

The Meeting commenced at 4.30pm.

IN ATTENDANCE

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

Also present were Mr Mike Rayner (General Manager), Mr Troy Green (Director Technology & Corporate Services), Mr Ian Kite (Acting Director Engineering & Operations), Mr Noel Hodges (Director Planning & Regulation), Mr Don Buckley (Director Community & Natural Resources), 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 and custodians of these lands."

PRAYER

The meeting opened with a Prayer by Council's Chaplain, Reverend Andrew Unwin:

*Eternal God, you are the one who governs all things in heaven and on earth.
Hear us as we come before you to pray for our country and all those you live here.
As your word encourages us, we pray for those who You have given authority to.
We pray that you will guide their thoughts and actions that they may serve use with true Christian compassion. Strengthen them in their resolve to care for every member of our community regardless of who they are.
Remove every hindrance to the advancement of our peoples that in love we might find unity in our community. We pray that you will give us tolerance and acceptance of each other and that peace will spread through our valley.
We ask this to the glory of your name, through Jesus your Son.*

Amen.

CONFIRMATION OF MINUTES

Minutes of the Ordinary Council Meeting held 31 July 2007

134 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

RESOLVED that the Minutes of the Ordinary and Confidential Council Meetings held Tuesday 31 July 2007 be adopted as a true and accurate record of proceedings of that meeting with the exception of an additional condition to Item O8 - [EO-OC] Murwillumbah Regional Memorial Pool Complex and Carpark, to read:

"7. All documentation be executed under the Common Seal of Council."

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Administrator Boyd.

Administrator Boyd advised that he had received legal advice relating to previously declaring a non-pecuniary interest involving any items dealing with Hastings Point. The outcome of this advice is that Administrator Boyd does not have a non-pecuniary interest in matters at Hastings Point.

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

Nil.

PLANNING COMMITTEE

135 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 & REGULATION

P1 [PR-PC] Draft Tweed Local Environmental Plan 2000, Amendment No 76 - Heritage Items

P 78 COMMITTEE DECISION:

**Administrator Payne
Administrator Boyd**

RECOMMENDED *that Council:*

1. *Amends draft Tweed Local Environmental Plan 2000, Amendment No 76 – Heritage Items.*
2. *In accordance with the provisions of the Environmental Planning and Assessment Act 1979 re-exhibits draft Tweed Local Environmental Plan 2000, Amendment No 76 – Heritage Items.*

FOR VOTE - Unanimous

P2 [PR-PC] Draft Residential and Tourist Code (Section A1 of the Tweed Development Control Plan)

P 79 COMMITTEE DECISION:

**Administrator Payne
Administrator Boyd**

RECOMMENDED that:

1. Council resolves to publicly exhibit the draft Residential and Tourist Code (Section A1 of the Tweed Development Control Plan) for a period of 60 days.
2. Where a public submission received raises an issue that would result in a major change in the draft Plan that a public workshop be convened to address the issue prior to the reporting of the Plan to Council.
3. Council engages Ruker & Associates Urban Design to assess the height and density provisions in the current Local Environmental Plan for Hastings Point to provide a report to inform the consultants GHD who are undertaking the overall review of the urban land release strategy for the new Tweed Local Environmental Plan.

4. Council defers the assessment and determination of development applications for Hastings Point which have already been submitted but not determined or are submitted for determination after this date until the report from Ruker & Associates Urban Design is finalised for Council's consideration.

FOR VOTE - Unanimous

P3 [PR-PC] Murwillumbah Locality and Master Planning Projects

P 80 COMMITTEE DECISION:

**Administrator Payne
Administrator Boyd**

RECOMMENDED that:

1. Council publicly exhibits the draft Murwillumbah Locality/DCP Plan (Section B22 of the Tweed Development Control Plan), Murwillumbah Scoping Study and Knox Park Masterplan for a period of 60 days.
2. Where a public submission received raises a fundamental issue with the draft plan that a public workshop be convened to address the issue prior to the reporting of the plan for Council's consideration for adoption.

FOR VOTE - Unanimous

P4 [PR-PC] Development Application DA06/0477 for a Six (6) Storey Apartment Building Comprising 38 Units at Lot 24, 25, 26 Section 5 DP 4043, No. 36-40 Enid Street, Tweed Heads

P 81 COMMITTEE DECISION:

**Administrator Payne
Administrator Boyd**

RECOMMENDED that: -

1. Council utilises its assumed concurrence in relation to the North Coast Regional Environmental Plan Clause 51 - Tall Buildings.
2. Development Application DA06/0477 for a six (6) storey apartment building comprising 38 units at Lot 24, 25, 26 Section 5 DP 4043, No. 36-40 Enid Street, Tweed Heads be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plans as follows;

- Job Number 1054 - Nos DA0.02 prepared by Lightwave and undated,
- Job Number 1054 - Nos DA0.03 prepared by Lightwave and undated,
- Job Number 1054 - Nos DA0.04 prepared by Lightwave and undated,
- Job Number 1054 - Nos DA1.01 prepared by Lightwave and undated,
- Job Number 1054 - Nos DA1.02 prepared by Lightwave and undated,
- Job Number 1054 - Nos DA1.03 prepared by Lightwave and undated,
- Job Number 1054 - Nos DA1.04 prepared by Lightwave and undated,
- Job Number 1054 - Nos DA1.05 prepared by Lightwave and undated,
- Job Number 1054 - Nos DA1.06 prepared by Lightwave and undated,
- Job Number 1054 - Nos DA1.07 prepared by Lightwave and undated,
- Job Number 1054 - Nos DA2.01 prepared by Lightwave and undated,
- Job Number 1054 - Nos DA2.02 prepared by Lightwave and undated,
- Job Number 1054 - Nos DA2.03 prepared by Lightwave and undated,
- Job Number 1054 - Nos DA2.04 prepared by Lightwave and undated,
- Job Number 1054 - Nos DA3.01 prepared by Lightwave and undated,
- Job Number 1054 - Nos DA3.02 prepared by Lightwave and undated,
- Landscaping Plan - SL1_05_Ver.A Sheets 4 and 6 prepared by Planit Consulting dated 1 November 2005.
- Cardno Plan B3001/01 Sketches 1 & 2 (sewer details); and
- Stormwater Management Plan – revision A by Cardno dated 13/02/2007

except where varied by the conditions of this consent.

[GEN0005]

2. The proposed future demolition of the existing structures must be the subject of a separate development consent.

[GEN0035]

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]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. The developer shall provide 57 parking spaces including parking for the disabled in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.

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]

6. 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, be accompanied by the required attachments and prescribed fee.

Receipt of approval is to be obtained prior to the issue of a construction certificate for works within the development site.

[PCC0075]

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:	\$76,705
S94 Plan No. 4 (Version 4.0)	
Sector1_4	
(b) Open Space (Structured):	\$17,039
S94 Plan No. 5	
(c) Open Space (Casual):	\$3,641
S94 Plan No. 5	
(d) Shirewide Library Facilities:	\$15,037
S94 Plan No. 11	
(e) Bus Shelters:	\$530
S94 Plan No. 12	
(f) Eviron Cemetery/Crematorium Facilities:	\$3,027
S94 Plan No. 13	
(g) Emergency Facilities (Surf Lifesaving)	\$4,378
S94 Plan No. 16	
(h) Extensions to Council Administration Offices & Technical Support Facilities	\$43,618.90
S94 Plan No. 18	
(i) Cycleways	\$7,684
S94 Plan No. 22	
(j) Regional Open Space (Structured)	\$50,814
S94 Plan No. 26	
(k) Regional Open Space (Casual)	\$18,677
S94 Plan No. 26	
(l) Tweed Heads Master Plan:	\$39,786.00
S94 Plan No. 27	

[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 DSP4:	15.49 ET @ \$9997	\$154,854
Sewer Banora:	24.75 ET @ \$4804	\$118,899

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. Submission for approval by the Principal Certifying Authority design detail including surcharge loads for any retaining walls to be erected on the site in accordance with AS 4678, Tweed Shire Council Development Control Plan Part A14 - Cut and Fill on Residential Land and Councils Development Design and Construction Specifications. Design detail is to be supported by certification of adequacy of design from a suitably qualified structural engineer.

Please note timber retaining walls are not permitted.

[PCC0475]

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

[PCC0865]

11. 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 land owner is Council, approval is required from the General Manager or his delegate, and the anchors are required to be removed upon completion of the works, unless a compensation amount is negotiated with Council.

[PCC0955]

12. 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, maximizing permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.
- (d) Specific Requirements to be detailed within the Construction certificate application include:
 - (i) Shake down area along the haul route immediately before the intersection with the road reserve.

[PCC1105]

13. 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

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.

Where Council is requested to issue a construction certificate for civil works associated with this consent, the abovementioned works can be incorporated as part of the cc application, to enable one single approval to be issued. Separate approval under section 68 of the LG Act will then NOT be required.

[PCC1145]

14. 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]

15. The developer shall extend Council's piped stormwater drainage system to the development site's Enid Street frontage. Internal site drainage shall be piped to a new kerb inlet pit in the extended public system.
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Design and construction of this system shall be in accordance with Council's Development Design Specifications and Standard Drawings. Detailed design of the stormwater extension shall be provided with a Sec.68 Stormwater Application for approval prior to the issue of a Construction Certificate.

[PCCNS01]

16. Modifications are required to the existing Council sewer mains traversing the site. The existing mains are to be removed and new mains laid – including maintaining and reconnecting the existing house connections to adjoining Lots 7, 8 & 9 – generally in accordance with Cardno plans B3001/01 Sketches 1 & 2, but with the following amendments:

- the new sewer manhole in the basement is to be benched
- ALL sewer main connections through the basement wall must provide a flexible joint 600mm (max.) from the wall, and a second flexible joint as soon as possible thereafter.

Details are to be submitted with a Sec.68 Sewer Application for approval prior to the issue of a Construction Certificate.

[PCCNS01]

17. Prior to the issue of any Construction Certificate or Sec.68 approval for sewer infrastructure works, adjoining owner's consent(s) for the relaying of sewer lines (where work extends into adjoining properties) must be obtained and documentary evidence submitted to Council.

[PCCNS01]

18. The refuse collection area is to be marginally shifted and the landscaping features appropriately designed, to ensure the driveway attains the required sight triangles.

[PCCNS01]

19. Prior to issue of the construction certificate the applicant is to submit details to Council for approval for refuse collection that does not necessitate service vehicles reversing from the premises.

20. 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]

21. All roof waters are to be disposed of through properly jointed pipes to the street gutter, inter-allotment drainage, or elsewhere if so directed in the conditions of consent. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZ3500.3.2. Note: A detailed stormwater and drainage plan is to be submitted to and approved by the PCA prior to commencement of building works.

[PCC1115]

22. 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 prior to the issue of a construction certificate.

