

The Meeting commenced at 4.30pm.

IN ATTENDANCE

Administrators Mr Frank Willan (Chairman), Ms Lucy Turnbull, Mr Max Boyd.

Also present were Mr Mike Rayner (General Manager), Neil Baldwin (Acting Director Technology & Corporate Services), Mr Patrick Knight (Director Engineering & Operations), Mr Noel Hodges (Director Planning & Development), Mr Geoff Edwards (Acting Director Environment & Community Services), Ms Genevieve Slattery (Executive Officer) and Mrs Meredith Smith (Minutes Secretary)

ABORIGINAL STATEMENT

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

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

PRAYER

The meeting opened with a Prayer by Council's Chaplain, Rev 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 who 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 us 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 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 you Son. Amen".

CONFIRMATION OF MINUTES

Minutes of the Ordinary and Confidential Council Meetings held Tuesday 19 December 2006

1 COUNCIL DECISION:

Administrator Turnbull
Administrator Boyd

RESOLVED that the Minutes of the Ordinary and Confidential Council Meetings held Tuesday 19 December 2006 be adopted as a true and accurate record of proceedings of that meeting.

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Nil.

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

Nil.

PLANNING COMMITTEE

2 COUNCIL DECISION:

Administrator Willan
Administrator Turnbull

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

FOR VOTE - Unanimous

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR PLANNING & DEVELOPMENT

P1 [PD-PC] Development Application DA06/0282 for a Child Care Centre at Lot 12 DP 830659, Chinderah Road, Chinderah

P 1 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Development Application DA06/0282 for a Child Care Centre at Lot 12 DP 830659, Chinderah Road, Chinderah 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:
 - G2402 Sheets 1-7 prepared by Gavin Duffie and dated 1/3/2006
 - Plan Nos. P.15.2 prepared by Cozen Regan Williams Prove Drawing Nos.
 - (a) SK1 Erosion and Sediment Control Plan dated 01/06 Issue A
 - (b) SK2 Stormwater Management Plan dated 01/06 Issue A
 - (c) SK3 Bulk Earthworks Plan dated 01/06 Issue A
 - (d) SK4 Bulk Earthworks Sections dated 20/7/2006 Issue A
 - (e) SK5 Water & Sewer Reticulation Layout dated 24/7/2006 Issue Aexcept where varied by the conditions of this consent. [GEN0005]

2. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee. [GEN0045]

3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0115]

4. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property. [GEN0135]

5. Prior to commencement of work pursuant to this consent, a Construction Certificate shall be obtained for the following civil works:

- a) Extension of water and sewerage infrastructure to service the development. [GENNS01]
6. The premise shall be constructed and operated in accordance with the Acoustic Report, Craig Hill & Associates, 16 January 2006 (including requirements for shielding of air conditioners, provision of laminated glass, carpeting external balconies). Prior to issue of an occupation certificate or use of the centre Council shall be provided with a statement from a suitably qualified person which confirms that the centre has been constructed in accordance with the recommendations and requirements of the Acoustic Report. [GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. 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]
8. 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.

Stage 1

- (a) Tweed Road Contribution Plan: \$36,568
S94 Plan No. 4 (Version 4.0)

Sector6_4

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 4.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

$$\text{\$Con}_{\text{TRCP - Heavy}} = \text{Prod.} \times \text{Dist} \times \text{\$Unit} \times (1 + \text{Admin.})$$

where:

$\$Con_{TRCP - Heavy}$ heavy haulage contribution

and:

Prod. projected demand for extractive material to be hauled to the site over life of project in tonnes

Dist. average haulage distance of product on Shire roads
(trip one way)

$\$Unit$ the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.5

Stage 2

(a) Tweed Road Contribution Plan: \$37,296
S94 Plan No. 4 (Version 4.0)

Sector6_4

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 4.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

$$\$Con_{TRCP - Heavy} = Prod. \times Dist \times \$Unit \times (1+Admin.)$$

where:

$\$Con_{TRCP - Heavy}$ heavy haulage contribution

and:

Prod. projected demand for extractive material to be hauled to the site over life of project in tonnes

Dist. average haulage distance of product on Shire roads
(trip one way)

$\$Unit$ the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.5

[PCC0215/PSC0175]

9. 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:

Stage 1

Water DSP5: 5.82 ET @ \$4598 \$26,760.36

Sewer Kingscliff: 9.7 ET @ \$6688 \$64,874

Stage 2

Water DSP5: 5.82 ET @ \$4598 \$26,760.36

Sewer Kingscliff: 9.7 ET @ \$6688 \$64,874

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]

10. The developer shall provide 44 parking spaces including parking for the disabled in accordance with DCP2, AS 2890 and Austroads Part 11. A mini bus parking area and bicycle parking for at least 7 bikes, are also required to be provided.

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

The entire parking area shall be constructed as part of the Stage 1 works.

[PCC0065]

11. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17^o 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]
12. All imported fill material shall be from an approved source. Prior to the issue of a construction certificate details of the source of fill, documentary evidence that the fill material is free of any contaminants and haul route shall be submitted to the General Manager or his delegate for approval.
- [PCC0465]
13. Submission for approval by the Principal Certifying Authority design detail including surcharge loads for any retaining walls to be erected on the site in accordance with AS 4678, DCP47 and Councils adopted Design and Construction Specifications. Design detail is to be supported by certification of adequacy of design from a suitably qualified structural engineer. Please note timber retaining walls are not permitted.
- [PCC0475]
14. a) All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted and approved by the PCA prior to the issue of a construction certificate. Drainage must be installed and operational prior to commencement of any building work.
All fill and cut batters shall be maintained wholly within the subject land. Detailed engineering plans of fill levels and perimeter drainage shall be submitted with a S68 stormwater application for Council approval.
- b) Maximum batter slope shall be 1:2 (vertical:horizontal)
- c) Filling shall be minimized in the "Play Ground and Activities Area", to provide a smooth level transition between the filled building pads of the two buildings and existing levels in the Ozone Street Road Reserve to the south. Stormwater runoff from this area may discharge to the Ozone Street Road Reserve, and need not be graded or otherwise diverted to the Chinderah Road Reserve to the east. Batter height on the Ozone Street Road Reserve boundary should not exceed 300mm, to account for local variability in existing ground levels. This batter height limit does not apply in the 6m wide setback areas around "Stage 2" building.
- d) All site filling and bulk earthworks shall be completed as part of the Stage 1 works.

