P 39 COMMITTEE DECISION:**

**Administrator Payne  
Administrator Willan**

**RECOMMENDED** that Development Application DA06/1013 for the demolition of existing structures and the erection of a residential building comprising 6 x 3 bedroom units & swimming pool at Lot B DP 361922, No. 46 Pearl Street Kingscliff be approved subject to the following conditions: -

**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos: -
  - \* 4903/DA/01; 4903/DA/02 & 4903/DA/04 prepared by Pat Twohill Architects and dated 31/8/06

- \* Stormwater Management Plan Issue B dated 21/3/2007 prepared by Cozens Regan Williams Prove  
except where varied by the conditions of this consent.
- [GEN0005]
2. 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]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
- [GEN0115]
4. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property.
- [GEN0135]
5. Construction shall comply with AS3959 - 1999 level 1 'Construction of Buildings in bushfire prone areas'.
- [GENNS01]
6. Roller doors, tilt-a-doors and the like shall be sealed to prevent the entry of embers into the structure.
- [GENNS01]
7. The entire property shall be managed as an 'Inner Protection Area' as outlined within Section 4.2.2 in Planning for Bushfire Protection 2001.
- [GENNS01]
8. All fencing shall be constructed from non-combustible materials.
- [GENNS01]
9. A 1.8 metre high radiant heat shield made of non-combustible materials shall be constructed along the full length of the south-western boundary adjacent to the hazard. A pedestrian access gate is to be provided along this boundary. Where steel cladding material is used; all posts and rails will be constructed from steel. The bottom of the fence is to be in direct contact with the finished ground level or plinth.
- [GENNS01]
10. Council will not permit ground anchors (to retain sacrificial sheet piling for basement excavations) within Council or private property, without prior consent from the property owner being obtained. If the landowner is Council, approval is required from the Director of Engineering and Operations. The anchors are required to be removed upon completion of the works, unless a substantial compensation amount is negotiated with Council.

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

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

[PCC0285]

12. Section 94 Contributions

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

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

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

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

- |   |            |
|---|------------|
| (a) Tweed Road Contribution Plan:<br>S94 Plan No. 4 (Version 4.0)<br>Sector6_4      | \$4,732.00 |
| (b) West Kingscliff - Drainage:<br>0.05752 ha @ \$32708<br>DCP No. 9 S94 Plan No. 7 | \$1,881.36 |
| (c) West Kingscliff - Open Space:<br>DCP No. 9 S94 Plan No. 7                       | \$7,599.00 |
| (d) Shirewide Library Facilities:<br>S94 Plan No. 11                                | \$2,012.00 |
| (e) Eviron Cemetery/Crematorium Facilities:<br>S94 Plan No. 13                      | \$409.00   |

(f) Community Facilities (Tweed Coast - North) S94 Plan No. 15 North Coast	\$2,460.00
(g) Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$586.00
(h) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$3,708.45
(i) Cycleways S94 Plan No. 22	\$1,028.00
(j) Regional Open Space (Structured) S94 Plan No. 26	\$6,799.00
(k) Regional Open Space (Casual) S94 Plan No. 26	\$2,499.00

[PCC0215]

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

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

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

Water DSP5:	3.8 ET @ \$4598	\$17,472
Sewer Kingscliff:	5 ET @ \$6688	\$33,440

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

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

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

[PCC0265]

14. A detailed plan of landscaping is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate.
-

[PCC0585]

15. 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) Stormwater disposal from the site shall incorporate tank storage, on-site stormwater detention (OSD), as well as infiltration facilities, generally in accordance with the Stormwater Management Plan (Issue B) dated 21/3/2007 by Cozens Regan Williams Prove.

[PCC1105]

16. Disposal of stormwater by means of infiltration devices shall be carried out in accordance with Section D7.9 of Tweed Shire Councils adopted Development Design and Construction Specification - Stormwater Quality.

[PCC1125]

17. 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]

18. 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]

#### **PRIOR TO COMMENCEMENT OF WORK**

- 19. 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]
- 20. Sewer main, stormwater line or other underground infrastructure within or adjacent to the site is to be accurately located and the Principal Certifying Authority advised of its location and depth prior to start of any building works.  
[PCW0965]
- 21. The erection of a building in accordance with a development consent must not be commenced until:
  - (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
  - (b) the person having the benefit of the development consent has:
    - (i) appointed a principal certifying authority for the building work, and
    - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
  - (c) the principal certifying authority has, no later than 2 days before the building work commences:
    - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
    - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
  - (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
    - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
    - (ii) notified the principal certifying authority of any such appointment, and



- (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

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

[PCW0225]

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

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

[PCW0245]

- 24. 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]

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

[PCW0665]

- 26. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:

- (a) The person must, at the person's own expense:
  - (i) preserve and protect the building from damage; and

- (ii) if necessary, underpin and support the building in an approved manner.
  - (b) The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.