[PCC1195]

23. Where any existing sewer junctions are to be disused on the site, the connection point shall be capped off by Council staff. Applications shall be made to Tweed Shire Council and include the payment of fees in accordance with Councils adopted fees and charges.

[PCC1235]

PRIOR TO COMMENCEMENT OF WORK

24. 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:

- i. The person must, at the person's own expense:
 - a. preserve and protect the building from damage; and
 - b. if necessary, underpin and support the building in an approved manner.
- ii. 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.

[PCW0080]

25. 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]

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

[PCW0835]

27. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]

28. 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]

29. 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]

30. 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]

31. Residential building work:

- (a) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - * in the name and licence number of the principal contractor, and
 - * the name of the insurer by which the work is insured under Part 6 of that Act,

- (ii) in the case of work to be done by an owner-builder:
 - * the name of the owner-builder, and
 - * if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.

- (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0235]

- 32. 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]

- 33. 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]

- 34. 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]

35. Prior to commencement of building works a stormwater drainage plan is to be submitted to and approved by the Principal Certifying Authority.

[PCW0955]

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

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

This sign is to remain in position for the duration of the project.

[PCW0985]

37. 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]

38. Prior to the commencement of any works on the site all required plumbing and drainage inspection fees are to be submitted to Council.

[PCW1095]

DURING CONSTRUCTION

39. 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]

40. 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]

41. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
- [DUR1795]
42. 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]
43. During construction, a “satisfactory inspection report” is required to be issued by Council for all works required under Section 138 of the Roads Act 1993. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection.
- [DUR1925]
44. All stormwater gully lintels shall have the following notice cast into the top of the lintel: 'DUMP NO RUBBISH, FLOWS INTO CREEK' or similar wording in accordance with Councils adopted Design and Construction Specification.
- [DUR2355]
45. 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]
46. 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]
47. All proposed works are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications.
- [DUR0005]
48. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -
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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]

49. 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]

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

[DUR0235]

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

[DUR0255]

52. 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]

53. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:

(a) A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.

(b) The chute shall be located in a position approved by the Principal Certifying Authority.

(c) A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.

[DUR0385]

54. 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]

55. 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]

56. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Occupational Health and Safety Regulation 2001.

[DUR0415]

57. Excavation

- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with WorkCover 2000 Regulations.
- (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

[DUR0425]

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

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

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

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

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

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

[DUR0435]

59. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Occupational Health and Safety Regulation 2001.

[DUR0645]

60. 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]*
61. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent.
- [DUR0905]*
62. Provision to be made for the designation of one dedicated durable and pervious car wash-down area/s. Parking bays 56 and 57 are to have dual usage as car wash bays/visitor spaces - unless satisfactory alternative arrangements are made with Council. 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]*
63. All work associated with this approval is to be carried out so as not to impact on neighbourhood, adjacent premises or 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]*
64. The spa filter and any pumps or aerators are to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
- [DUR2135]*
65. 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]*
66. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".
- [DUR2195]*
67. 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]*
68. Appropriate measures are to be put in place during the construction and/or demolition 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]

69. 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. 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]

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

[DUR2525]

71. All works shall comply with the Amended preliminary Acid Sulfate Soil Assessment & Management Plan and Dewatering Management Plan for 36-40 Enid Street, Tweed Heads, prepared by HMC Environmental Consulting dated May 2006 (report No. 2005.154A)

[DURNS01]

72. All soil material should be neutralised prior to removal of the site.

[DURNS01]

73. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. All such materials should be chipped on site and used in landscaping unless it is not possible due to size, non suitability of the material or some other limitation, in which case the material will be disposed of at Council's Stotts Creek depot.

[DUR1015]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

74. Prior to the issue of an occupation certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all works required under Section 138 of the Roads Act 1993.

[POC0745]

75. Redundant road pavement, kerb and gutter or foot paving including any existing disused vehicular laybacks/driveways or other special provisions shall be removed and the area reinstated to match adjoining works in accordance with Councils adopted Development Design and Construction Specifications.

[POC0755]

76. Work as executed plans are to be provided to Council in accordance with Councils Development Design Specification, D13 and a CCTV inspection of the stormwater pipes and sewerage system to be dedicated to Council as public infrastructure including joints and junctions demonstrate that the standard of the system is acceptable to Council.

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

[POC0765]

77. The lots are to be consolidated into one (1) lot under one (1) title. The plan of consolidation shall be registered with the Lands Titles Office prior to issue of an occupation certificate.
- [POC0855]
78. 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]
79. Prior to the issue of a final occupation certificate, all conditions of consent are to be met.
- [POC1055]
80. An Easement to Drain Sewerage (in accordance with Council's standards: minimum of 3m wide) is to be created over the relocated Council sewer mains within the site. Furthermore, the owner shall indemnify Council for any and all future damage to the development that may occur, as a result of Council needing to access the sewer main at any time in the future. Documentary evidence of easement creation is to be submitted to Council prior to the issue of an Occupation Certificate. It is recommended that the easements be created in conjunction with consolidation of the site into a single allotment.
- [POCNS01]
81. Twenty four (24) hour access to the basement for Council maintenance crews (to access the sewer mains) must be made available
- [POCNS01]
82. 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]
83. 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]
84. Prior to the issue of an occupation certificate,
- (a) Certification of termite protection methods performed by the person carrying out the works is to be submitted to the PCA; and
 - (b) 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.

[POC0235]

85. 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]

86. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.

[USE0225]

USE

87. 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, odours or the like.

[USE0125]

88. 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 offensive, or intrusive noise to any occupant of neighbouring or adjacent premises.

[USE0235]

89. 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]

90. The swimming pool is not to be used for commercial purposes without prior Development Consent.
-

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 “Amended Preliminary Acid Sulfate Soil Assessment & Management Plan, and Dewatering Management Plan” produced by HMC Environmental Consulting dated May 2006 as presented as Appendix D in the Statement of Environmental Effects 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

P5 [PR-PC] Development Application DA06/1334 for Refurbishment of the Riverview Hotel at Lot 1, 2, 3 DP 240942; Lot 1 DP 779847, No. 267 Tweed Valley Way, South Murwillumbah

P 82 COMMITTEE DECISION:

**Administrator Payne
Administrator Boyd**

RECOMMENDED that Development Application DA06/1334 for a refurbishment of the Riverview Hotel at Lot 1, 2, 3 DP 240942; Lot 1 DP 779847, No. 267 Tweed Valley Way South Murwillumbah 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 1-3 of Dwg No.1532 (amendment A) prepared by Ian Webb Building Design and dated 17/01/07, 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. 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]
4. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.

[GEN0265]
5. The lots are to be consolidated into one (1) lot under one (1) title. The plan of consolidation shall be registered with the Lands Titles Office and evidence provided to Council, within twelve (12) months of the date of this development consent.

[GENNS01]
6. Council advises that the land is subject to flooding with a Design Flood Level of 6.2m AHD. As such, the development is subject to the provisions of Council's 'Development Control Plan Section A3 - Development of Flood Liable Land' and the 'Tweed Valley Floodplain Risk Management Study Part II - Planning Controls for High Flow Areas.'

[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. Any car parking floodlighting shall not spill beyond the boundaries of the site. Lighting shall comply with AS 4282 and other relevant Australian Standards. A plan of the lighting shall be approved by the Principal Certifying Authority PRIOR to the issue of a Construction Certificate.

[PCC0055]
8. The developer shall provide twenty-seven (27) off street car parking spaces and three (3) queued spaces along the driveway of the drive through bottle shop, including parking for the disabled in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.

Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to and approved by the Council's General Manager or his delegate prior to the issue of a construction certificate.

[PCC0065]
9. 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: | \$21,624 |
| S94 Plan No. 4 (Version 4.0) | |
| Sector9_4 | |
|
 | |
| (b) Extensions to Council Administration Offices | |
| & Technical Support Facilities | \$399.36 |
| S94 Plan No. 18 | |

[PCC0215]

10. 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:

Sewer Murwillumbah: 0.0969 ET @ \$4804 \$466

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]

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. Prior to the issue of a construction certificate, documentary evidence shall be submitted to Tweed Shire Council demonstrating that a Part 3A Permit has been obtained for works within 40m of a natural water course or that intersect the ground water table.

[PCC0575]

13. Design detail shall be provided to address the flood compatibility of the proposed structure including the following specific matters:

- (a) The habitable accommodation area of the building is to be a minimum of 500mm above the Design Flood Level of RL 6.2m AHD as specified in Tweed Shire Council Development Control Plan, Part A3.
- (b) All building materials used below Council's design flood level must not be susceptible to water damage.
- (c) Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should to suitably treated to withstand continuous submergence in water and provide appropriate earth leakage devices.
- (d) Define adequate provision for the flood free storage for goods and equipment susceptible to water damage.

[PCC0705]

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

[PCC0735]

15. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications for the following required works: -

- (a) The existing access to the property must be upgraded to comply with Council's "Vehicular Access to Property Construction Specification" pamphlet and Standard Drawing SD.011 for commercial development.
- (b) 1.2m footpath along the frontage of the site to Tweed Valley Way.

The above mentioned engineering plan submission must include copies of compliance certificates relied upon and details relevant to but not limited to the following: -

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

[PCC0895]

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

- (a) Stormwater runoff from the car park and all other hardstand areas (excluding roof areas) shall be treated to remove oil and grit in accordance with Council's Development Design Specification D7 - Stormwater Quality.
- (b) 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*.
- (c) 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.
- (d) 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]

17. 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]

18. 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 connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works) prior to the issue of a construction certificate.

[PCC1195]

19. Where a private certifier is appointed, prior to release of the construction certificate, documentation shall be provided to the satisfaction of Council's Environment and Health Services Unit detailing the construction of the food premises.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

20. 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]

21. 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]

22. 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]

23. 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]

24. 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]

DURING CONSTRUCTION

25. The provision of twenty-seven (27) off street car parking spaces and three (3) queued spaces along the driveway of the drive through bottle shop, including parking for the disabled where applicable. The layout and construction standards to be in accordance with Tweed Shire Council Development Control Plan, Part A2 - Site Access and Parking Code.

The car park shall be sealed and line marked in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.