[PCC0485]

15. A detailed plan of landscaping is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate. [PCC0585]
16. A comprehensive colourboard, detailing the materials and colours to be utilised for the external treatment of the building is to be submitted and approved by Council's Director of Planning & Development, or their delegate, prior to the issue of a Construction Certificate. [PCCNS01]
17. Design detail shall be provided to address the flood compatibility of the proposed structure including the following specific matters:
- (a) The floor area of both buildings shall be at a level no less than the design flood level of RL 3.3m AHD.
 - (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. [PCC0705]
18. 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]
19. 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 access driveway to Chinderah Road requires roadworks to manage ingress and egress movements in accordance with Austroads Guide to Traffic Generating Developments Part 5. Such work to include;
 - i) Widening of the pavement on the northern side of Chinderah Road to provide a right turn bay (for entry into the site) and overtaking lane for southbound through traffic, plus provision for southbound egress.
 - ii) Left turn deceleration lane on the western side of Chinderah Road for northbound traffic entering the site.
 - b) Further to the above requirements, construction of kerb and guttering and shoulder seal is required for the full frontage of the site to Chinderah Road, plus splays. This work shall include all ancillary stormwater drainage works, footpath area works and adjustments to services where necessary.
 - c) Provision of all ancillary linemarking and signposting, as well as "No Standing" signage, for both sides of the road in the vicinity of the development.

- d) The roadworks requirements are encouraged to be designed utilising Water Sensitive Urban Design principles and Council's relevant standard road cross-sections, in lieu of standard kerb and gutter works.
- e) Construction of a vehicular footpath crossing 6m wide at the property boundary and splaying out to 8m wide at the kerb, with a uniform taper.
- f) Provision of concrete path paving for the full frontage of the site.

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
- Sediment and erosion control plans
- Location of all services/conduits
- Traffic control plan

Note: The above requirements for road and ancillary works can alternatively be included as part of the Construction Certificate application to Council for water and sewerage works.

[PCC0895]

20. 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
- stormwater drainage
- water supply works
- sewerage works
- landscaping works
- sedimentation and erosion management plans
- location of all service conduits (water, sewer, Country Energy and Telstra)

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

[PCC0985]

21. Permanent stormwater quality treatment shall be provided in accordance with the following:
- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
 - (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 - Stormwater Quality*.
 - (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management. Typical water sensitive features include infiltration, maximising permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.
 - (d) Specific Requirements to be detailed within the Construction certificate application include:
 - (i) Shake down area along the haul route immediately before the intersection with the road reserve.

[PCC1105]

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

will not be approved until prior separate approval to do so has been granted by Council under section 68 of the Local Government Act 1993.

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

[PCC1145]

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

[PCC1155]

PRIOR TO COMMENCEMENT OF WORK

- 24 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]
25. 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]
26. 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]
27. 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]

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

[PCW0665]

29. 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]

30. 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]

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

[PCW0005]

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

[PCW0705]

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

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

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

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

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

[PCW0985]

[PCWNS01]

DURING CONSTRUCTION

35. 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]

36. 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]

37. 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]

38. 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]

39. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied in accordance with WorkCover 2000 Regulations. [DUR0415]
40. The finished floor level of the building should finish not less than 225mm above finished ground level. [DUR0445]
41. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited. [DUR0815]
42. 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 Councils adopted Design and Construction Specifications, DCP16 and DCP47 to the satisfaction of the Principal Certifying Authority.
Please note timber retaining walls are not permitted. [DUR0835]
43. All materials used in the building must comply with the smoke developed and spread of flame indices specified in Specification C1.10 of the Building Code of Australia.
Note: Many materials including some timbers such as western red cedar do not comply and it is the applicants responsibility to ensure that all materials to be used are within the criteria specified. [DUR1275]
44. Building materials used below Council's adopted design flood level of RL 3.3m AHD shall be flood compatible. [DUR1405]
45. 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]
46. 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]
47. 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]

48. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design. [DUR1715]
49. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste". [DUR2195]
50. 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]
51. 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]
52. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position. [DUR2505]
53. 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]
54. 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]
55. 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]

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

[DUR2615]

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

[DUR0005]

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

[DUR0825]

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

[DUR0985]

60. 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]

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

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

[DUR1005]

62. 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]

63. 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 Chinderah Road in accordance with Councils adopted Development Design and Construction Specification.
Twenty four (24) hours notice is to be given to Council's Engineering & Operations Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the works and its reconstruction.
- [DUR1735]
64. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742.3-2202 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
- [DUR1795]
65. Before the commencement of the relevant stages of road construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.
- (a) That the pavement has been designed and constructed in accordance with Tweed Shire Councils adopted Construction and Design Specification, D2.
- (b) That the pavement materials to be used comply with the specifications tabled in Tweed Shire Councils adopted Design and Construction Specifications, C242-C245, C247, C248 and C255.
- [DUR1805]
66. 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]
67. The footpath area is to be graded to the kerb and turfed for the full frontage of the site, exclusive of any other path paving or infrastructure requirements.
- [DUR1865]
68. 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]
69. 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]

70. 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]

71. 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]

72. Construction of water and sewerage infrastructure in Chinderah Road shall be carried out in accordance with the requirements of DCP 16, including all nominated testing procedures.

[DURNS01]

73. 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]

74. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.

[DUR0805]

75. 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]

76. 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]

77. 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]
78. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads.
[DUR2415]
79. All works shall be completed in accordance with Council's adopted Acid Sulfate Soil Management Plan for Minor Works.
[DURNS02]
80. 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 50 mg/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.
[DURNS03]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

81. 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]
82. 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]
83. 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]
84. 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]
85. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate, a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

- [POC1045]
86. Work as executed plans are to be provided to Council in accordance with Councils adopted Development Design and Construction Specification. The plans shall be endorsed by a registered surveyor and must verify;
- a) The finished floor level of the building(s).
 - b) Completion of the extension of public infrastructure water and sewerage systems.
 - c) All road and public infrastructure stormwater works.