[PCW0765]
27. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
- (a) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
  - (b) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and
  - (c) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
    - (i) the method of protection; and
    - (ii) the date of installation of the system; and
    - (iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
    - (iv) the need to maintain and inspect the system on a regular basis.

Note: Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.

[PCW0775]

28. 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]

29. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW1065]

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

[PCW0125]

### **DURING CONSTRUCTION**

31. 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]

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

[DUR0375]

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

[DUR0395]

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

[DUR0405]

35. 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]

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

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

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

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

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

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

[DUR0435]

37. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover Authority.

[DUR0645]

38. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead" and the WorkCover guidelines on working with and handling of asbestos.

[DUR0655]

39. Minimum notice of 48 hours shall be given to Tweed Shire Council for the capping of any disused sewer junctions. Tweed Shire Council staff in accordance with the application lodged and upon excavation of the service by the developer shall undertake Works.

[DUR0675]

40. 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]

41. 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]

42. A certificate from a suitably qualified practicing structural engineer shall be submitted to Council and the Principle Certifying Authority within seven (7) days of the site being excavated certifying the adequacy of the sheet piling or other retaining method used to support adjoining properties.

[DUR1965]

43. Swimming Pools (Building)

- (a) The swimming pool is to be installed and access thereto restricted in accordance with Council's "Code for the Installation of New Swimming Pools" and Australian Standard AS 1926-1986 (Copy of code enclosed).
- (b) Swimming pools shall have suitable means for the drainage and disposal of overflow water.
- (c) The pool pump and filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.

[DUR2075]

44. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.

[DUR2085]

45. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".  
[DUR2195]
46. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- (a) internal drainage, prior to slab preparation;
  - (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
  - (c) external drainage prior to backfilling.
  - (d) completion of work and prior to occupation of the building.
- [DUR2485]
47. Plumbing
- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
  - (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.
- [DUR2495]
48. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.  
[DUR2505]
49. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.  
[DUR2525]
50. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.  
[DUR2545]
51. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
  - \* 50<sup>0</sup>C in all other classes of buildings.
- A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.  
[DUR2555]
52. Where two (2) or more premises are connected by means of a single water service pipe, individual water meters shall be installed to each premise beyond the single Council water meter (*unless all the premises are occupied by a single household or firm*).  
[DUR2615]

53. The provision of 9 (3 of which are to be marked and allocated as Visitor spaces) off street car parking spaces including parking for the disabled where applicable. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls, the Building Code of Australia and AS 2890.
- [DUR0085]
54. 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]
55. Any pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring residential areas. Such location is to be to the satisfaction of the General Manager or his delegate.
- [DUR0225]
56. All pumps used for any onsite dewatering operations shall be acoustically shielded to the satisfaction of the General Manager or his delegate so as to prevent the emission of offensive noise as a result of their operation.
- [DUR0235]
57. Pumps used for dewatering operations are to be electrically operated. Diesel pumps are not to be used unless otherwise approved by Tweed Shire Council.
- [DUR0255]
58. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
- [DUR0815]
59. All new residential dwellings (and extensions comprising over 50% of the original floor area) are to fully comply with Councils Energy Smart Housing Policy (DCP39). In order to comply with DCP39 consideration must be given to the building envelope, orientation, insulation, ventilation, thermal mass and zoning.
- [DUR0915]
60. Provision to be made for the designation of 1 durable and pervious car wash-down area/s. The area/s must be identified for that specific purpose and be

supplied with an adequate water supply for use within the area/s. Any surface run-off from the area must not discharge directly to the stormwater system.

[DUR0975]

61. 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]

62. 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]

63. 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]

64. 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]

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

[DUR2205]

66. 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.

[DUR2375]

67. 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]

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

[DUR2415]

69. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the General Manager or his delegate.

[DUR2425]

70. All waters that are to be discharged from the site shall have a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/kg.

[DUR2435]

71. Acid sulfate soils shall not be exposed or disturbed.

[DURNS01]

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

[DUR2645]

73. 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]

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

[DUR1905]

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

[DUR2445]

#### **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

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

[POC0205]



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

[POC0225]

78. Prior to occupation of the building the property street number is to be clearly identified on the site by way of painted numbering on the street gutter within 1 metre of the access point to the property.

The street number is to be on a white reflective background professional painted in black numbers 100mm high.

On rural properties or where street guttering is not provided the street number is to be readily identifiable on or near the front entrance to the site.

For multiple allotments having single access points, or other difficult to identify properties, specific arrangements should first be made with Council and emergency services before street number identification is provided.

The above requirement is to assist in property identification by emergency services and the like. Any variations to the above are to be approved by Council prior to the carrying out of the work.

[POC0265]

79. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate, a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

[POC1045]

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

[POC0985]

81. An easement to drain sewage is to be created over the existing sewer main traversing the rear of the site. Council's standards require a minimum easement width of 3 metres.

Documentary evidence of the easement creation is to be submitted to Council prior to the issue of an Occupation Certificate or Interim Occupation Certificate.