[DUR0085]

26. 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]

27. 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]
28. 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]
29. 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]
30. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Occupational Health and Safety Regulation 2001.
[DUR0415]
31. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Occupational Health and Safety Regulation 2001.
[DUR0645]
32. 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]
33. All works shall be carried out in accordance with Councils Acid Sulfate Soils Management Plan for Minor Works. A signed copy of this Management Plan shall be submitted to Council prior to the commencement of works.
[DUR1075]
34. Exit signs which comply with Part E4.5 of the Building Code of Australia and are designed in accordance with Part E4.8 of the Building Code of Australia and are to be installed. Mounting heights shall be in accordance with AS2293.1.
[DUR1295]
35. Emergency lighting to comply with Part E4.2 of the Building Code of Australia shall be provided. Details of the system to be used and a certificate from the electrical engineer to certify that the system will comply with all relevant requirements of Part E4.4 of the Building Code of Australia and AS 2293.1 are to be submitted to the PCA prior to installation.
[DUR1305]
36. Doors forming exits, paths of travel to exits and parts of exits shall comply with the relevant provisions of D2.19 and D2.20 & NSW D2.21 of the Building Code of Australia.
[DUR1315]
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37. Subject to the requirements of the local electricity authority, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level shall be provided with earth leakage devices.
- [DUR1415]
38. Separate hand washing facilities must be provided with warm water and located in a position where it can be easily accessed by food handlers and be of a size that allows easy and effective hand washing to the satisfaction of the General Manager or his delegate.
- [DUR1545]
39. 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]
40. Where a building or part of a building is required, under the provisions of Section D of the Building Code of Australia, to be accessible to permit use by people with disabilities, prominently displayed signs and symbols shall be provided to identify accessible routes, areas and facilities. The signage, including Braille or tactile signage, should be installed in accordance with the relevant provisions of the Building Code of Australia and achieve the minimum design requirements provided under AS1428.
- [DUR1695]
41. Where access for people with disabilities is required to be provided to a building, sanitary facilities for the use of the disabled must also be provided in accordance with the provisions Part F-2 of the Building Code of Australia.
- [DUR1705]
42. A concrete ribbon footpath 1.2 metres wide and 100 millimetres thick is to be constructed on a compacted base along the entire frontage of the site to Tweed Valley Way in accordance with Councils Development Design and Construction Specifications.
- 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.
- [DUR1735]
43. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
- [DUR1875]
44. The proponent shall comply with all requirements tabled within any approval issued under Section 138 of the Roads Act.
- [DUR1885]
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. 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]

47. 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]

48. 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]

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

[DUR2535]

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:-

- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- * 50⁰C 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. The proponent shall comply with all requirements tabled within any approval issued under Section 68 of the Local Government Act.

[DUR2625]

53. The existing "Residential" sprinkler system is to be adjusted, under hydraulic engineers design , to cover the whole of the building in accordance with AS 2118.4, unless the whole of the ground floor ceiling is protected with a fire rated ceiling in accordance with the relevant provisions of the Building Code of Australia. Plans by the hydraulic engineer showing the necessary adjustments to the sprinkler system are to be submitted to the Principal Certifying Authority for approval.

[DURNS01]

54. An automatic smoke detection and alarm system complying with AS1670 is to be installed throughout the building. Plans by an electrical engineer showing adjustments to the existing system are to be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

[DURNS02]

55. Any premises used for the storage, preparation or sale of food is to comply with the relevant provisions of the Food Act 2003 and Australian Standard *AS4674 Design, Construction and Fitout of Food Premises*.

[DURNS03]

56. Adequate and effective sediment and erosion control measures shall be installed prior to commencement of works and maintained throughout the construction period and re-establishment of the landscape.

[DURNS04]

57. A physical barrier system consisting of street bollards or equivalent shall be provided at 1.5m intervals between the public footpath and the internal car park area to prevent vehicles from parking on the footpath area.

Street bollards or equivalent shall also be provided at 1.5m intervals, along a portion of the property boundary between existing Lot 1 DP779847 and neighbouring Lot 1 DP 779841, to prevent vehicular access between the 2 neighbouring car parks.

[DURNS05]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

58. 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]

59. 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]

60. A satisfactory final inspection of the building is to be carried out by Council prior to occupation or use commencing.

[POC0255]

61. 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]

62. 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]

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

[POC1055]

64. An updated Place of Public Entertainment approval shall be acquired.

[POCNS01]

USE

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

[USE0175]

66. Prior to commencement of operations of FINAL health inspection shall be undertaken, and use approved, by Council's Environment and Health Officer.

[USENS01]

67. The operation of the premises shall comply with the Food Act 2003.

[USENS02]

GENERAL TERMS OF APPROVAL

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

1. Erosion and sediment control measures are required to be implemented prior to any works commencing and must be maintained for as long as necessary after the completion of works, to prevent sediment and dirty water entering the Tweed River.
2. Excavated material may contain potential acid sulfate soils accordingly appropriate management measures shall be employed to control any acid sulfate soil impacts in accordance with the Acid Sulfate Soils Management Plan for Minor Works.
3. Excavation operations and construction activities shall be conducted with minimal impact on riparian vegetation.

FOR VOTE - Unanimous

P6 [PR-PC] Development Application DA06/0832 for a boundary adjustment at Lot 1 DP 601049; Clothiers Creek Road & Lot 1 DP 1084992; No. 15 Tanglewood Drive Tanglewood

P 83 COMMITTEE DECISION:

**Administrator Payne
Administrator Boyd**

RECOMMENDED that Development Application DA06/0832 for a boundary adjustment at Lot 1 DP 601049; Clothiers Creek Road & Lot 1 DP 1084992; No. 15 Tanglewood Drive, Tanglewood 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 37342-3 prepared by McLauchlan Surveying and dated 12/07/06, except where varied by the conditions of this consent.
[GEN0005]
2. The subdivision is to be carried out in accordance with Tweed Shire Council Development Control Plan Part A5 - Subdivision Manual and Councils adopted Development Design and Construction Specifications.
[GEN0125]
3. 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]
4. Prior to commencement of work, a construction certificate shall be obtained for the works proposed by this consent.
[GEN0185]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. To resolve inconsistencies with Development Consent 1038/2000DA as a consequence of this approval, prior to the issue of a construction certificate the applicant must either;
 - Submit an application to amend Development Consent 1038/2000DA so that it is compatible with the revised lot boundaries and construction requirements as approved by this consent.

Or

 - Pursuant to Section 80A(1)(B) of the Environmental Planning and Assessment Act, 1979 (as amended) and Clause 97 of the Environmental Planning and Assessment Regulations, 2000 development consent No. 1083/2000DA dated 16/1/2001 shall be surrendered by lodgement of the prescribed information suitably executed, PRIOR to the issue of a Construction Certificate/Subdivision Certificate.

[PCC0005]

6. 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, be accompanied by the required attachments and prescribed fee.

Receipt of approval is to be obtained prior to the issue of a construction certificate for works within the development site.

[PCC0075]

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

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

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

[PCC0275]

8. 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]

9. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17⁰ or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.

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

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

[PCC0455]

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

RIGHT OF WAY

- (a) Construction of a 3.6m wide 150mm thick concrete driveway with F82 mesh, with passing bays, for the full extent of the right away.

[PCC0875]

11. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for any works within the road reserve.

[PCC0885]

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

- (a) copies of compliance certificates relied upon

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

- earthworks
- roadworks/access construction
- stormwater drainage
- sedimentation and erosion management plans
- location of all service conduits (water, sewer, Country Energy and Telstra)

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

[PCC0985]

13. 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.

[PCC1105]

14. 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

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.

Where Council is requested to issue a construction certificate for civil works associated with this consent, the abovementioned works can be incorporated as part of the cc application, to enable one single approval to be issued. Separate approval under section 68 of the LG Act will then NOT be required.

[PCC1145]

15. 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]

16. A section 68 approval shall be obtained prior to the placement or operation of any on site sewage management system.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

17. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]

18. Prior to the commencement of works, the applicant shall ensure that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared and put in place in accordance with either:-

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

[PCW0025]

19. Civil work in accordance with a development consent must not be commenced until:-
- (a) a construction certificate for the civil work has been issued in accordance with Councils adopted Development Design and Construction Specification C101 by:
 - (i) the consent authority, or
 - (ii) an accredited certifier, and
 - (b) the person having the benefit of the development consent:
 - (i) has appointed a principal certifying authority,
 - (ii) has appointed a Subdivision Works Accredited Certifier (SWAC) in accordance with the Building Professionals Board Accreditation Scheme. As a minimum the SWAC shall possess accreditation in the following categories:
 - B1: Accredited Certifier – Subdivision certificate
 - C3: Accredited Certifier – Stormwater Management and facilities design compliance
 - C4: Accredited Certifier – Stormwater management facilities construction compliance
 - C5: Subdivision works and building works (location of works as constructed) compliance
 - C6: Accredited Certifier – Subdivision road and drainage construction complianceThe SWAC shall provide documentary evidence to Council demonstrating current accreditation with the Building Professionals Board prior to approval and issue of any Construction Certificate, and
 - (iii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment,
 - (iv) a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Subdivision Works Accredited Certifier is erected and maintained in a prominent position at the entry to the site in accordance with Councils Development Design and Construction Specifications. The sign is to remain in place until the Subdivision Certificate is issued, and
 - (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the civil work.

[PCW0815]

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

[PCW0835]

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

[PCW0985]

DURING CONSTRUCTION

22. Construction of the right of carriageway in accordance with the provisions of Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual and Councils Development Design and Construction Specification.

[DUR0055]

23. 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]

24. All new residential dwellings (and extensions comprising over 50% of the original floor area) are to fully comply with Tweed Shire Council Development Control Plan, Part A9 - Energy Smart Housing Policy. In order to comply with the Policy consideration must be given to the building envelope, orientation, insulation, ventilation, thermal mass and zoning.

[DUR0915]

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

[DUR0985]

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

[DUR0995]

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

- Noise, water or air pollution
- 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. 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]

30. The contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times.

[DUR2015]

31. The works are to be completed in accordance with Tweed Shire Councils Development Control Plan, Part A5 - Subdivision Manual and Design & Construction Specifications, including variations to the approved drawings as may be required due to insufficient detail shown on the drawings or to ensure that Council policy and/or good engineering practices are achieved.

[DUR2025]

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. Appropriate measures are to be put in place during the construction and/or demolition 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]

34. The On-site Sewage Management System shall be installed in accordance with an Approval to Install an On-site Sewage Management System under Section 68 of the Local Government Act 1993.

[DUR2775]

35. A registered spotter/catcher is to be present during all civil works to ensure safe dispersal of fauna into adjacent habitats.

[DURNS01]

36. All cut and fill batters shall be contained wholly within the subject land.

[DURNS02]

USE

37. 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, odours or the like.

[USE0125]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

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

[PSC0005]

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

[PSC0725]

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

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

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

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

[PSC0735]

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

[PSC0825]

42. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:

- (a) Easements for sewer, water supply and drainage over ALL services on private property.
- (b) Creation of a Right of Carriageway with a minimum width of 10m, sufficient to contain the required access driveway, passing bays, ancillary drainage, batters and services where necessary.
- (c) The above mentioned Right of Carriageway shall also incorporate an Easement for Services.
- (d) A Restriction As To User shall be created over both lots such that;
 - Areas external to the nominated building site within each lot are to be retained in a natural state for conservation purposes.
 - Provision of fauna-friendly fencing for the boundaries and within the lots, to allow unhindered dispersal of fauna across the site.
 - Construction of a dog containment fence where future owners have dogs. The fence must be contained within the APZ area or a

maximum of 3000 sqm, whichever is the larger. Such fencing to be designed to minimise predation on local fauna.