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

- [POC0985]
88. Prior to the issue of a final occupation certificate, all conditions of consent are to be met.

- [POC1055]
89. Prior to the issue of an Occupation Certificate or Interim Occupation Certificate and also prior to the end of the defects liability period, a CCTV inspection of all public infrastructure sewerage and stormwater pipes including joints and junctions will be required to demonstrate that the standard of the infrastructure works 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.

[POCNS01]

90. Prior to issuing a an Occupation Certificate or an Interim Occupation Certificate, reticulated water supply and outfall sewerage reticulation shall be provided to the site in accordance with the relevant requirements of DCP16 - Subdivisions Manual, Councils adopted Development Design and Construction Specifications and the Construction Certificate approval.

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

[POCNS02]

91. 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.

[POCNS03]

92. Electricity

- (a) The production of written evidence from the local electricity supply authority certifying that reticulation of underground electricity (residential and rural residential) has been completed; and
- (b) The reticulation to include the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.

[POCNS04]

93. A physical barrier on the north-bound highway exit shall be erected in the vicinity of the proposed development to the satisfaction of Council's Traffic and Transport Engineer prior to issue of a certificate of occupation for the premises.

USE

94. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.

[USE0125]

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

[USE0175]

96. Hours of operation of the business are restricted to the following hours: -

- * 6.30am to 6.30pm - Mondays to Fridays
- * No operations are to be carried out on Sundays or Public Holidays
- * All deliveries and pickups relating to the business are to occur within the approved hours

[USE0185]

97. All external artificial lighting shall be shielded where required to the satisfaction of Councils General Manager or his delegate to ensure that the spill of light or glare from such lighting does not create a nuisance to any adjoining or neighbouring premises. [USE0205]
98. The premises shall be maintained in a clean and tidy manner. [USE0965]
99. All car park lighting shall not be permitted to spill beyond the boundaries of the site.
100. All activities within the centre shall be "managed activities" as indicated in the Acoustic Report, Craig Hill & Associates, 16 January 2006, such that they do not unreasonably impact the amenity of any other premise. Noise from outdoor play areas shall be managed in accordance with the "Noise Management Plan" dated 3 November 2006 (Craig Hill Acoustics). [USENS01]
101. Noise from the premise shall not be permitted to unreasonably impact the amenity of any premise. [USENS02]
102. Children shall only be permitted to access or play in the outdoor activity areas between the hours of 8.30am and 4.30pm. [USENS03]
103. Kitchen areas shall be used for staff meals only and shall not be used for preparation of food for the children. [USENS04]

FOR VOTE - Unanimous

P2 [PD-PC] Development Application DA06/0705 for a 2 lot subdivision and erection of dwelling and swimming pool on each lot at Lot 3 DP 214331, No. 13 Moss Street, Kingscliff

The following persons addressed the meeting of the Planning Committee on this matter.

Mr Liddington
Mr Rankin

P 2 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Development Application DA06/0705 for a 2 lot subdivision & erection of dwelling on each lot at Lot 3 DP 214331, No. 13 Moss Street Kingscliff be deferred to allow a site inspection.

FOR VOTE - Unanimous

P3 [PD-PC] Development Application DA06/1023 for a transportation of water at Lot B DP 953668, No. 308 Numinbah Road Kynnumboon

P 3 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Willan**

RECOMMENDED that Development Application DA06/1023 for a transportation of water at Lot B DP 953668, No. 308 Numinbah Road Kynnumboon be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by conditions of this consent. [GEN0015]
2. No commercial operations are to occur on site. [GENNS01]
3. Trucks are to travel along the submitted and approved truck route. [GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

4. 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: \$4,367
S94 Plan No. 4 (Version 4.0)

Sector12_4

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 4.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

$$\text{\$Con}_{\text{TRCP - Heavy}} = \text{Prod.} \times \text{Dist} \times \text{\$Unit} \times (1 + \text{Admin.})$$

where:

$\text{\$Con}_{\text{TRCP - Heavy}}$ heavy haulage contribution

and:

Prod. projected demand for extractive material to be hauled to the site over life of project in tonnes

Dist. average haulage distance of product on Shire roads
(trip one way)

$\text{\$Unit}$ the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.5

[PCC0215/PSC0175]

USE

5. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.

[USE0125]

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

[USE0145]

7. Trucks are only to enter and leave the site during the hours of 7am to 7pm Mondays to Fridays and are limited to four (4) truck movements per day ie. 2 in 2 out.

[USENS01]

FOR VOTE - Unanimous

P4 [PD-PC] Development Application DA06/0964 for the demolition of dwelling and erection of multi dwelling housing comprising six residential units at Lot 8 Section 5 DP 758571, No. 43 Kingscliff Street Kingscliff

P 4 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Willan**

RECOMMENDED that Development Application DA06/0964 for the demolition of dwelling and erection of multi dwelling housing comprising six residential units at Lot 8 Section 5 DP 758571, No. 43 Kingscliff Street Kingscliff be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos 1088/06 Sheets 1-4 and 1088/03 Sheet 5 prepared by Planit Consulting and dated July 2006, except where varied by the conditions of this consent. [GEN0005]
2. The development shall be completed in accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by conditions of this consent. [GEN0015]
3. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee. [GEN0045]
4. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0115]
5. The development is to be carried out in accordance with Development Control Plan No. 16 - Subdivisions Manual and Councils adopted Development Design and Construction Specifications. [GEN0125]
6. 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]
7. All car parking spaces including visitor and car wash bay are to be identifiable by way of signage. [GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

8. The developer shall provide a minimum of 9 parking spaces including parking for the disabled in accordance with DCP2, AS 2890 and Austroads Part 11. Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0065]

9. Any works to be carried out within the adjoining road reserve is subject to application and approval being issued by Tweed Shire Council as the road authority. Application for these works and receipt of approval is to be obtained prior to the issue of a construction certificate for works within the development site.