## USE

82. All externally mounted air conditioning units, swimming pool pumps, water tank pumps and any other mechanical plant and equipment shall be acoustically treated so as to avoid the creation of intrusive or unreasonable noise to any occupant of neighbouring or adjacent premises.

[USE0235]

83. Swimming Pools (Building)

(a) It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the adjoining premises. Due

regard must be given to the affect that landscaping will have on the future effectiveness of the security fencing. (Section 7 Swimming Pool Act 1992).

- (b) The resuscitation poster must be permanently displayed in close proximity to the swimming pool. (Section 17 Swimming Pool Act 1992).

[USE1295]

84. 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]

85. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.

[USE0135]

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

[USE0175]

87. All external artificial lighting shall be shielded where required to the satisfaction of Councils General Manager or his delegate to ensure that the spill of light or glare from such lighting does not create a nuisance to any adjoining or neighbouring premises.

[USE0205]

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

[USE0965]

89. Use of the on site water tank shall be restricted to car washing and landscape watering unless otherwise approved in writing by the Director of Environment and Community Services, and this water shall not be utilised for any potable purpose. The water tank shall be maintained in a clean and healthy state and shall not be permitted to cause any odour or amenity impacts.

[USENS01]

**FOR VOTE - Unanimous**

**P3 [PD-PC] Development Application DA05/1462 for Additions to Pottsville Tavern at Lot 171 DP 629328, No. 28-40, Overall Drive, Pottsville**

**P 40 COMMITTEE DECISION:**

**Administrator Payne  
Administrator Willan**

**RECOMMENDED** that Development Application DA05/1462 for additions to Pottsville Tavern at Lot 171 DP 629328, No. 28-40 Overall Drive, Pottsville be approved subject to the following conditions: -

**GENERAL**

1. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.  
[GEN0115]
2. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos:
  - \* Sheet 1 of 4, prepared by Suncoast Homes & Realty and dated 23/10/2005
  - \* Sheet 2 of 4, prepared by Suncoast Homes & Realty and dated 23/10/2005
  - \* Sheet 4 of 4, prepared by Suncoast Homes & Realty and dated 23/10/2005
  - \* Sheet 2 of 3, prepared by Suncoast Homes & Realty and dated 23/10/2005
  - \* Sheet 3 of 3, prepared by Suncoast Homes & Realty and dated 24/10/2005
  - \* 10194 Revision A, prepared by CRG Traffic and Acoustic Consultants and dated 06/11/2006,except where varied by the conditions of this consent.  
[GEN0005]
3. Advertising structures/signs to be the subject of a separate development application, where statutorily required.  
[GEN0065]
4. The development is to be carried out in accordance with Councils adopted Development Design and Construction Specifications.  
[GEN0125]
5. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property.  
[GEN0135]

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

6. The developer shall provide 110 public parking spaces including parking for the disabled in accordance with Development Control Plan No. 2, AS 2890 and Austroads Part 11 in accordance with Plan No. 10194 dated 6/11/06 drawn by CRG Traffic and Acoustic Consultants.

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

[PCC0065]

7. Section 94 Contributions

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

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

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

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

- (a) Tweed Road Contribution Plan: \$50,985  
S94 Plan No. 4 (Version 4.0)  
Sector8a\_4

[PCC0215/PSC0175]

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

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

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

- Water DSP6: 7.14 ET @ \$4598 \$32,830

Sewer Hastings Point: 11.42 ET @ \$2863 \$32,695

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

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

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

[PCC0265/PSC0165]

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

[PCC0285]

10. A detailed plan of landscaping is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate.

[PCC0585]

11. Permanent stormwater quality treatment shall be provided in accordance with the following:
- 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*.
  - 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*.
  - 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.

[PCC1105]

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

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]

13. 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]

#### **PRIOR TO COMMENCEMENT OF WORK**

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

- (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

15. 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]

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. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. Note All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the Principal Certifying Authority prior to commencement of building works.

[PCW1005]

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

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

Please note that this sign is to remain in position for the duration of the project.

[PCW0985]

19. Sewer main within site is to be accurately located and the Principal Certifying Authority advised of its location and depth prior to start of any building works.

[PCW1055]

## DURING CONSTRUCTION

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

Monday to Saturday from 7.00am to 7.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

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

[DUR0375]

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

[DUR0405]

23. Doors forming exits, paths of travel to exits and parts of exits shall comply with the relevant provisions of D2.19 and D2.20 of the Building Code of Australia.

[DUR1315]

24. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428.

[DUR1685]

25. 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]



26. 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]
27. 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]
28. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development. [DUR1025]
29. 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]
30. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited. [DUR0815]
31. Landscaping of the site shall be carried out in accordance with the submitted/approved landscaping plans. [DUR1045]
32. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.
- Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.
- This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated. [DUR2375]
33. During construction, a "satisfactory inspection report" is required to be issued by Council for all s68h2 permanent stormwater quality control devices, prior to backfilling. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection. [DUR2445]

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

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

[DUR2655]

### **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

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

[POC0205]

36. All existing essential fire safety measures are to be certified by a qualified person to the effect that each of the fire safety measures has been assessed and were found to be performing to a standard not less than that to which it was originally designed.