- All future owners are to be provided with a copy of the Environmental Education Brochure generally as per the example @ Attachment 7 of the S.E.E - which is to be amended to change the reference to Gold Coast City Council on page 4, to Tweed Shire Council.
- (e) A Restriction As To User shall be created over proposed Lot B as an advisory measure, to ensure prospective owners are aware that alternative arrangements will need to be made for an independent water supply and for suitable provisions regarding Rural Fire Service requirements in the event of bush fires.

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

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

[PSC0835]

43. Submit to Council's property officer an appropriate plan indicating the rural address number to both new and existing lots for approval. Prior to the issue of a Subdivision Certificate, each lot shall have its' rural address number displayed in accordance with Council's "Rural Addressing Policy".

[PSC0845]

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

[PSC0865]

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

The following information must accompany an application:

- (a) original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.
- (b) all detail as tabled within Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, CL 7.6 and Councils Application for Subdivision Certificate including the attached notes.

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

[PSC0885]

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

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

Note:

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

[PSC0915]

47. The lots are to be retitled with numbers instead of alphabetical representations.

[PSCNS01]

48. The nominated building envelopes are to be shown on the plan of subdivision.

[PSCNS02]

GENERAL TERMS OF APPROVAL UNDER SECTION 100B OF THE RURAL FIRES ACT 1997

- 1. Access is to comply with section 4.3.2 Planning for Bushfire Protection 2001.
- 2. Any proposed Fire Trails shall comply with section 4.3.3 Planning for Bushfire Protection 2001.
- 3. Any future development of individual allotments identified as bushfire prone land within the new subdivisions may be subject to section 79BA of the EP&A Act 1997 and further assessment as outlined within Planning for Bushfire Protection, 2001.

FOR VOTE - Unanimous

P7 [PR-PC] Development Application DA06/0897 for a nine (9) lot subdivision at Lot 1 DP 601049; Clothiers Creek Road & Lot 1 DP 1084992; No. 15 Tanglewood Drive Tanglewood

P 84 COMMITTEE DECISION:

**Administrator Payne
Administrator Boyd**

RECOMMENDED that Development Application DA06/0897 for a nine (9) lot subdivision at Lot 1 DP 601049 Clothiers Creek Road & Lot 1 DP 1084992; No. 15 Tanglewood Drive Tanglewood 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 37342-3 prepared by McLauchlan Surveying and dated 12.7.07, except where varied by the conditions of this consent.

[GEN0005]
2. The use of crushing plant machinery, mechanical screening or mechanical blending of materials is subject to separate development application.

[GEN0045]
3. The subdivision is to be carried out in accordance with Tweed Shire Council Development Control Plan Part A5 - Subdivision Manual and Councils adopted Development Design and Construction Specifications.

[GEN0125]
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. Prior to commencement of work, a construction certificate shall be obtained for the works proposed by this consent.

[GEN0185]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. 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, be accompanied by the required attachments and prescribed fee.

Receipt of approval is to be obtained prior to the issue of a construction certificate for works within the development site.

[PCC0075]
7. Prior to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works (minimum \$1,000).

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

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

[PCC0275]
8. 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]

9. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17⁰ or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.

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

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

[PCC0455]

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

[PCC0865]

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

- 1) Construction of a rural standard bitumen sealed road with a 6m (minimum) pavement width for the full extent of the proposed road. It is noted that the steep road grades will necessitate the provision of kerb and gutter for much of it's length, in accordance with TSC Development Design Specification D1.
- 2) The minimum road reserve width shall be 20m, beyond the extent of the existing access handle for Lot 1 DP 1084992.
- 3) The depths of cut and fill to facilitate road construction may require batters that could be difficult to contain within the proposed 20m road reserve. In this scenario, the road reserve will need to be widened accordingly.
- 4) Bitumen sealed driveway access is to be provided to all lots in accordance with TSC Consolidated DCP Item 5.05.6. This includes the requirement for access gates. Details to be shown on the construction certificate application.

- 5) The road reserve boundary is to be fenced in accordance with TSC Development Design Specification D1 – Item D1.32. Any fencing to be erected shall be fauna-friendly, to permit unhindered dispersal of fauna across the site.
 - 6) The proposed road is to incorporate Koala signage.
 - 7) The construction certificate application will need to incorporate and clearly show the works recommended by the Bushfire Threat Assessment Report, including;
 - a) Construction of passing bays every 200m on the existing perimeter fire trail.
 - b) Minor vegetative clearing at the nominated dwelling sites, to create the required Asset Protection Zones (APZ's).
 - 8) Road design must comply with the requirements of “Planning for Bushfire Protection 2006”. This will include the necessary widening of the proposed road pavement at the tight corners.
 - 9) A bitumen sealed turning area (18m diameter) shall be provided at the end of the road, as per TSC Development Design Specification D1 – Item D1.27.3
 - 10) The road design shall make provision for pedestrians and cyclists.
 - 11) The proposed road culvert tailouts may require the creation of drainage easements to cover the concentrated discharge flows until they are returned back to the existing natural flow path regimes. The need for easements will be assessed upon submission of the construction certificate application.
- [PCC0875]*
12. Prior to the issue of a Construction Certificate the following detail in accordance with Councils adopted Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.
 - (a) copies of compliance certificates relied upon
 - (b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
 - earthworks
 - roadworks/furnishings
 - stormwater drainage
 - landscaping works
 - sedimentation and erosion management plans
 - location of all service conduits (water, sewer, Country Energy and Telstra)

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

[PCC0985]

13. 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.

[PCC1105]

14. 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

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.

Where Council is requested to issue a construction certificate for civil works associated with this consent, the abovementioned works can be incorporated as part of the cc application, to enable one single approval to be issued. Separate approval under section 68 of the LG Act will then NOT be required.

[PCC1145]

15. 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]

16. Details of the intended method of water storage are to be submitted to the Principal Certifying Authority for approval. Please note that the minimum storage capacity required shall be 20,000 litres for each dwelling house.

[PCC1215]

17. Prior to the issue of any construction certificate, the proposed boundary adjustment under DA06/0832 will need to be improved, completed, and documentary evidence of registration of the plan of subdivision submitted to Council.

[PCCNS01]

18. Rehabilitation of both the Open Eucalypt Forest and Eucalypt Woodland associations (including weed management and revegetation works) is to be undertaken where unaffected by the APZ, to promote and enhance both the environmental integrity of such areas and connective value between proximate habitats available within the sub region.

[PCCNS02]

19. The applicant is to submit to Council's satisfaction, a plan detailing additional environmental enhancement works across the site. The plan is to concentrate on compensatory planting (particularly koala food trees) in areas that are unaffected by any subdivision works.

[PCCNS03]

20. A Plan of Management relating to koala habitat is to be prepared to the satisfaction of Council's Director of Development Services or his delegate. The Plan is to identify any potential koala food trees on the subject land and outline general measures to ensure the impact of the subdivision on any remaining koala population is minimised.

[PCCNS04]

PRIOR TO COMMENCEMENT OF WORK

21. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]

22. 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]

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

- (a) a construction certificate for the civil work has been issued in accordance with Councils adopted Development Design and Construction Specification C101 by:
 - (i) the consent authority, or
 - (ii) an accredited certifier, and
- (b) the person having the benefit of the development consent:
 - (i) has appointed a principal certifying authority,
 - (ii) has appointed a Subdivision Works Accredited Certifier (SWAC) in accordance with the Building Professionals Board Accreditation Scheme. As a minimum the SWAC shall possess accreditation in the following categories:
 - B1: Accredited Certifier – Subdivision certificate
 - C3: Accredited Certifier – Stormwater Management and facilities design compliance
 - C4: Accredited Certifier – Stormwater management facilities construction compliance
 - C5: Subdivision works and building works (location of works as constructed) compliance
 - C6: Accredited Certifier – Subdivision road and drainage construction compliance

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

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

[PCW0815]

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

[PCW0835]

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

[PCW0985]

DURING CONSTRUCTION

27. 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]

28. 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]

29. No filling is to be placed hydraulically within twenty metres (20m) of any boundary that adjoins private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.

No filling of any description is to be deposited, or remain deposited, within adjacent properties.

[DUR0765]

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

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

[DUR0795]

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

[DUR0815]

32. All new residential dwellings (and extensions comprising over 50% of the original floor area) are to fully comply with Tweed Shire Council Development Control Plan, Part A9 - Energy Smart Housing Policy. In order to comply with

the Policy consideration must be given to the building envelope, orientation, insulation, ventilation, thermal mass and zoning.

[DUR0915]

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

[DUR0985]

34. 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]

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

36. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. All such materials should be chipped on site and used in landscaping unless it is not possible due to size, non suitability of the material or some other limitation, in which case the material will be disposed of at Council's Stotts Creek depot.

[DUR1015]

37. 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]

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

[DUR1795]

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

- (a) That the pavement has been designed in accordance with Tweed Shire Councils Development Design Specification, D2.
- (b) That the pavement materials to be used comply with the specifications tabled in Tweed Shire Councils Construction Specifications, C242-C245, C247, C248 and C255.

- (c) That site fill areas have been compacted to the specified standard.
 - (d) That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
- [DUR1805]
40. During the relevant stages of road construction, reports shall be submitted to the PCA by a Registered NATA Geotechnical firm demonstrating.
- (a) That the pavement layers have been compacted in accordance with Councils adopted Design and Construction Specifications.
 - (b) That pavement testing has been completed in accordance with Table 8.1 of AS 3798 including the provision of a core profile for the full depth of the pavement.
- [DUR1825]
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. Tweed Shire Council shall be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, Appendix D, based on the rates contained in Council's current Fees and Charges:-

Roadworks

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

Drainage

- (a) Excavation
- (b) Bedding
- (c) Laying/jointing
- (d) Manholes/pits
- (e) Backfilling

- (f) Permanent erosion and sedimentation control measures
- (g) Drainage channels
- (h) Final inspection - on maintenance
- (i) Off maintenance

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

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

[DUR1895]

43. The contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times.

[DUR2015]

44. The works are to be completed in accordance with Tweed Shire Councils Development Control Plan, Part A5 - Subdivision Manual and Design & Construction Specifications, including variations to the approved drawings as may be required due to insufficient detail shown on the drawings or to ensure that Council policy and/or good engineering practices are achieved.

[DUR2025]

45. The applicant shall obtain the written approval of Council to the proposed road/street names. Approved names are to be in accordance with Council's Road Naming Policy adopted on 7 August 1996 and are to be shown on the Plan of Subdivision accompanying the application for a Subdivision Certificate.