[PCC0075]

10. 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:
S94 Plan No. 4 (Version 4.0)
Sector6_4 | \$4,732 |
| (b) West Kingscliff - Drainage:
0.0308 ha @ \$32708
DCP No. 9 S94 Plan No. 7 | \$1,007.41 |
| (c) West Kingscliff - Open Space:
DCP No. 9 S94 Plan No. 7 | \$7,599 |
| (d) Shirewide Library Facilities:
S94 Plan No. 11 | \$2,012 |

(e) Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$409
(f) Community Facilities (Tweed Coast - North) S94 Plan No. 15 North Coast	\$2,460
(g) Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$586
(h) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$3,708.45
(i) Cycleways \$1,028 S94 Plan No. 22	
(j) Regional Open Space (Structured) S94 Plan No. 26	\$6,799
(k) Regional Open Space (Casual) S94 Plan No. 26	\$2,499

- [PCC0215/PSC0175]
11. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council. Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

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

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

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

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

[PCC0265/PSC0165]

12. 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]
13. A detailed plan of landscaping is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate. [PCC0585]
14. A comprehensive colourboard, detailing the materials and colours to be utilised for the external treatment of the building is to be submitted and approved by Council's Director of Planning & Development, or their delegate, prior to the issue of a Construction Certificate. [PCCNS01]
15. The basement car parking is to be protected against the inflow of water to a level of 500mm above the design flood level of RL 3.8m AHD in accordance with DCP5 - Development of Flood Liable Land. A detailed design of the basement stormwater pump out system is to be provided designed for a storm event with a 10 year average return interval (ARI 10) and the consequences of pump failure and the 100 year ARI storm event must be addressed and included with the above details prior to the issue of a Construction Certificate. [PCC0685]
16. 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 Section 138 approval. Safe public access shall be provided at all times. [PCC0865]
17. 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) Construction of a 1.2m wide concrete footpath along the Kingscliff Street frontage. These plans must show how the footpath and driveway crossover will be constructed to Council's minimum standards. Details of the footpath transition at the eastern property boundary must also be provided. [PCC0895]
18. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be submitted to and approved by the Principal Certifying Authority PRIOR to the issue of a construction certificate. The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of. [PCC1065]

19. Permanent stormwater quality treatment shall be provided in accordance with the following:
- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
 - (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 - Stormwater Quality*.
 - (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management. Typical water sensitive features include infiltration, maximising permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.
 - (d) Specific Requirements to be detailed within the Construction certificate application include:
 - (i) Shake down area at the entry point to the proposed development. [PCC1105]
20. The peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the ARI 100 year design storm, shall be 200 l/s/ha. OSD devices including discharge control pits (DCP) are to comply with standards in The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook, Third Edition, December 1999" except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire.

All stormwater must initially be directed to the DCP.

21. Disposal of stormwater by means of infiltration devices shall be carried out in accordance with Section D7.9 of Tweed Shire Councils adopted *Development Design and Construction Specification - Stormwater Quality*. [PC C1165]
22. A construction certificate application for works that involve any of the following:- [PCC1125]
- connection of a private stormwater drain to a public stormwater drain
 - installation of stormwater quality control devices
 - erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under section 68 of the Local Government Act 1993.

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

[PCC1145]

23. 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]
24. Medium density/integrated developments will be required to provide a single bulk water service at the road frontage. Individual metering beyond this point shall be managed by occupants. Application for the bulk metre shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.
Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act, 2000 to be certified by an Accredited Certifier.
- [PCC1185]
25. Where water is to be drawn from Councils reticulated system, the proponent shall: -
- Make application for the hire of a Tweed Shire Council metered standpipe including Councils nomination of point of extraction.
 - Where a current standpipe approval has been issued application must be made for Councils nomination of a point of extraction specific to the development.
 - Payment of relevant fees in accordance with Councils adopted fees and charges.
- [PCC1205]
26. In accordance with Section 68 of the Local Government Act, application shall be made to Council for any proposed sewerage drainage system. Details shall include as a minimum hydraulic drawings, pipe sizes, details of materials and agreement from adjoining property owners to enter onto their land if necessary.
- [PCC1225]
27. 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]
28. Prior to issue of the S138 application and the Construction Certificate for the building works the applicant shall submit engineering details showing the driveway width at the kerb as 6.5m in accordance with Section 5.1 of DCP No. 2 and that the lines of sight at the boundary comply with Section 4.1.2 of DCP No. 2.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

29. The proponent shall locate and identify all existing underground services prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure including areas external to the development site where works are proposed.
- [PCW0005]
30. Prior to commencement of work all actions or prerequisite works required at that stage, as required by other conditions or approved management plans or the like, shall be installed/operated in accordance with those conditions or plans.
- [PCW0015]
31. 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]
32. 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]
33. 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]
34. 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]
35. 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]
36. 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.
37. Written approval for any application under Section 138 of the Roads Act 1993 is required prior to commencing works within the road reserve. [PCW0255]
- [PCW0705]
38. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:
- (a) The person must, at the person's own expense:
 - (i) preserve and protect the building from damage; and
 - (ii) if necessary, underpin and support the building in an approved manner.
 - (b) The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work. [PCW0765]
39. 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]
40. 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]

41. 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]

DURING CONSTRUCTION

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

[DUR0005]

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

[DUR0015]

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

Such to specifically include the following:

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

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

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

[DUR0065]

45. The driveway is to be constructed 3.5 metres wide at the property boundary and 6.5 metres wide at the kerb line with a uniform taper.

[DUR0075]

46. The provision of a minimum 9 off street car parking spaces including parking for the disabled where applicable. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls, the Building Code of Australia and AS 2890.

[DUR0085]

47. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -
Monday to Saturday from 7.00am to 7.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

48. All 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]

49. 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]

50. 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]

51. 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]

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

[DUR0415]

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

[DUR0645]

54. 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]

55. 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]
56. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited. [DUR0815]
57. 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]
58. All new residential dwellings (and extensions comprising over 50% of the original floor area) are to fully comply with Councils Energy Smart Housing Policy (DCP39). In order to comply with DCP39 consideration must be given to the building envelope, orientation, insulation, ventilation, thermal mass and zoning. [DUR0915]
59. Provision of an adequate turfed area, or other suitable media, is incorporated and maintained into the proposed landscape of the property for use as a car wash-down area. [DUR0965]
60. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council. [DUR0985]
61. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Occupation Certificate. [DUR0995]
62. All work associated with this approval is to be carried out so as not to impact on the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -
- Noise, water or air pollution
 - Minimise impact from dust during filling operations and also from construction vehicles
 - No material is removed from the site by wind
- [DUR1005]
63. 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]
64. Landscaping of the site shall be carried out in accordance with the submitted/approved landscaping plans. [DUR1045]

65. 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 Kingscliff Street in accordance with Councils adopted Development Design and Construction Specification.