[POC0525]

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

[POC0005]

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

[POC0475]

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

[POC0985]

40. Prior to the issue of any occupation certificate a detailed landscaping and fencing plan for the Royal Drive frontage shall be submitted to Council and completed to the satisfaction of the Director of Planning and Development.

### **USE**

41. 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]

42. 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]

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

[USE0965]

44. Amplified and/or live music shall not be played external to the building.

[USENS01]

45. All activities in the 'beer garden' areas shall cease at 10pm.

[USENS02]

46. Noise levels shall not exceed background LA90 levels at any receiving premise by more than 5dB(A) between the hours of 10am to 12 midnight and shall not exceed the background LA90 levels between the hours of 12 midnight and 10am. Notwithstanding the above noise from the development shall not be audible within any residential premises between the hours of 12 midnight and 10am.

[USENS03]

***FOR VOTE - Unanimous***

**P4 [PD-PC] Section 96 Application D90/0436.04 for an Amendment to Development Consent D90/436 for the Erection of a Tavern and Nine (9) Shops at Lot 171 DP 629328, No. 28-40 Overall Drive, Pottsville**

**P 41 COMMITTEE DECISION:**

**Administrator Willan  
Administrator Payne**

**RECOMMENDED** that Section 96 application D90/0436.04 for an amendment to Development Consent D90/0436 for the erection of a tavern and nine (9) shops at Lot 171 DP 629328 No. 28-40 Overall Drive, Pottsville be refused for the following reasons: -

1. In accordance with Section 79C of the Environmental Planning and Assessment Act 1979, the proposed extension of the trading hours is likely to impact upon the amenity of the community.
2. The proposed extension to the trading hours are not consistent with the primary objectives of the 3(b) General Business zone as amending the trading hours would not be compatible with the character and amenity of the surrounding residential areas.
3. The proposed trading hours are not considered to be in the public's interest.

***FOR VOTE - Unanimous***

**P5 [PD-PC] Section 96 Application DA06/0348.01 for an Amendment to Development Consent DA06/0348 for Construction of a 3 Storey Commercial & Retail Development at Lot 2 DP 573057; Lot 1 DP 657258, No. 11 & 13 Pearl Street, Kingscliff**

**P 42 COMMITTEE DECISION:**

**Administrator Payne  
Administrator Willan**

**RECOMMENDED** that Section 96 Application DA06/0348.01 for an amendment to Development Consent DA06/0348 for construction of a 3 storey commercial and retail development at Lot 2 DP 573057; Lot 1 DP 657258, No. 11 & 13 Pearl Street, Kingscliff be refused for the following reasons: -

1. The proposed modification is not considered to be substantially the same development as originally approved;
2. The proposed roof top activity is an inappropriate use of the land, which has potential building height, privacy and car parking issues; and
3. The proposed modification is not considered to be in the public interest.

***FOR VOTE - Unanimous***

**P6 [PD-PC] Development Application DA06/1275 for Manufacturing Sheds, Depot, Office and Storage at Lot 201 DP 1002166, Pottsville Road, Sleepy Hollow**

The following person(s) addressed the Planning Committee on this item:

Messrs Darren Gibson and Barry Maclean  
Mr Darren Worthing

**P 43 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that:-

1. Council notes there is an existing approval for a truck depot and truck maintenance area on the site with minimal conditions to address noise attenuation and hours of operation, which can be recommenced without any further approval from Council.

2. Council delegates authority to the General Manager to determine this application subject to conditions to address noise, traffic, site contamination, etc; including a condition which restricts the approval for a maximum of twelve (12) months from the date of issue of approval, if appropriate.

***FOR VOTE - Unanimous***

**P 44 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Willan**

**RECOMMENDED** that the Planning Committee resumes in open Council under the Chairmanship of Administrator Payne.

***FOR VOTE - Unanimous***

**56 COUNCIL DECISION:**

**Administrator Boyd  
Administrator Willan**

**RESOLVED** that the recommendations of the Planning Committee held Tuesday 17 April 2007 be adopted.

***FOR VOTE - Unanimous***

**OPERATIONS COMMITTEE**

**57 COUNCIL DECISION:**

**Administrator Payne  
Administrator Willan**

**RESOLVED** that Council resolves itself into the Operations Committee under the Chairmanship of Administrator Willan.

***FOR VOTE - Unanimous***

**REPORTS THROUGH THE GENERAL MANAGER**

**O1 [TCS-OC] Far North Coast County Council Financial Agreement**

**O 81 COMMITTEE DECISION:**

**Administrator Willan  
Administrator Payne**

**RECOMMENDED** that the Agreement between the Councils constituting Far North Coast County Council be adopted and the agreement be duly executed under the Common Seal of Council.