To avoid confusion resulting from duplication of private driveway/accessway name and public road/street names, the applicant shall submit to Council for approval the proposed name(s) of any private driveway/accessways.

[DUR2035]

46. 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]

47. 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.

[DUR2205]

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

[DUR2355]

49. 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]

50. Appropriate measures are to be put in place during the construction and/or demolition 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]

51. 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]

52. Allotment APZ area boundaries are to be clearly designated, to avoid accidental damage to retained vegetation associated with site works.

[DURNS01]

53. A registered spotter-catcher is to be present during all approved clearing works to ensure safe dispersal of fauna towards the Open Eucalypt Forest association.

[DURNS02]

54. Routine monitoring of the continued viability of retained vegetation contained within both the Open Eucalypt Forest and Eucalypt Woodland associations during construction works, by a suitably qualified ecologist.

[DURNS03]

55. All fill and cut batters shall be contained wholly within the subject land.

[DURNS04]

USE

56. 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, odours or the like.

[USE0125]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

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

[PSC0005]

58. Section 94 Contributions

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

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979, a Subdivision 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: S94 Plan No. 4 (Version 4.0) Sector7a_4	\$45,136
(b) Open Space (Structured): S94 Plan No. 5	\$6,240
(c) Open Space (Casual): S94 Plan No. 5	\$1,336
(d) Shirewide Library Facilities: S94 Plan No. 11	\$5,504
(e) Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$1,048
(f) Community Facilities (Tweed Coast - South) S94 Plan No. 15 South Coast	\$4,672
(g) Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$1,600
(h) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$15,974.40
(i) Regional Open Space (Structured) S94 Plan No. 26	\$18,616
(j) Regional Open Space (Casual) S94 Plan No. 26	\$6,840

[PSC0175]

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

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

month period.

[PSC0215]

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

[PSC0725]

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

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

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

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

[PSC0735]

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

[PSC0825]

63. Prior to the issue of a subdivision certificate the Plan of Management referred to in Condition 19 is to be implemented.

64. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:

- (a) Easements for sewer, water supply and drainage over ALL services on private property.

- (b) A Restriction As To User shall be created over all lots such that;

- a) Areas external to the nominated building site on each lot are to be maintained for conservation purposes in accordance with the Management Plan referred to in Condition 19.
- b) Provision of fauna-friendly fencing for all boundary and internal fencing, to permit the unhindered dispersal of fauna across the site.
- c) Incorporation of domestic animal – dog containment fencing for any future owners with dogs. Such fencing is to be contained within the APZ area or to a maximum of 1000sqm whichever is the larger. Such fencing is to be designed to minimise predation on protected fauna.
- d) All future owners are to be provided with a copy of the Environmental Education Brochure generally as per the example @ Attachment 7 of the S.E.E. – which is to be amended to change the

reference to Gold Coast City Council on page 4, to Tweed Shire Council.

- e) As an advisory measure directed at prospective purchasers, include a statement that the property is not connected to reticulated water or sewerage services, and that alternative arrangements will need to be made for same. This will also need to include provisions to satisfy Rural Fire Service requirements in the event of bushfires.
- (c) Drainage easements may need to be created over the tailouts from road culverts.

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

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

[PSC0835]

- 65. Submit to Council's property officer an appropriate plan indicating the rural address number to both new and existing lots for approval. Prior to the issue of a Subdivision Certificate, each lot shall have its' rural address number displayed in accordance with Council's "Rural Addressing Policy".

[PSC0845]

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

[PSC0855]

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

[PSC0865]

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

The following information must accompany an application:

- (a) original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.
- (b) all detail as tabled within Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, CL 7.6 and Councils Application for Subdivision Certificate including the attached notes.

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

[PSC0885]

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

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

Note:

1. All compliance certificate applications must be accompanied by documentary evidence from the developers Subdivision Works Accredited Certifier (SWAC) certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, Tweed Shire Council's Development Control Plan Part A5 - Subdivision Manual and Councils Design and Construction Specifications.
2. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".

[PSC0915]

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

[PSC0925]

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

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

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

[PSC1065]

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

[PSC1165]

73. The production of written evidence from the local electricity supply authority certifying that the reticulation of overhead electricity (rural subdivisions) has been completed.

[PSC1175]

74. The nominated building sites and APZ boundaries are to be clearly identified on each lot.

[PSCNS01]

GENERAL TERMS OF APPROVAL UNDER SECTION 100B OF THE RURAL FIRES ACT 1997

1. 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.
2. Access is to comply with Section 4.3.1 Planning for Bushfire Protection 2001.
3. Fire Trails are to comply with Section 4.3.3 of 'Planning for Bushfire Protection 2001'.
4. At the commencement of building works and in perpetuity, the property around the dwelling (in all directions) on proposed Lots 1, 2 & 3 to a distance of 60 metres shall be maintained as an 'Inner Protection Area' (IPA) and 10 metres shall be maintained as an Outer Protection Area (OPA) as outlined within Section 4.2.2 in 'Planning for Bushfire Protection 2001'.
5. At the commencement of building works and in perpetuity, the property around the dwelling on proposed Lots 4, 5 & 6 shall be managed as follows:-
 - a) North for a distance of 50 metres as an 'Inner Protection Area'; and 10m as an 'Outer Protection Area'.
 - b) South for a distance of 20 metres as an 'Inner Protection Area'; and
 - c) East and west for a distance of 30 metres as an 'Inner Protection Area' and 10 metres as an 'Outer Protection Area'.
6. At the commencement of building works and in perpetuity, the property around the dwelling (in all directions) on proposed Lots 7 & 8 to a distance of 30 metres shall be maintained as an 'Inner Protection Area' (IPA) as outlined within Section 4.2.2 in 'Planning for Bushfire Protection 2001'.
7. At the commencement of building works and in perpetuity, the property around the dwelling (in all directions) on proposed Lot 9 to a distance of 50 metres shall be maintained as an 'Inner Protection Area' (IPA) and 10 metres shall be maintained as an Outer Protection Area (OPA) as outlined within Section 4.2.2 in 'Planning for Bushfire Protection 2001'.
8. Section 88B restriction as to user shall be placed on all lots within the subdivision requiring the provision of the required asset protection zones. These APZ's are based on AS3959 Level 3 Construction.
9. Any future development of individual allotments identified as bushfire prone land within the new subdivision may be subject to Section 79BA of the EP&A Act 1979 and further assessment as outlined within Planning for Bushfire Protection, 2001.

Note: This assessment is based upon the potential dwelling envelopes identified on the subdivision plan prepared by McLauchlan Surveying dated 12/07/06 which formed Appendix A of the Bushfire Threat Assessment Report prepared by Planit Consulting dated July 2006.

FOR VOTE - Unanimous

P8 [PR-PC] Development Application DA06/1458 for a Detached Dual Occupancy at Lot 378 DP 715226, No. 9 Castlecrag Avenue, Banora Point

P 85 COMMITTEE DECISION:

**Administrator Payne
Administrator Boyd**

RECOMMENDED that Development Application DA06/1458 for a detached dual occupancy at Lot 378 DP 715226, No. 9 Castlecrag Avenue, Banora Point be refused for the following reasons: -

1. The proposal is not compliant with Performance Criteria in section A1 of Council's DCP (Multi-Dwelling Housing and Tourist Accommodation), particularly relating to stormwater and open space.
2. The proposal is not compliant with Section A2 of Council's DCP (Site Access and Parking Code).
3. Insufficient information has been provided to determine the impact of the dwelling on the streetscape character.
4. The design of the dwelling does not allow for suitable residential amenity for future occupants.

FOR VOTE - Unanimous

P9 [PR-PC] DA06/0682.05 for an Amendment to Development Consent DA06/0682 for Recreation Establishment Comprising of Meditation Centre, Accommodation Wings for Up to 20 Guests, Administration, Dining & Kitchen Facilities, Bathroom Amenities, Car Parking, Sp

P 86 COMMITTEE DECISION:

**Administrator Payne
Administrator Boyd**

RECOMMENDED that: -

- A. Section 96 application DA06/0682.05 for an amendment to Development Consent DA06/0682 for a recreation establishment comprising of meditation centre, accommodation wings for up to twenty guests, administration, dining and kitchen facilities, bathroom amenities, car parking, spa and massage facilities at Lot 93 DP 807666, No. 128 Bonnydoon Road, Uki be amended as follows: -

- Condition No 2 which currently reads:

The development shall be completed in accordance with the Statement of Environmental Effects and the Plan No's 1 - 13 prepared by John Robinson Design and Drafting Services and dated February 2006; drawing No. 01956 Rev. B Sheets 1 & 2 prepared by B & P Surveys and dated 3 February 2006, except where varied by the conditions of this consent.

Shall be deleted and a new Condition 2A to be inserted as follows:

2A *The development shall be completed in accordance with the Statement of Environmental Effects and the following plans, except where varied by the conditions of this consent.*

- *Plan No's 1 – 5, 7- 8, 10, 12 & 13, dated February 2006 2007 prepared by John Robinson Design and Drafting Services;*
- *Plan No 09A, dated May 2007 prepared by John Robinson Design and Drafting Services;*
- *Plan No 6, received 9 July 2007, titled 'Reception Side Entry Way Amendment', prepared by John Robinson Design and Drafting Services; and drawing No. 01956 Rev. B Sheets 1 & 2 prepared by B & P Surveys and dated 3 February 2006.*

- Condition 19 which currently reads:

19. *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.

Shall be deleted and condition 19A shall be inserted as follows:

19A. The erection of a building or any modifications to 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.

- Condition 70 which currently reads:

No intensification of use of the retreat beyond the provision of six 10-day and twelve 3-day meditation retreats per year is permitted without the approval of the General Manager or his delegate.

Shall be deleted and a new condition 70A to be inserted which reads:

70A No intensification of use of the retreat beyond the provision of; four 10 day retreats, six 5 day retreat; two 3 day retreats, and seven 2 day retreats are permitted without the approval of the General Manager or his delegate.

- B. The Terms of Restriction on Use referred to in the 88E instrument be amended to reflect the modifications, prior to the commencement of the use.

FOR VOTE - Unanimous

P10 [PR-PC] Development Application DA06/1092 for a Cat Boarding Establishment at Lot 1 DP 581658, No. 275 Burringbar Road, Burringbar

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

Mr Craig Handley

P 87 COMMITTEE DECISION:

**Administrator Payne
Administrator Boyd**

RECOMMENDED that Development Application DA06/1092 for a cat boarding establishment at Lot 1 DP 581658, No. 275 Burringbar Road, Burringbar be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Detail of Cat Cages prepared by Creagh Handley and dated 4 May 2007, Sheets 2-4 of 5 prepared by Creagh Handley and dated 19 September 2006 and Sheets 5-7 of 7 prepared by Creagh Handley and dated 24 January 2007, except where varied by the conditions of this consent.