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

[DUR1735]

66. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742.3-2202 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

[DUR1795]

67. 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]

68. 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]

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

[DUR1885]

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

[DUR1965]

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

[DUR2005]

72. 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]

73. The works are to be completed in accordance with Councils Development Control Plans and Design & Construction Specifications, including variations to the approved drawings as may be required due to insufficient detail shown on the drawings or to ensure that Council policy and/or good engineering practices are achieved. [DUR2025]
74. 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]
75. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste". [DUR2195]
76. Hazardous or industrial waste must be stored and disposed of in a manner to minimise its impact on the environment including appropriate segregation for storage and separate disposal by a waste transporter licensed by the EPA. [DUR2215]
77. 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]
78. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction. [DUR2375]
79. Appropriate measures are to be put in place during the construction period to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up prior to cessation of same days work and/or commencement of any rain event. [DUR2405]
80. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads. [DUR2415]
81. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the General Manager or his delegate. [DUR2425]
82. All waters that are to be discharged from the site 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]
83. 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]

84. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- (a) internal drainage, prior to slab preparation;
 - (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - (c) external drainage prior to backfilling.
 - (d) completion of work and prior to occupation of the building.
- [DUR2485]
85. Plumbing
- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
 - (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.
- [DUR2495]
86. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
- [DUR2505]
87. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
- [DUR2515]
88. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.
- [DUR2525]
89. 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]
90. 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.
91. 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]

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

[DUR2615]

93. No Acid Sulfate Soils are to be disturbed or exposed during construction.

[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

94. 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]

95. 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]

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

[POC0435]

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

[POC0475]

98. 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]

99. 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]

USE

100. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
[USE0125]
101. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.
[USE0135]
102. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised, notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive noise.
[USE0175]
103. All external artificial lighting shall be shielded where required to the satisfaction of Councils General Manager or his delegate to ensure that the spill of light or glare from such lighting does not create a nuisance to any adjoining or neighbouring premises.
[USE0205]
104. All externally mounted air conditioning units, swimming pool pumps, water tank pumps and any other mechanical plant and equipment shall be acoustically treated so as to avoid the creation of intrusive or unreasonable noise to any occupant of neighbouring or adjacent premises.
[USE0235]
105. The premises shall be suitably identified by Unit No. (where appropriate) and Street Number displayed in a prominent position on the facade of the building facing the primary street frontage, and is to be of sufficient size to be clearly identifiable from the street.
[USE0435]
106. The premises shall be operated in accordance with the *Public Health (Swimming Pools and Spa Pools) Regulation 2000* and the current NSW Health Public Swimming Pool and Spa Pool Guidelines.
[USE0985]

FOR VOTE - Unanimous

P5 [PD-PC] Development Application DA06/0988 for an upgrade of Murwillumbah swimming pool and associated multi-storey car park at Lot 1 DP 863851; Lot 701 DP 1054065; Lot 11 Section 16 DP 758739, Queen Street and Ferryview Lane Murwillumbah

The following persons addressed the meeting of the Planning Committee on this matter.

Mr Baldwin

P 5 COMMITTEE DECISION:

**Administrator Boyd
Administrator Willan**

RECOMMENDED that Development Application DA06/0988 for an upgrade of Murwillumbah swimming pool and associated multi-storey car park at Lot 1 DP 863851; Lot 701 DP 1054065; Lot 11 Section 16 DP 758739, Queen Street & Ferryview Lane 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 No EH06003 prepared by Tweed shire Council dated 12.2006 and Plan No's 0515 A 201, 0515 A 202, 0515 A 203, 0515 A 204, 0515 A 205, 0515 A 206, 0515 A 300, 0515 A 500, 0515 A 501, 0515 A 502, 0515 A 600, 0515 A 601 and 0515 A 602 prepared by TOMPKINS MDA ARCHITECTS and dated 17/08/06, 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. The subdivision is to be carried out in accordance with Development Control Plan No. 16 - Subdivisions 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]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. 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]
6. 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]
7. Prior to the issue of a construction certificate, the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-
(a) Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
(b) AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
(c) WorkCover Regulations 2000 [PCC0015]
8. 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]
9. 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/pavement design/furnishings
 - stormwater drainage
 - water supply works
 - sewerage works
 - landscaping works
 - sedimentation and erosion management plans

- location of all service conduits (water, sewer, Country Energy and Telstra)
- The provision of sufficient railing to ensure that adequate access is provided for mobility impaired people.

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

- [PCC0985]
10. A construction certificate application for works that involve any of the following:-
- connection of a private stormwater drain to a public stormwater drain
 - installation of stormwater quality control devices
 - erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under section 68 of the Local Government Act 1993.

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

- [PCC1145]
11. 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]
12. 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]
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.
- (d) Stormwater runoff from the multi-storey carpark requires treatment to remove oil and sediment pollutants prior to discharge to the public realm. Permanent stormwater treatment devices shall be sized in accordance with Section D7.12 of Development Design Specifications D7 - Stormwater Quality. Engineering details of the proposed devices shall be submitted with a S68 stormwater application for approval prior to the issue of a Construction Certificate.

[PCC1105]

14. 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: \$5,725
S94 Plan No. 4 (Version 4.0)

Sector9_4

[PCC0215/PSC0175]

15. 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 DSP2:	5.2 ET @ \$4598	\$23,910
Sewer Murwillumbah:	7.8 ET @ \$2863	\$22,331

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]

16. That the existing water trunk main located under the proposed carpark should be shown on all construction drawings. [PCCNS01]
17. Prior to the issue of a construction certificate a Car Parking Management Plan is to be provided to cater for the loss of car parking during construction. [PCCNS02]
18. Prior to the issue of a construction certificate an amended landscaping plan is to be approved by Council's landscape architect. [PCCNS03]

PRIOR TO COMMENCEMENT OF WORK

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.