**FOR VOTE - Unanimous**

**O2 [TCS-OC] Second Round applications for Financial Assistance  
2006/2007 - Festivals Policy**

**O 82 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that Council allocates the second round donations for 2006/2007 under the Festivals Policy, as follows:-

<b>Applicant</b>	<b>Amount Approved</b>
Emergency Services in the Park	\$1,000
Tyalgum Festival Committee	\$5,000
NAIDOC Committee	\$2,000
Murwillumbah Festival of Performing Arts Inc.	\$3,000
Caldera Environment Centre Inc.	\$1,600
Tweed Shire Family Day Care	\$750
Cabarita Beach SLSC Inc.	\$1,500
<b>TOTAL</b>	<b>\$14,850</b>

**FOR VOTE - Unanimous**

**03 [TCS-OC] Monthly Investment Report for Period ending 31 March 2007**

**O 83 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at 31 March 2007 totalling \$106,608,490.77 be received and noted.

***FOR VOTE - Unanimous***

**04 [EO-OC] EC2007-005 Annual Supply of UV Disinfection Lamps and Accessories to Council**

**O 84 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that:-

1. Aquatic – Maxcon Pty Ltd be awarded the Annual Supply Contract for the supply of UV Lamps and accessories to the Banora Point Sewerage Treatment Plant.
2. Haymans Electrical be awarded the Annual Supply Contract for the supply of UV lamps and accessories to the Murwillumbah and Tumbulgum Sewerage Treatment Plants.

***FOR VOTE - Unanimous***

**05 [EO-OC] Tweed Vegetation Management Strategy 2004**

**O 85 COMMITTEE DECISION:**

**Administrator Payne  
Administrator Boyd**

**RECOMMENDED** that the Tweed Vegetation Management Strategy 2004 be adopted to guide vegetation and biodiversity protection and management within Tweed Shire.

***FOR VOTE - Unanimous***

**06 [EO-OC] Reafforestation Scheme for the Tweed**

**O 86 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that a working group consisting of Council staff and a representative from the Northern Rivers Catchment Management Authority, set up a process or organisational structure, such as the Tweed Brunswick Reafforestation Committee, to provide stock at wholesale or subsidised prices to serve the existing and future reafforestation incentive programs, and in some cases individuals outside of existing programs within Tweed Shire.

***FOR VOTE - Unanimous***

**07 [EO-OC] Maritime Infrastructure Program Grant - Tumbulgum Pontoon Upgrade**

**O 87 COUNCIL DECISION:**

**Administrator Payne  
Administrator Boyd**

**RESOLVED** that:-

1. Council accepts the financial assistance from the NSW Maritime Authority's Maritime Infrastructure Program of up to \$32,500 for refurbishment of the existing floating pontoon and installation of a boat sewerage pump-out facility at Tumbulgum and votes the expenditure.
2. All documentation be completed under the Common Seal of Council.

***FOR VOTE - Unanimous***

**08 [EO-OC] Offer of Assistance for Implementation of the Tweed River Estuary Management Plan and the Tweed Coast Estuaries Management Plan 2006/2007**

**O 88 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that Council accepts the financial assistance of up to \$550,000 from the Department of Natural Resource's Estuary Management Program on a 1 to 1 basis for implementation of the Tweed River Estuary management Plan and the Tweed Coast Estuaries Management Plan 2006/2007.



**FOR VOTE - Unanimous**

**09 [EO-OC] Natural Disaster Relief Program**

**O 89 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that Council:-

1. Accepts the \$260,000 funding granted under the Natural Disaster Relief Program; and
2. Votes the expenditure.

**FOR VOTE - Unanimous**

**010 [EO-OC] Joint Flood Study with Byron Shire Council**

**O 90 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that:-

1. Council expands the scope of the Coastal Creeks Flood Study to include the Marshalls Creek catchment within Byron Shire.
2. The agreement to conduct the joint flood study be subject to Byron Shire Council paying an agreed portion of the joint flood study contract sum, and that Council authorises the Director Engineering & Operations to negotiate the appropriate cost share with Byron Shire Council.
3. The agreement to conduct the joint flood study remains independent to the process of waterway enlargement works on Kallaroo Circuit Bund by Byron Shire Council, which must proceed in accordance with the schedule provided previously by Byron Shire Council.
4. Council requests Byron Shire Council's acknowledgement of (3) in writing, prior to the commencement of the joint flood study.
5. A Sub-Committee of Council's Floodplain Management Committee be formed for the duration of the Coastal Creeks Flood Study, consisting of all members of the Floodplain Management Committee, plus Byron Shire

Council's Director Asset Management Services and Flood and Drainage Engineer, and up to three (3) stakeholder representatives from Byron Shire. The Sub-Committee shall only meet on matters directly related to the Coastal Creeks Flood Study. The Floodplain Management Committee shall continue to meet as required to address all other floodplain management issues without involvement of the Sub-Committee.