[GEN0005]

2. This consent is limited to a period of two (2) years from the date of the Final Occupation Certificate of the building. If the cat boarding facility is to operate beyond this two (2) year period a Section 96 Application will need to be submitted to Council at least two (2) months prior to the expiry of the two (2) year period.

[GENNS02]

3. Advertising structures/signs to be the subject of a separate development application (where statutorily required).
[GEN0065]
4. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
[GEN0115]
5. Cats shall be kept within the enclosed boarding area at all times and shall not be permitted to roam.
6. The cat boarding area shall be provided with a hand wash basin with warm water to the satisfaction of the General Manager or his delegate.
7. External walls to the cat boarding area (not including reception area) shall be of solid masonry construction. All internal wall surfaces within the cat boarding area shall be impervious, solid, washable materials. Wall and floor junctions shall be sealed to facilitate cleaning and disinfection.
8. Not more than 25 cats shall be boarded or kept at the premise at any time.
9. All solid waste from pens, including manure, solid litter and soiled bedding, shall be removed from pens on a daily basis. This material shall be stored and disposed to the satisfaction of the General Manager or his delegate and shall not be directed to the OSSMF. Waste materials shall be disposed of off site by way of an approved waste collection and disposal service not less than once per week unless an alternative has been approved in writing by the General Manager of his delegate.
10. Wastes shall be stored in a suitable container with a tight fitting lid and suitably bagged prior to placement in the bin.
11. The cleaning of pens shall be a dry process and shall not be permitted to generate large volumes of waste water. This process shall be carried out to the satisfaction of the General Manager or his delegate.
12. All animal foods shall be stored in a dry and healthy state, free from vermin. The premise, including animal sleeping areas, shall be maintained in a healthy condition and free from vermin and odour.
13. A hand basin provided with warm water shall be provided within the cat boarding work area.
[GENNS01]
14. The keeping (including the micro-chipping and registration) of other domestic animals on the property shall be done so in accordance with the Companion Animals act 1998 and Local Government Act 1993.
[GENNS03]
15. The installation of the wastewater treatment system for the wash-down wastewater from the cattery shall be in accordance with the Interbuild Pty Ltd Cattery Wash-down Wastewater Design Plan prepared by Ian Simpson and dated 4 May 2007.
[GENNS04]
16. The on-site sewerage management system is not to be utilised for treatment or disposal of cat faecal matter or urine.
[GENNS05]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

17. 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: | \$3,063 |
| S94 Plan No. 4 (Version 4.0) | |
| Sector11_4 | |

[PCC0215]

18. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all footings and slabs, including a certificate of sufficiency of design prior to the determination of a construction certificate.

[PCC0935]

19. 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]

20. 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

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.

Where Council is requested to issue a construction certificate for civil works associated with this consent, the abovementioned works can be incorporated as part of the cc application, to enable one single approval to be issued. Separate approval under section 68 of the LG Act will then NOT be required.

[PCC1145]

21. 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 prior to the issue of a construction certificate.

[PCC1195]

PRIOR TO COMMENCEMENT OF WORK

22. 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]

23. 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]

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. Prior to the commencement of building work, a certificate signed by a registered professional engineer is to be submitted to the Principal Certifying Authority to certify that adequate consolidation of foundation material has been achieved to support the proposed structure.

[PCW0755]

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

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

This sign is to remain in position for the duration of the project.

[PCW0985]

- 27. 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]

DURING CONSTRUCTION

- 28. The provision of 3 off street car parking spaces including parking for the disabled where applicable. The layout and construction standards to be in accordance with Tweed Shire Council Development Control Plan, Part A2 - Site Access and Parking Code, the Building Code of Australia, AS2890 and sheet No. 7 prepared by Creagh Handley and dated 24 January 2007.

[DUR0085]

- 29. 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]

30. 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]

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

[DUR0245]

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 construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Occupational Health and Safety Regulation 2001.

[DUR0415]

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

[DUR0445]

37. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or

similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications, Development Control Plan, Part A5 - Subdivision Manual and Development Control Plan, Part A14 - Cut and Fill on Residential Land to the satisfaction of the Principal Certifying Authority.

Please note timber retaining walls are not permitted.

[DUR0835]

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

39. 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]

40. All proposed building pads are to be filled to a minimum 500mm above the Q100 design flood level of RL 36.6m AHD, including provision for any localised overland flow.

[DUR1375]

41. 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]

42. 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]

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

[DUR1885]

44. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.

[DUR1945]

45. 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]

-
46. Appropriate measures are to be put in place during the construction and/or demolition 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]
47. 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]
48. 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]
49. 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]
50. 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:-
- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C 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]
51. House drainage lines affected by the proposal are to be relocated to Council's satisfaction. Prior to the relocation of any plumbing and drainage lines, a plumbing permit and the relevant plumbing permit fee is to be submitted to Council. Inspection of drainage works prior to covering is required
- [DUR2565]
52. The proposed cattery building shall have a minimum habitable floor level of RL 37.1m AHD.
- [DURNS01]
-

53. Provision of adequate vehicular access in accordance with Council's "Access to property" pamphlet, including the following specific work:
- Bitumen sealing of accesses from the road carriageway in Upper Burringbar Road to the proposed visitor car parking. Construction and sealing of the proposed car parking spaces in accordance with sheet No. 7 prepared by Creagh Handley and dated 24 January 2007 is also required.

[DURNS02]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

54. 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]

55. Prior to the occupation of any building and prior to the issue of any occupation certificate a final inspection report is to be obtained from Council to verify the satisfactory installation of all plumbing and drainage and the on-site sewage management facility.

[POC1035]

56. It is a condition of this consent to operate a system of sewage management that this clause is complied with.

- (a) The sewage management facilities used in the operation of the system must be maintained in a sanitary condition and must be operated in accordance with the relevant requirements of this Regulation.
- (b) A sewage management facility used in the operation of the system must not discharge into any watercourse or onto any land other than its related effluent application area.
- (c) The conditions (if any) of any certificate of accreditation issued by the Director-General of the Department of Health under this Division in respect of the plans or designs for any components of the sewage management facilities must be complied with.
- (d) The person operating the system of sewage management must provide details of the way in which it is operated, and evidence of compliance with the relevant requirements of this Regulation and of the conditions of the approval, whenever the Council reasonably requires the person to do so.

[USE1445]

USE

57. 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, odours or the like.

[USE0125]

58. Except as may be expressly provided in a licence approval under the Protection of the Environment Operations Act 1997 (POEO) Act, the licence holder must comply with section 120 of the POEO Act 1997 prohibiting the pollution of waters.

[USE0155]

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

[USE0875]

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

[USE0965]

61. Offensive noise shall not be caused or permitted to be emitted from the premise. Noise shall not be audible within any habitable premise between 9pm and 7am (night), and shall not exceed background levels by more than 5dB(A) between 7am and 9pm (day).

62. The pet boarding facility shall be constructed and operated in accordance with the Animal Welfare Code of Practice No. 5, Care and Management of Dogs and Cats in Boarding Establishments (NSW Agriculture, October 1996).

63. The cattery shall be adequately ventilated and shall not be permitted to impact the amenity of any premise by way of odour.

64. The facility shall not be used for the commercial keeping of dogs nor shall it be used for any other dog related services such as dog grooming, boarding or dog washing.

65. The pick up and drop off of cats shall be restricted to 8.30am to 4.30pm Monday to Saturday and 1.30pm to 4.30pm on Sundays and public holidays.

[USENS01]

CONDITIONS IN ACCORDANCE WITH SECTION 79BA OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 FROM THE NSW RURAL FIRE SERVICE

1. The property around the cat house to a distance of 20 metres or the boundary if less, shall be maintained as an 'Inner Protection Area' (IPA) as outlined within section 4.2.2 in Planning for Bushfire Protection 2001.
2. In recognition that no reticulated water supply exists, a 5,000 litre dedicated water supply tank shall be provided. A 65mm storz fitting and ball or gate valve shall be installed in the tank.

FOR VOTE - Unanimous

P11 [PR-PC] Development Application DA07/0204 for an Electricity Substation at Lot 2 DP 615053 & Part Kirkwood Road adjacent to Lot 2, No. 39 Sunshine Avenue, Tweed Heads South

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

Mr Andrew Tribe - Tweed Billabong Caravan Park

Mr Brian Glauwson - Regional Manager, Country Energy - North Coast

P 88 COMMITTEE DECISION:

Administrator Boyd

Administrator Payne

RECOMMENDED that Development Application DA07/0204 for an electricity substation at Lot 2 DP 615053 and Part Kirkwood Road adjacent to Lot 2, No. 39 Sunshine Avenue Tweed Heads South be deferred for further consideration to be given to this application by the Board of Country Energy.

FOR VOTE - Unanimous

P 89 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

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

FOR VOTE - Unanimous

136 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

RESOLVED that the recommendations of the Planning Committee held Tuesday 21 August 2007 be adopted.

FOR VOTE - Unanimous

ADJOURNMENT OF MEETING

The meeting was adjourned to consider the Community Access Session at 5.22 pm.

RESUMPTION OF MEETING

The Meeting resumed at 5.30pm

OPERATIONS COMMITTEE

137 COUNCIL DECISION:

**Administrator Payne
Administrator Boyd**

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

FOR VOTE - Unanimous

REPORTS THROUGH THE GENERAL MANAGER**O1 [GM-OC] Tweed Economic Development Corporation (TEDC) Quarterly Performance Report - April to June 2007****O 193 COMMITTEE DECISION:**

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Council receives and notes the quarterly report from Tweed Economic Development Corporation for the quarter 1 April to 30 June 2007.

FOR VOTE - Unanimous

O2 [GM-OC] Replacement of Air Conditioning Unit – World Heritage Rainforest Centre, Murwillumbah**O 194 COMMITTEE DECISION:**

**Administrator Payne
Administrator Boyd**

RECOMMENDED that Council endorses the replacement of the air conditioning unit at the World Heritage Rainforest Centre, Murwillumbah by L.E.N Enterprises (Council's air conditioner supply and maintenance contractors) with a Uni-Aire unit for \$15,335.

FOR VOTE - Unanimous

O3 [GM-OC] Tweed Kenya Mentoring Program - Program Status and 2nd Year Review**O 195 COMMITTEE DECISION:**

**Administrator Boyd
Administrator Payne**

RECOMMENDED that:

1. This report be received and noted
2. Council adopts the Tweed Community Kenya Mentoring Program Operational Plan 2007-2010, subject to formal endorsement by the International RiverFoundation.

3. Council sponsors a welcoming function for the three Kenyan volunteers during their upcoming two week visit to the Tweed.