[PCW0215]

20. 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]

21. 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]

22. 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]

23. 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]

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

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

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

[PCW0985]

25. 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]

26. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by Council prior to any discharge to sewer being commenced. A trade waste application fee will be applicable in accordance with Councils adopted Fees and Charges.

[PCW1075]

27. The location of any onsite treatment area for potential or actual ASS must be nominated and approved by Councils Environmental Health Officer prior to the commencement of works.

[PCWNS01]

28. The existing water main is to be taken off line prior to construction.

[PCWNS02]

DURING CONSTRUCTION

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 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]
31. 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]
32. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied in accordance with WorkCover 2000 Regulations.
[DUR0415]
33. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover Authority.
[DUR0645]
34. 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]
35. 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]
36. 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]
37. 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]
38. 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]

39. 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 Council's 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]
40. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste". [DUR2195]
41. Appropriate measures are to be put in place during the construction period to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up prior to cessation of same days work and/or commencement of any rain event. [DUR2405]
42. 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]
43. 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]
44. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged. [DUR2525]
45. 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]
46. 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]
47. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- * 43.5°C 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]

48. 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]

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

[DUR0985]

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

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

[DUR1005]

52. 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]
53. All walls in the food preparation and food storage areas shall be of solid construction, easily washable, lightly coloured and tiled to a height of at least 2 metres above floor level, or where not tiled, cement rendered to provide a smooth even finish to ceiling. Note: Stud framed walls will not be acceptable. Intersections of all floors with walls shall be coved to a radius of not less than 25 millimetres. [DUR1495]
54. 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]
55. All shelving, benches, fittings and furniture on which appliances and utensils are positioned within the premises must be of durable, smooth, impervious material capable of being easily cleaned. [DUR1605]
56. All hazardous and/or dangerous goods shall be handled and stored in a designated area away from stormwater drains. The designated area is to be: -
(a) Roofed;
(b) Provided with a sealed floor; and
Bunded so as to hold 110% of the total quantity of goods stored. Bunded area(s) shall not be flood-labile and shall be provided with pump out facilities. [DUR1635]
57. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9. [DUR2085]
58. Hazardous or industrial waste must be stored and disposed of in a manner to minimise its impact on the environment including appropriate segregation for storage and separate disposal by a waste transporter licensed by the EPA. [DUR2215]
59. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads. [DUR2415]
60. All excavation works are to be carried out in strict compliance with the ASS Management Plan prepared by Butler Partners (Project No.04163A) dated 7 July 2006. [DURNS01]
61. The treatment of excavated soils is not to be limited to the treatment of only natural soils. All excavated natural or fill materials regardless of depth shall be treated at a liming rate of 10 kg of agricultural lime/tonne or alternative to the satisfaction of DECS. [DURNS01]
62. No dewatering is permitted onsite without prior approval from Council's DECS. [DURNS01]

63. The offsite treatment of potential or actual ASS is not permitted without prior approval from Council's DECS. [DURNS01]
64. Erosion and sediment control devices should be installed to the satisfaction of Council's DECS and maintained throughout the duration of construction. [DURNS01]
65. A shake down area is required at the site entry/exit and must comply with Tweed Shire Council's Design Specification D7 - Stormwater Quality. [DURNS01]
66. The existing water main should be protected during construction by distinct markings over the main to avoid heavy construction traffic and pile driving impact. [DURNS02]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

67. 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]
68. 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 the construction certificate. [POC0865]
69. Prior to commencement of operations and on completion of fit out an inspection is to be arranged with Council's Environmental Health Officer for final approval. [POCNS01]
70. Details of the internal fit out of the food premises are to be provided and approved prior to the release of the construction certificate. [POCNS01]
71. Detailed plans outlining the design of chemical receiving and storage areas shall be submitted prior to release of the construction certificate. [POCNS01]

USE

72. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like. [USE0125]
73. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997. [USE0135]
74. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises. [USE0145]

75. All external artificial lighting shall be shielded where required to the satisfaction of Councils General Manager or his delegate to ensure that the spill of light or glare from such lighting does not create a nuisance to any adjoining or neighbouring premises. [USE0205]
76. All mechanical ventilation shall comply with AS1668.2 Ventilation Requirements. [USE0845]
77. The premises shall be maintained in a clean and tidy manner. [USE0965]
78. Erosion and sediment control devices should be installed to the satisfaction of Council's DECS and maintained throughout the use of the facility. [USENS01]
79. Any premises used for the storage, preparation or sale of food are to comply with the Food Act 2003, ANZFA Food Safety Standards 3.1.1, 3.2.2 & 3.2.3 and AS 4674-2004 Design, Construction and Fit-out of Food Premises. [USENS01]
80. NSW Workcover requirements shall be implemented and any approvals gained for the storage of hazardous chemicals and waste. [USENS01]
81. Amusement devices as defined under the meaning of Section 135 of the *Occupational Health and Safety Act 2000* or any small amusement devices shall comply with WorkCover NSW requirements. [USENS01]
82. The operation of the facility must be conducted in accordance with the Public Health (Swimming Pools and Spa Pools) Regulation 2000. [USENS01]
83. Waste material generated by the development shall be disposed of in accordance with the Waste Management Plan submitted by Tompkins MDA Architects (2006). [USENS01]
84. Hours of operation of the business are restricted to the following hours:-
- * 5.30am to 10.00pm - Mondays to Saturday
 - * 8.00am to 8.00pm Sundays and Public Holidays
 - * All deliveries and pickups relating to the business are to occur within the approved hours
- [USE0185]

FOR VOTE - Unanimous

P6 [PD-PC] Development Application DA06/1020 for a six storey multi-dwelling housing development comprising 3 x three bedrooms, 1 x four bedroom penthouse and basement carparking at Lot 1 DP 415356, No. 20 Hill Street Tweed Heads

P 6 COMMITTEE DECISION:

**Administrator Willan
Administrator Boyd**

RECOMMENDED that Development Application DA06/1020 for demolition of an existing dwelling house and the erection of a six storey multi-dwelling housing development comprising 3 x three bedrooms, 1 x four bedroom penthouse and basement carparking at Lot 1 DP 415356, No. 20 Hill 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 Plan Nos 2006/ARC/ Drawing Nos 02.1 - 02.7, 03.1 & 03.2 prepared by Pat Twohill Designs Pty Ltd and dated 31/8/06, 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. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee. [GEN0045]
5. The development is to be carried out in accordance with Development Control Plan No. 16 - Subdivisions Manual and Councils adopted Development Design and Construction Specifications. [GEN0125]
6. Application shall be made to Gold Coast Airport Pty Ltd (GCAPL) with a minimum of 28 days notice in respect of any proposed temporary penetration of the Obstacle Limitation Surface by construction cranes or otherwise. [GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. 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]
8. 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]
9. 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]
10. 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]
11. Any carparking 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]
12. The developer shall provide 9 parking spaces including parking for the disabled in accordance with DCP2, AS 2890 and Austroads Part 11. Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to and approved by the General Manager or his delegate prior to the issue of a construction certificate.
[PCC0065]
13. Any works to be carried out within the adjoining road reserve is subject to application and approval being issued by Tweed Shire Council as the road authority. Application for these works and receipt of approval is to be obtained prior to the issue of a construction certificate for works within the development site.
[PCC0075]
14. 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]

15. 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 Section 138 approval. Safe public access shall be provided at all times. [PCC0865]
16. 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: -
- Construction of the new gully pit and storm water connection pipe in Hill Street including long section, pipe detail and pavement reinstatement
- 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
 - Sediment and erosion control plans
 - Location of all services/conduits
 - Traffic control plan
- [PCC0895]
17. Prior to the issue of the Construction Certificate for the building works the applicant shall submit engineering details showing the driveway width at the boundary as 3.5m in accordance with section 5.1 of DCP No. 2 and that the lines of sight at the boundary comply with section 4.1.2 of DCP No.2. [PCCNS01]
18. Prior to the issue of the Section 68 approval and the issue of the Construction Certificate for the building works the applicant shall undertake pressure and flow testing on the existing 100mm water main to determine if adequate supply exists to cater for fire fighting purposes. In the event that minimum flow rates and pressure cannot be achieved the applicant will be required to install a private water booster pump. [PCCNS01]
19. Prior to the issue of the construction certificate for the building works the applicant shall submit to the Principal Certifying Authority a comprehensive geotechnical report verifying that the allotment is geotechnically stable and capable of supporting the foundations of the proposed development. [PCCNS01]
20. A detailed plan of landscaping is to be submitted and approved by Council's Director of Planning & Development, or their delegate, prior to the issue of a Construction Certificate. [PCCNS01]
21. A comprehensive colourboard, detailing the materials and colours to be utilised for the external treatment of the building is to be submitted and approved by Council's Director of Planning & Development, or their delegate, prior to the issue of a Construction Certificate. [PCCNS01]

22. Amended plans are to be submitted to the satisfaction of Council's Director of Planning & Development or delegate in conjunction with the Chairman of the Planning Committee with a different architectural treatment of the rooftop area to reduce massing of the top area of the proposed development and create a more active rooftop detail.
23. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be submitted to and approved by the Principal Certifying Authority PRIOR to the issue of a construction certificate. The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of.

[PCC1065]

24. Permanent stormwater quality treatment shall be provided in accordance with the following:
- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
 - (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 - Stormwater Quality*.
 - (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management. Typical water sensitive features include infiltration, maximising permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.
 - (d) Specific Requirements to be detailed within the Construction certificate application include:
 - (i) Shake down area at the entry point to the proposed development
 - (ii) Ensure that the treatment facility in the basement car park is labeled as an "Oil Grit Separator" and not a "grease trap"

[PCC1105]

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

[PCC1125]

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

will not be approved until prior separate approval to do so has been granted by Council under section 68 of the Local Government Act 1993.

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

[PCC1145]

27. 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]

28. Medium density/integrated developments will be required to provide a single bulk water service at the road frontage. Individual metering beyond this point shall be managed by occupants. Application for the bulk metre shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.
Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act, 2000 to be certified by an Accredited Certifier.

[PCC1185]

29. Where water is to be drawn from Council's reticulated system, the proponent shall: -
- Make application for the hire of a Tweed Shire Council metered standpipe including Council's nomination of point of extraction.
 - Where a current standpipe approval has been issued application must be made for Council's nomination of a point of extraction specific to the development.
 - Payment of relevant fees in accordance with Council's adopted fees and charges.

[PCC1205]

30. In accordance with Section 68 of the Local Government Act, application shall be made to Council for any proposed sewerage drainage system. Details shall include as a minimum hydraulic drawings, pipe sizes, details of materials and agreement from adjoining property owners to enter onto their land if necessary.

[PCC1225]

31. 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: S94 Plan No. 4 (Version 4.0) Sector1_4	\$1,803
(b) Open Space (Structured): S94 Plan No. 5	\$1,260
(c) Open Space (Casual): S94 Plan No. 5	\$269
(d) Shirewide Library Facilities: S94 Plan No. 11	\$1,112
(e) Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$229
(f) Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$324
(g) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$2,049.37
(h) Cycleways S94 Plan No. 22	\$568
(i) Regional Open Space (Structured) S94 Plan No. 26	\$3,757
(j) Regional Open Space (Casual) S94 Plan No. 26	\$1,381
(k) Tweed Heads Master Plan: S94 Plan No. 27	\$3,141.00

[PCC0215]

32. 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: 1.68 ET @ \$4598	\$7,725
Sewer Banora: 3 ET @ \$2863	\$8,589

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]

PRIOR TO COMMENCEMENT OF WORK

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

[PCW0005]

34. 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]

35. 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.
36. 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. [PCW0215]
- [PCW0225]
37. 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]
38. 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]
39. 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]
40. 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]

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

[PCW0955]

42. 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]

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

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

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

[PCW0985]

44. 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]

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

[PCW1095]

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

[PCW0015]

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

[PCW0705]

48. It is the responsibility of the contractor to identify and locate all underground utility services prior to commencing works.

[PCW1165]

49. Prior to any works commencing, appropriate measures are to be put in place 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.