**FOR VOTE - Unanimous**

**O11 [EO-OC] Lease of the Ned Byrne Field, Wommin Bay Road, Kingscliff**

The following person(s) addressed the Operations Committee on this item:

Mr Peter McConnell  
Mr Jamie Mathiou

**O 91 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that:-

1. Council calls for expressions of interest for use, care and maintenance of the Ned Byrne Field.
2. Council obtains a valuation to determine the market rental of the Ned Byrne Field to assist in assessment of submitted expressions of interest.

**FOR VOTE - Unanimous**

**O12 [EO-OC] Lease to Telstra Corporation Limited - Casuarina North Rugby Field**

**O 92 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that:-

1. Council approves entering into a lease with Telstra Corporation Ltd subject to development consent being granted for the proposed works incorporating a mobile phone tower attached to a transmit and receive base station;
2. Joint use be investigated between Council and Telstra Corporation Ltd.

3. Telstra Corporation Ltd bear all costs relating to the preparation and registration of the plan for lease purposes;
4. All documentation be executed under the Common Seal of Council.

**FOR VOTE - Unanimous**

**O13 [EO-OC] Section 94 Plan No. 18 - Council Administration Offices and Technical Support Facilities**

**O 93 COMMITTEE DECISION:**

**Administrator Payne  
Administrator Boyd**

**RECOMMENDED** that Council:-

1. In accordance with Clause 31 of the Environmental Planning & Assessment Regulations 2000, approved Draft Version 2.1 of Section 94 Plan No. 18 Council Administration Offices and Technical Support Facilities to repeal and replace the existing version.
2. Gives Public Notice in the Tweed Link of Council's decision specifying that the amended Version 2.1 of the Plan (CP 18) comes into effect on the date of the notice.

**FOR VOTE - Unanimous**

**O14 [EO-OC] Quarterly Variation Report for Contract EC2005-033 - Construction of the Kingscliff Sewage Treatment Plant: March 2007**

**O 94 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that the March 2007 Quarterly Variations of \$94,288.30 (exclusive of GST) for Contract EC2005-033 Construction of the Kingscliff Sewage Treatment Plant, be received and noted: -

- a) Variation No.50 - Alternative Surface Aerators for Oxidation Tank. (\$70,000.00 GST excl)
- b) Variation No.51 - Negative Variation for Alternative Waste Oil Tank Arrangement (-\$1,000.00 GST excl)
- c) Variation No.52 – Secondary Effluent Pump Station (SEPS): Pipe columns in Stainless Steel in lieu of painted mild steel pipes (\$16,705.00 GST excl)

- d) Variation No.53 - Site Electricity Cost Reimbursement: From tender negotiations, Principal to pay for site electricity costs. (\$6,204.30 GST excl)
- e) Variation No.54 – Alternative connection arrangement (including valving) between Fire Service Main for STP and Mechanical and Electrical Facility. (\$1,337.00 GST excl)
- f) Variation No.55 - Electrical Works redesign resulting in deletion of three off 315 amp Isolators for the Aerator Starters, three off 160 amp Isolators for the Outfall Pump Starters, delete six off 40 amp Isolators for the RAS Pump Starters. (-\$3,040.00 GST excl)
- g) Variation No.56 – Increase in size of the Door at Switchroom (\$2,210.00 GST excl)
- h) Variation No.57 - Aluminium Light posts in lieu of GMS Posts (\$1,872.00 GST excl)

**FOR VOTE - Unanimous**

**O15 [EO-OC] Hastings Point Headland Road (Yugari Drive)**

**O 95 COMMITTEE DECISION:**

**Administrator Payne  
Administrator Boyd**

**RECOMMENDED that:-**

1. It be noted that the rehabilitation of Yugari Drive is included in the Infrastructure Program for 2007/08;
2. The rehabilitation of Yugari Drive in 2007/08 be limited to pavement rehabilitation, sealing of the gravel carpark and resealing of the eastern section.

**FOR VOTE - Unanimous**

**O16 [EC-OC] EC2007-013 Contract for Stotts Creek Solid Waste Landfill – Stage 3 Landfill Development**

**O 96 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED that:-**

1. Council awards Contract EC2007-013 “Stotts Creek Solid Waste Landfill – Stage 3 Landfill Development” to Turner Civil Works Pty Ltd for the amount of \$354,781.82 (GST exclusive).

2. The Director Environment and Community Services be given delegated authority to approve variations up to 20% above the initial contract price.
3. Council votes the expenditure of \$426,000 for the project from the relevant waste reserves.

***FOR VOTE - Unanimous***

**O17 [EC-OC] Plan of Management for Coolamon Cultural Centre**

**O 97 COMMITTEE DECISION:**

**Administrator Payne  
Administrator Boyd**

**RECOMMENDED** that Council endorses the report and adopts the Plan of Management for the Coolamon Cultural Centre as proposed.