FOR VOTE - Unanimous

O4 [PR-OC] Tweed Shire Emergency Risk Management Study

O 196 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that the report on the Tweed Shire Emergency Risk Management Study be received and noted.

FOR VOTE - Unanimous

O5 [PR-OC] Local Flood Plan Sub-plan of the Tweed DISPLAN

O 197 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that the report on the Local Flood Plan Sub-plan of the Tweed DISPLAN be received and noted.

FOR VOTE - Unanimous

O6 [TCS-OC] Quarterly Budget Review - 30 June 2007

O 198 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that the:

1. Quarterly Budget Review Statement as at 30 June 2007 be adopted.
2. Expenditure and income, as summarised below and detailed within the report, be voted and adjusted in accordance with the revised total expenditure and income for the year ending 30 June 2007.

Description	Change to Vote	
	Deficit	Surplus
General Fund Expenses		

Operating	500,794	0
Capital	0	0
Loan Repayments	0	0
Transfers to Reserves	103,915	0
	<hr/>	
	604,709	0
<u>Income</u>	0	0
Operating	0	20,484
Capital Grants & Conts	0	0
Loan Funds	0	0
Recoupments	0	496,780
Transfers from Reserves	0	87,445
Asset Sales	0	0
	<hr/>	
	0	604,709
Net Surplus/(Deficit)	<hr/>	<hr/>
		0

Description	Change to Vote	
	Deficit	Surplus
Water Fund		
<u>Expenses</u>		
Operating	35,037	0
Capital	0	3,401,500
Loan Repayments	0	0
Transfers to Reserves	261,463	0
	<hr/>	
	296,500	3,401,500
<u>Income</u>		
Operating	0	0
Capital Grants & Conts	0	0
Loan Funds	0	0
Recoupments	2,026,500	0
Transfers from Reserves	1,078,500	0
Loan Funds	0	0
	<hr/>	
	3,105,000	0
Net Surplus/(Deficit)	<hr/>	<hr/>
		0
Sewer Fund		
<u>Expenses</u>		
Operating	267,819	0
Capital	0	10,601,528
Loan Repayments	0	0
Transfers to Reserves	0	0
	<hr/>	
	267,819	10,601,528
<u>Income</u>		
Operating	0	0
Capital Grants & Conts	0	0
Loan Funds	0	0
Recoupments	4,997,055	0
Transfers from Reserves	5,336,654	0
Asset Sales	0	0
	<hr/>	
	10,333,709	0
Net Surplus/(Deficit)	<hr/>	<hr/>
		0

FOR VOTE - Unanimous

07 [TCS-OC] Corporate Quarterly Report - April to June 2007

O 199 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that the 2006-2007 Management Plan update, April to June 2007 be received and noted.

FOR VOTE - Unanimous

08 [TCS-OC] 2007/08 Loan Borrowing Program

O 200 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that the:

1. General Manager be authorised to negotiate acceptance of the loan quotations; and
2. Loan documentation be completed under the Common Seal of Council if applicable.

FOR VOTE - Unanimous

09 [TCS-OC] Monthly Investment Report for Period Ending 31 July 2007

O 201 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 July 2007 totalling \$112,881,938.60 be received and noted.

FOR VOTE - Unanimous

010 [TCS-OC] Request for Assistance with Legal Costs - Bankstown City Council

O 202 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Council provides a contribution to the Local Government & Shires Association of NSW to assist Bankstown City Council with its legal costs in an amount of \$17,869.48.

FOR VOTE - Unanimous

O11 [TCS-OC] In Kind Register April to June 2007

O 203 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Council notes total donations of \$32,351.55 for the period April to June 2007.

FOR VOTE - Unanimous

O12 [EO-OC] Acquisition of Crown Land - Cobaki Creek, Tweed Heads West

O 204 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that:-

1. Council approves the acquisition of Lot 1 in DP 1104678 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary application to the Minister and/or Governor;
2. Lot 1 in DP 1104678 be dedicated as road following gazettal of the acquisition; and
3. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

O13 [EO-OC] Lease of Council Premises - Lot 1 DP 1082080 Recreation Street, Tweed Heads

O 205 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Council gives public notice, as per clause 47 of the Local Government Act 1993, of the proposal to enter into two (2) separate licence agreements for twenty five (25) years each with Twin Towns Playgroup and Tweed Heads Bridge Club for the occupation of the premises on Lot 1 in DP 1082080, Recreation Street, Tweed Heads inviting submissions within 28 days.

FOR VOTE - Unanimous

014 [EO-OC] Classification of Land as Operational, Seabreeze Estate, Pottsville

O 206 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that:-

1. Council approves the transfer of proposed Lot 1145 in a Subdivision of Lot 2 & 3 in DP 1106275 at Seabreeze Estate, Pottsville as Drainage Reserve.
2. Proposed Lot 1145 be classified as "Operational" pursuant to Section 31 of the Local Government Act, 1993; and
3. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

015 [EO-OC] Naming of Public Bridge, Numinbah Road, Crystal Creek

O 207 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that:-

1. Council adopts the name of "*Korns Bridge*", being the recently upgraded bridge over the Rous River, Numinbah Road, Crystal Creek, and;
2. The naming of the public bridge be gazetted under the provisions of the Roads (General) Regulation, 1994 and the Roads Act, 1993.

FOR VOTE - Unanimous

O16 [EO-OC] Renaming Part of O'Connor Drive, Murwillumbah

O 208 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Council:-

1. Publicises its intention to re-name that part of O'Connor Drive north of Durroon Avenue as Sylvan Street, allowing one month for submissions and/or objections to the proposal; and
2. Notifies the relevant authorities under the provisions of the Roads (General) Regulation 1994.

FOR VOTE - Unanimous

O17 [EO-OC] Creation of Easement to Drain Sewage - 22 Countryside Drive, Murwillumbah

O 209 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that:-

1. Council approves the creation of an Easement to Drain Sewage 5 metres wide within Lot 69 in DP 253421 for the benefit of Council; and
2. All documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

O18 [EO-OC] Lease to Department of Environment & Conservation - Murwillumbah World Heritage Tourist Information Centre

O 210 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that:-

1. Council approves entering into a lease with the National Parks and Wildlife Division of the Department of Environment and Conservation for office

premises within the Murwillumbah World Heritage Tourist Information Centre, Alma Street Murwillumbah for a six month term with three options of six months each at a rental commencing at \$20,900 per annum with CPI increases at the commencement of each term.

2. All documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

O19 [EO-OC] Bridge Club Car Park and Access Road, Recreation Street, Tweed Heads

O 211 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that:-

1. Council proceeds with undertaking resealing works and minor road reconstruction at the Tweed Bridge Club Car Park and Access Road, Recreation St, Tweed Heads.
2. Funding be sourced from Developer Contribution Plan No 96.

FOR VOTE - Unanimous

O20 [EO-OC] EC2007-054, 055, 056 Supply and Delivery of Three (3) ERG Class MG7 Road Graders, EC2007-057 Supply and Delivery of One (1) ERG Class WL6 Tool Carrier, EC2007-058 Supply and Delivery of One (1) ERG Class WL7 Tool Carrier, EC2007-059 Supply and Del

O 212 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Council:-

1. EC2007-054: Accepts the tender from Westrac Pty Ltd of 36 Swallow Road Grafton for the supply of one (1) Caterpillar 12M Road Grader in accordance with Tender No EC 2007-054, for the price of \$313,632 GST exclusive. Plant No 9780.
2. EC2007-055: Accepts the tender from Westrac Pty Ltd of 36 Swallow Road Grafton for the supply of one (1) Caterpillar 12H Road Grader in accordance with Tender No EC 2007-055, for the price of \$302,650 GST exclusive. Plant No 9781.

3. EC2007-056: Accepts the tender from Westrac Pty Ltd of 36 Swallow Road Grafton for the supply of one (1) Caterpillar 12H Road Grader in accordance with Tender No EC 2007-056, for the price of \$302,650 GST exclusive. Plant No 9783.
4. EC2007-057: Accepts the tender from Westrac Pty Ltd of 36 Swallow Road Grafton for the supply of one (1) Caterpillar IT14G Small Tool Carrier in accordance with Tender No EC 2007-057, for the price of \$194,690 GST exclusive. Plant No 9778.
5. EC2007-058: Accept the tender from Komatsu Australia Pty Ltd of 453 Sherwood Road Sherwood QLD for the supply of one (1) Komatsu WA250PZ-5 Large Tool Carrier in accordance with Tender No EC2007-058, for the price of \$248,800 GST exclusive. Plant No 9786.
6. EC2007-059: Accepts the tender from Westrac Pty Ltd of 36 Swallow Road Grafton for the supply of one (1) Caterpillar 432E Backhoe Loader in accordance with Tender No EC 2007-059, for the price of \$145,720 GST exclusive. Plant No 9798.
7. EC2007-060: Accepts the tender from Chesterfield Australia of 1141 Beaudesert Road Acacia Ridge QLD for the supply of one (1) Kobelco SK135SR Excavator in accordance with Tender No EC 2007-060, for the price of \$160,000 GST exclusive. Plant No 9789.
8. The ATTACHMENT be treated as CONFIDENTIAL in accordance with Section 10A(2) (c) and (d) of the Local Government Act, 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.

FOR VOTE - Unanimous

O21 [EO-OC] Review of Cemetery Charges

O 213 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that in accordance with Section 610F(1)(3) of the Local Government Act 1993, the proposed amendment to the 2007/2008 Fees for Item 74 (Cemetery Fees) be placed on public exhibition for 28 days, as detailed below:

General Cemeteries	Fee
Murwillumbah & Tweed Heads	\$
Administration Fee - refund of standard plaque fee	39
Contract plant & operator hire per hour	117
Hourly fee per employee (time & half) - funerals finishing after 4.00pm Mon-Fri	32
Hourly fee per plant item & operator (backhoe) - funerals finishing after 4.00pm Mon-Fri	138
Land for grave (1.2m x 2.4m)	498
Maintenance in perpetuity	934
Opening and filling grave	457
Premises Inspection - Permit for burial on private land	122
Childrens Section General Cemeteries	
Casket less than 1.1m in length	296
Permission to undertake monumental work in general cemetery - per site	96
General and Lawn Cemeteries	
Exhumation (includes re-opening fee)	1,767
Funerals on Saturdays - 10.00am to 11.30am (in addition to above charges)	660
Funerals on Saturdays - per employee per hour (double time) after 11.30am in addition to usual Saturday fee	41
Funerals on Saturdays - per plant item & operator per hour (double time) after 11.30am in addition to usual Saturday fee	166
Provision of shade cover, seating, matting and lowering device	232
Lawn Cemeteries	
1st Burial	
Land for grave	555
Maintenance in perpetuity	1,335
Opening and filling grave 1st burial	511
Plaque (standard)	360
Plaque Service Fee 1st burial (50% on plaque cost)	181
Concrete base	81
1st Burial Total Cost	3,022
2nd Burial	
Re-opening & filling 2nd burial	816
Plaque 2nd inscription	74
Plaque Service Fee 2nd burial (50% on plaque cost)	36
2nd Burial Total Cost	927
Childrens Section	
Land for grave	325
Maintenance in perpetuity	626
Opening & filling grave	497
Plaque	178
Plaque service fee (50% on plaque cost)	88
Concrete base	46
Total Burial Cost	1,760
Non viable Foetus	126
Interment of ashes (includes plaque)	
Maintenance in perpetuity	421

Memorial Stone	53
Plaque	91
Plaque Service Fee (50% on plaque cost)	46
Total Interment Cost	611
General Cemetery - existing grave	611
General Cemetery - Columbarium Wall	515
Lawn cemetery - existing grave	611
Rose Garden, Flower Garden	611
Children's Section - Gumnut Walk	611
Memorial Book	
Maintenance in perpetuity	313
Plaque	81
Plaque Service Fee (50% on plaque cost)	41
Total Memorial Book	435
Memorial Creek Walk	
Maintenance in perpetuity	564
Sandstone Block	106
Plaque	91
Plaque Service Fee (50% on plaque cost)	46
Total Memorial Creek Walk	807
Memorial Rainforest Walk	
Maintenance in perpetuity	1,128
Plaque	91
Plaque Service Fee (50% on plaque cost)	46
Total Memorial Rainforest Walk	1,265
Pond View Garden	
Maintenance in perpetuity	436
Concrete Base	59
Plaque	143
Plaque Service Fee (50% on plaque cost)	71
Total Pond View garden	710
Bench seat with brass plaque	POA
Sculpture	POA
Small or large landscaped area	POA
Scattering of ashes	No charge
Tyalgum Cemetery - Surcharge (Travelling and Grave Digging)	527

FOR VOTE - Unanimous

O22 [EO-OC] Removal of Celtis (tree) Bilambil

O 214 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that in accordance with the Noxious Weeds Act 1993 that the Celtis, located in Prindable Park, Bilambil, be removed as requested following notification in the Tweed Link informing the community.

FOR VOTE - Unanimous

O23 [EO-OC] Minor Pedestrian Facilities

O 215 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Council:-

1. Receives funding of \$6,633 from the Roads & Traffic Authority of NSW.
2. Expends the funds as per the Roads & Traffic Authority of NSW Schedule of Works.

FOR VOTE - Unanimous

O24 [EO-OC] Sealing School Bus Routes Priorities

O 216 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that the Sealing School Bus Routes priority ranking spreadsheet and rolling program as attached to this report be adopted.

FOR VOTE - Unanimous

O25 [EO-OC] Infrastructure Program 2007/2008

O 217 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Council approves the Infrastructure Program for 2007/2008 as submitted.

FOR VOTE - Unanimous

O26 [CNR-OC] Irrigation of Les Burger Rugby Sports Fields with Recycled Water**O 218 COMMITTEE DECISION:****Administrator Boyd
Administrator Payne****RECOMMENDED** that Council:-

1. Adopts the Business Case for the use of recycled water at Les Burger Rugby League Sports Fields.
2. Commences procurement of the scheme.

FOR VOTE - Unanimous**O27 [CNR-OC] Sewerage Overflow Abatement Strategy****O 219 COMMITTEE DECISION:****Administrator Boyd
Administrator Payne****RECOMMENDED** that:-

1. Council, as an interim measure, adopts the Final Draft of the Sewer Overflow Abatement Strategy Report and commences implementation.
2. Council officers bring forward a final report incorporating the Department of Environment & Climate Change final comments including budget implications and the amended Sewerage Overflow Abatement Strategy for adoption.

FOR VOTE - Unanimous**O28 [CNR-OC] Burringbar/Mooball Sewerage Scheme****O 220 COMMITTEE DECISION:****Administrator Boyd
Administrator Payne****RECOMMENDED** that Council:-

1. Proceeds with Burringbar/Mooball Sewerage Scheme implementation based on the State Government's election promise to provide up to 50% funding under the Country Town Water Supply and Sewerage Scheme and

the Department of Local Government's advice that the project can be amalgamated within Council's current sewerage schemes for funding.

2. Proceeds with the community consultation stage of the project as part of the Review of Environmental Factors for Burringbar/Mooball Sewerage Scheme development approval process.
3. Communicates the Council decision through the Tweed Link and general press release.
4. Writes to all Burringbar and Mooball property owners advising of Council's decision.

FOR VOTE - Unanimous

O29 [CNR-OC] Floodgate Management Plan

O 221 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Council approves the proposed Floodgate Management Plan & Agreement for use on modified floodgates not requiring volunteer floodgate operators.

FOR VOTE - Unanimous

O30 [CNR-OC] Aboriginal Advisory Committee Constitution

O 222 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Council adopts the Aboriginal Advisory Committee Constitution as per the attachment to this report.

FOR VOTE - Unanimous

O31 [CNR-OC] Funding Variation to Original Report to Council - Proposed One Off Funding Agreement between Tweed Shire Council (Tweed Community Options) and NSW Community Options Projects Inc.

O 223 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Council:

1. Accepts the variation of funds of \$40,000 and proceeds to case manage clients under the currently signed contract, but now with a working budget of \$79,000.
2. Writes to NSW Community Options Inc, acknowledging receipt of these funds, and confirms with thanks, our intention to provide substantially more Episodic Case Management during the current financial year.
3. Votes the additional \$40,000 expenditure.

FOR VOTE - Unanimous

O32 [CNR-OC] Correspondence from Gold Coast City Council regarding Library Services

O 224 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

RESOLVED that the Manager Community & Cultural Services monitors the impact of the changes on the Tweed Heads Branch of the Richmond-Tweed Regional Library Service and reports back to Council during the preparations for the 2008-2009 budget.

FOR VOTE - Unanimous

O33 [CNR-OC] Economic Impact Evaluations of Tweed Shire Festivals and Events

O 225 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that:

1. The report on the Economic Impact Evaluations of Tweed Shire Festivals & Events be received and noted.
2. An assessment of the impact of the Festival of Performing Arts be undertaken.

FOR VOTE - Unanimous

O34 [CNR-OC] Request for "In Kind" Support/Waive Fee**O 226 COMMITTEE DECISION:**

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Council:-

1. With reference to the request from Tweed Valley Jazz Club Inc, Council provides the Murwillumbah Civic Centre free of charge for the Primary Schools Workshop to be held on 28 August 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 Twin Towns Friends Association Inc, Council provides the South Tweed Community Hall free of charge for use 4 times per year for the 2008 calendar year for the purpose of meetings and that Council's support is recognised with the following acknowledgement "This programme has been supported by Tweed Shire Council".

FOR VOTE - Unanimous

O35 [CNR-OC] First Round Applications for Financial Assistance 2007/2008 - Donations Policy**O 227 COMMITTEE DECISION:**

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Council allocates the first round donations for 2007/2008 under the Donations Policy as follows:-

Applicant	Amount Approved
Riding for the Disabled Association (NSW) Tweed Valley Centre	\$2,000
Chillingham Community Pre School Tweed Combined Country Halls Association	\$1,000 \$ 700
Kids in Need Inc	\$2,000
Oxley RSL Day Club	\$1,000
Cooloon Children's Centre	\$1,500
Photo Arts Club Tweed	\$1,800
TOTAL	\$10,000

FOR VOTE - Unanimous

036 [CNR-OC] First Round Applications for Financial Assistance 2007/2008 - Festivals Policy**O 228 COMMITTEE DECISION:****Administrator Boyd
Administrator Payne**

RECOMMENDED that Council allocates the First Round Donations for 2007/2008 under the Festivals Policy, as follows:-

Applicant	Amount Approved
Tweed Valley Banana Festival & Harvest Festival Inc	\$7,500
Wollumbin Dreaming Inc	\$5,000
Murwillumbah Community Centre	\$2,000
Seniors Expo	\$6,000
Speed on Tweed	\$7,500
Kids In Need	\$1,000
Whole Woman Festival	\$2,000
Nitromax Productions	\$1,000
TOTAL	\$32,000

FOR VOTE - Unanimous**O 229 COMMITTEE DECISION:****Administrator Payne
Administrator Boyd**

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

FOR VOTE - Unanimous**138 COUNCIL DECISION:****Administrator Boyd
Administrator Payne**

RESOLVED that the recommendations of the Operations Committee held Tuesday 21 August 2007 be adopted.

FOR VOTE - Unanimous

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

139 COUNCIL DECISION:

**Administrator Payne
Administrator Boyd**

RESOLVED that this report be received and noted.

FOR VOTE - Unanimous

ADMINISTRATOR'S MINUTE

[AM] Signing of Documents

140 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

RESOLVED that the information be received and noted.

FOR VOTE - Unanimous

ORDINARY ITEMS FOR CONSIDERATION

REPORTS FROM THE GENERAL MANAGER

Nil.

REPORTS FROM THE DIRECTOR PLANNING & REGULATION

Nil.

REPORTS FROM THE DIRECTOR TECHNOLOGY & CORPORATE SERVICES

Nil.

REPORTS FROM THE DIRECTOR ENGINEERING & OPERATIONS

Nil.

REPORTS FROM THE DIRECTOR COMMUNITY & NATURAL RESOURCES

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

Nil.

ORDERS OF THE DAY

Nil.

QUESTION TIME

Nil.

COMMITTEE OF THE WHOLE

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

Nil.

REPORTS FROM THE DIRECTOR PLANNING & REGULATION

Nil.

REPORTS FROM THE DIRECTOR TECHNOLOGY & CORPORATE SERVICES

1 **[TCS-CM] Application to Waive Interest Charges**

REASON FOR CONFIDENTIALITY:

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

- (b) the personal hardship of any resident or ratepayer

C 44 COMMITTEE DECISION:

That in accordance with Section 567 of the Local Government Act 1993 Council writes off \$6,447.00, being the interest component of the total debt outstanding on the property known as Lot 10 DP 252179 Urliup Road Bilambil, with the proviso that the remaining rates and charges are paid by the current owners.

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING & OPERATIONS

2 [EO-CM] Sale of 41 Boyd Street, Tweed Heads

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 45 COMMITTEE DECISION:

That due to special circumstances surrounding the disposal of this property, that:-

1. Council accepts the offer of \$750,000 in an unconditional 60 day contract for the sale of 41 Boyd Street, Tweed Heads comprised in Lot 7 Section 4 DP 2379 with Baycrown Pty Ltd.
2. The requirements of Section 1.5 of the Disposal of Land Policy be pursued.
3. An auctioneer not be appointed.
4. All documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

141 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

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

FOR VOTE - Unanimous

There being no further business the Meeting terminated at 5.40pm

RS

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

Chairman

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