***FOR VOTE - Unanimous***

**O18 [EC-OC] Moving to the Tweed: Migration Heritage, People & Demographic Change, Stage Two**

**O 98 COMMITTEE DECISION:**

**Administrator Payne  
Administrator Boyd**

**RECOMMENDED** that:-

1. Council accepts the grant offer of \$7,500 from the Migration Centre to be used for the "Moving to the Tweed: Migration heritage, People and Demographic Change, Stage Two".

***FOR VOTE - Unanimous***

**O19 [EC-OC] Seniors Week 2007**

**O 99 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that Council continues to support Tweed Shire Senior Citizens Week Committee and Seniors Week events in the Tweed.

**FOR VOTE - Unanimous**

**O20 [EC-OC] Request for "In Kind" Support/Waive Fee**

**O 100 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that Council:-

1. With reference to the request from Murwillumbah Churches of Christ on behalf of the Murwillumbah Ministers Fellowship, that Council provides the Murwillumbah Civic Centre free of charge for the rehearsals and Annual Civic Carols to be held on 8 and 9 December 2007, and that Council's support is recognised with the following acknowledgement "This programme has been supported by Tweed Shire Council".
2. With reference to the request from Tweed Byron Local Aboriginal Land Council, that Council provides the Tweed Heads Civic Centre free of charge for the NAIDOC celebrations Church Services on 1 July 2007 and for a reduced fee of \$161.50 being 50% of the full fee of \$323 for the NAIDOC Ball on 6 July 2007 and the South Tweed Community Hall free of charge for NAIDOC Elders Day celebrations on 3 July and NAIDOC Baby Show and Junior Disco on 5 July 2007, and that Council's support is recognised with the following acknowledgement "This programme has been supported by Tweed Shire Council".

**FOR VOTE - Unanimous**

**O21 [EC-OC] Markets on Public Land - Sale of Food and Drinks**

**O 101 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that Council:-

1. Varies the current Policy to permit the operation of four (4) only approved food vans which sell conventional foods and drinks at the markets at Kingscliff.
2. Places restrictive conditions regarding the placement and location of generators or motors, which require noise impacts on local residents to be minimised.

***FOR VOTE - Unanimous***

**O 102 COMMITTEE DECISION:**

**Administrator Willan  
Administrator Payne**

**RECOMMENDED** that the Operations Committee resumes in open Council under the Chairmanship of Administrator Payne.

***FOR VOTE - Unanimous***

**58 COUNCIL DECISION:**

**Administrator Willan  
Administrator Payne**

**RESOLVED** that the recommendations of the Operations Committee held Tuesday 17 April 2007 be adopted.

***FOR VOTE - Unanimous***

**SCHEDULE OF OUTSTANDING RESOLUTIONS**

**Schedule of Outstanding Resolutions**

**59 COUNCIL DECISION:**

**Administrator Boyd  
Administrator Willan**

**RESOLVED** that this item be received and noted.

***FOR VOTE - Unanimous***

**ADMINISTRATOR'S MINUTE**

**[AM] Documents Signed by Administrators**

**60 COUNCIL DECISION:**

**Administrator Boyd  
Administrator Payne**

**RESOLVED** that the information regarding documents signed by Administrators be received and noted.

***FOR VOTE - Unanimous***

**ORDINARY ITEMS FOR CONSIDERATION**

**REPORTS FROM THE GENERAL MANAGER**

Nil.

**REPORTS FROM THE DIRECTOR PLANNING & DEVELOPMENT**

Nil.

**REPORTS FROM THE DIRECTOR TECHNOLOGY & CORPORATE SERVICES**

Nil.

**REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS**

Nil.

**REPORTS FROM THE DIRECTOR ENVIRONMENT & COMMUNITY SERVICES**

Nil.

**REPORTS FROM SUB-COMMITTEES/WORKING GROUPS**

- 1            **[SUB-TRRMAC] Minutes of the Tweed River Regional Museum Advisory Committee Meeting held Thursday 1 February 2007**

**61      COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Willan**

**RECOMMENDED** that the:-

1.           Minutes of the Tweed River Regional Museum Advisory Committee Meeting held on Thursday 1 February 2007 be received and noted; and



2. Director's recommendations be adopted as follows

**1. Senior Museum Curator's Report for Nov 2006 – Feb 2007**

As per the Committee's recommendation being:

*"That Council be requested to engage Paul Berkemeier to prepare preliminary designs and a model for extensions to the Murwillumbah museum in accordance with the facilities brief already agreed between the Murwillumbah Historical Society representatives and the Senior Museum Curator to allow further planning of the project and fund raising."*

**FOR VOTE - Unanimous**

**2 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 2 March 2007**

**62 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Willan**

**RECOMMENDED** that the:-

1. Minutes of the Aboriginal Advisory Committee Meeting held Friday 2 March 2007 be received and noted; and
2. Director's recommendations be adopted as follows

**Item from Meeting held Friday 2 February 2007**

**BA4 Aboriginal Statement**

As per the Committee's recommendation being:-

*"That Council endorses the changes to the Aboriginal Statement to reflect as follows:-*

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

**FOR VOTE - Unanimous**

**ORDERS OF THE DAY**

Nil.

**QUESTION TIME**

Nil.

**ADJOURNMENT OF MEETING**

The Meeting was adjourned to conduct the Community Access Session at 5.20pm.

**RESUMPTION OF MEETING**

The Meeting resumed following the Community Access Session at 6.27pm

**63 COUNCIL DECISION:**

**Administrator Payne  
Administrator Willan**

**RESOLVED** that Council resolves itself into a Confidential Committee of the Whole.

***FOR VOTE - Unanimous***

**CONFIDENTIAL MATTERS**

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

## REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

### REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

**1 [EO-CM] Chinderah Bay Marina - Sale of Lots 3, 5 and 7 Chinderah Bay Drive, Chinderah**

#### REASON FOR CONFIDENTIALITY:

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

It was determined that this item be considered following an adjournment of Council to seek further legal advice.

### REPORTS FROM THE DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

**2 [EC-CM] Application to Revoke Dangerous Dog Declaration (Shelley Salmon of 7 The Mainbrace Tweed Heads)**

#### REASON FOR CONFIDENTIALITY:

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

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

#### C 24 COMMITTEE DECISION:

That Council does not revoke the dangerous dog declaration imposed on Mrs Shelley Salmon's dog with microchip number 985100008218361.

***FOR VOTE - Unanimous***

**3 [EC-CM] Application to Revoke Dangerous Dog Declaration (Peter Owen of 32 Curtawilla Street Banora Point)**

**REASON FOR CONFIDENTIALITY:**

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

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

**C 25 COMMITTEE DECISION:**

That Council does not revoke the dangerous dog declaration imposed on Mr Peter Owen's dog with microchip number 982009100348957.

***FOR VOTE - Unanimous***

**4 [EC-CM] Application to Revoke Dangerous Dog Declaration (Ms Jane Gillies of 69 Mahers Lane Terranora)**

**REASON FOR CONFIDENTIALITY:**

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

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

**C 26 COMMITTEE DECISION:**

That Council does not revoke the dangerous dog declaration imposed on Ms Jane Gillies' dog, microchip number 985120006875474.

***FOR VOTE - Unanimous***

**ADJOURNMENT OF MEETING**

The Confidential Session of Council was adjourned to obtain further legal information in relation to Item 1 of the Confidential Agenda at 7.00 pm.

**RESUMPTION OF MEETING**

The Meeting resumed at 12.16pm on Wednesday 18 April 2007.

The Director Environment & Community Services, Mr Don Buckley was not present at the resumption of the meeting.

**1 [EO-CM] Chinderah Bay Marina - Sale of Lots 3, 5 and 7 Chinderah Bay Drive, Chinderah**

**REASON FOR CONFIDENTIALITY:**

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

**C 27 COMMITTEE DECISION:**

That in regards to Rivercolt Pty Ltd's 29 berth marina project and associated infrastructure and Council's option to repurchase Lots 3, 5 and 7 DP 1080842 from Riverpoint Pty Ltd (Rivercolt) that Council:

1. Notes Rivercolt's confidential letter dated 11 April 2007 outlining, on behalf of Riverpoint Pty Ltd, the efforts which have been made to achieve completion of the works as specified in the Contract for Sale and Option Agreement and Deed of Variation agreement which allows Council to re-purchase the land, if said works are not completed within the specified time period.
2. Notes Rivercolt's request, on behalf of Riverpoint Pty Ltd, to extend the deadline allowing Council to exercise the option to re-purchase Lots 3, 5 and 7 in DP 1080842 from 24 April 2007 to 15 January 2008.
3. Agrees to a variation of the above Contract for Sale and Option Agreement and Deed of Variation to extend the option exercise date of 24 April 2007 to 15 January 2008 and the second option exercise date of 24 October 2007 to 24 June 2008 in order to protect Council's right to re-purchase the land in the event that the works identified in Item 1 are not completed by 15 January 2008.
4. Approves the above variation to the contract and that all necessary documentation be executed under the Common Seal of Council.
5. Requests that it be provided with monthly progress reports on the status of the project from Rivercolt Pty Ltd.

***FOR VOTE - Administrator Willan, Administrator Payne***  
***AGAINST VOTE - Administrator Boyd***

**64 COUNCIL DECISION:**

**Administrator Willan  
Administrator Payne**

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

**FOR VOTE - Administrator Payne, Administrator Willan  
Administrator Boyd recorded his vote against Item 1 of the Confidential Agenda**

There being no further business the Meeting terminated at 12.26 pm on Wednesday 18 April 2007.



**Minutes of Meeting Confirmed by Council  
at Meeting held .....**

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**Chairman**