[PCWNS01]

50. 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.
51. All work associated with this approval is to be carried out so as not to impact on the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: - [DUR0905]
- 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]
52. Swimming Pools (Building)
- (a) The swimming pool is to be installed and access thereto restricted in accordance with Council's "Code for the Installation of New Swimming Pools" and Australian Standard AS 1926-1986 (Copy of code enclosed).
 - (b) Swimming pools shall have suitable means for the drainage and disposal of overflow water.
 - (c) The pool pump and filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
- [DUR2075]
53. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9. [DUR2085]
54. 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]
55. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction and demolition. [DUR2185]
56. 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]
57. 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]

58. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.

[DUR2515]

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

[DUR2525]

60. 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]

61. 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]

62. The proponent shall comply with all requirements tabled within any approval issued under Section 68 of the Local Government Act.

[DUR2625]

DURING CONSTRUCTION

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

[DUR0005]

64. 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]

65. 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]

66. 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]
67. 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]
68. 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]
69. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied in accordance with WorkCover 2000 Regulations. [DUR0415]
- (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]
70. 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]

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

[DUR0645]

72. 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]

73. 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]

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

[DUR0015]

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

Such to specifically include the following:

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

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

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

[DUR0065]

76. The driveway is to be constructed 3.5 metres wide at the property boundary and 6.5 metres wide at the kerb line with a uniform taper.

[DUR0075]

77. 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]

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

[DUR0815]

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

[DUR0965]

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

[DUR0985]

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

[DUR0995]

82. 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 Hill Street in accordance with Councils adopted Development Design and Construction Specification.

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

[DUR1735]

83. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742.3-2202 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

[DUR1795]

84. During the road re-construction for the storm water trench, 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]

85. 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]
86. 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]
87. The proponent shall comply with all requirements tabled within any approval issued under Section 138 of the Roads Act.
[DUR1885]
88. The written consent of the registered proprietors of adjoining land, where the said works encroach thereon is to be submitted to Council prior to works commencing.
[DUR2005]
89. 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]
90. The works are to be completed in accordance with Councils Development Control Plans and Design & Construction Specifications, including variations to the approved drawings as may be required due to insufficient detail shown on the drawings or to ensure that Council policy and/or good engineering practices are achieved.
[DUR2025]
91. 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]
92. 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]
93. 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]

94. Appropriate measures are to be put in place during the construction period to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up prior to cessation of same days work and/or commencement of any rain event. [DUR2405]
95. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads. [DUR2415]
96. The burning off of trees, associated vegetation felled by clearing operations, and building waste is prohibited. [DURNS01]
97. The provision of 9 off street car parking spaces including parking for the disabled where applicable. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls, the Building Code of Australia and AS 2890. [DUR0085]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

98. 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]
99. 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]
100. 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]
101. 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.

102. Prior to the issue of a final occupation certificate adequate proof and/or documentation is to be submitted to the Principal Certifying Authority to identify that all commitment on the BASIX "Schedule of Commitments" have been complied with. [POC0265]

103. 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. [POC0435]

104. Prior to the issue of a final occupation certificate, all conditions of consent are to be met. [POC1045]

USE [POC1055]

105. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like. [USE0125]

106. All externally mounted air conditioning units, swimming pool pumps, water tank pumps and any other mechanical plant and equipment shall be acoustically treated so as to avoid the creation of intrusive or unreasonable noise to any occupant of neighbouring or adjacent premises. [USE0235]

107. 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]

108. The swimming pool is not to be used for commercial purposes without prior Development Consent. [USE1305]

109. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light creating a nuisance to neighbouring or adjacent premises. [USE0225]

110. All wastes shall be collected, stored and disposed to the satisfaction of the General Manager or his delegate. [USE0875]

FOR VOTE - Unanimous

P7 [PD-PC] Oyster Industry Sustainable Aquaculture Strategy

P 7 COMMITTEE DECISION:

**Administrator Boyd
Administrator Willan**

RECOMMENDED that this report be noted and incorporated into relevant development assessment criteria for any future development applications which may impact on the five (5) areas nominated for oyster aquaculture in the Terranora Broadwater.

FOR VOTE - Unanimous

P8 [PD-PC] Amendments to Tweed Local Environmental Plan 2000

P 8 COMMITTEE DECISION:

**Administrator Boyd
Administrator Willan**

RECOMMENDED that

- A. That Council resolve not to proceed with the following amendments to Tweed Local Environmental Plan 2000:
1. Amendment No. 29 - Lot 2 DP 815370 Mooball/Pottsville Road, Pottsville.
 2. Amendment No. 47 - Master Planning.
 3. Amendment No. 49 - Lots 154 and 156 DP 801121, Lots 151 and 152 DP 630766 and Lots 529 and 530 DP 1003396 Clothiers Creek Road, Tanglewood.
 4. Amendment No. 50 - Deferred land, Lot 1 DP 803722 and Lot 1 DP 810063 Cudgen Road, Cudgen.
 5. Amendment No. 54 - Lots 532 and 533 DP 1003396 Clothiers Creek Road, Tanglewood.
 6. Amendment No. 62 - Lot 4 DP 835954 North Arm Road, Murwillumbah.
 7. Amendment No. 73 - Rezoning of Lots 1, 2, 3 and 4 DP 381437 Cnr Turnock Street and Pearl Streets, Kingscliff.
 8. Amendment No. 78 - Definition of Tourist Accommodation and Tourist Resort.

9. Amendment No. 79:

- (a) Lot 7 DP 565198 Tree Street, Bray Park;
- (b) Lot 4 DP 835954 & Part Lot 1 DP 814412 North Arm Road, Murwillumbah

- B. Council undertakes to seek urgent consideration by the Minister, on compassionate grounds, with regard to Amendment Numbers 62 and 79.

FOR VOTE - Unanimous

P9 [PD-PC] Tweed Local Environmental Plan 2000 Amendment No 70 (Exempt and Complying Development) and Amendment No 4 Development Control Plan No 40 (Exempt and Complying Development)

P 9 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Council:-

1. Adopts Amendment No 4 to Development Control Plan No 40 (Exempt and Complying Development) as referred to at Minute No 107 of the Council Meeting held 13 June 2006.
2. Gives public notice in the Tweed Link of its decision to adopt Amendment No 4 to Development Control Plan No 40 (Exempt and Complying Development) in accordance with the Environmental Planning and Assessment Regulations 2000, specifying that the Development Control Plan will come into effect on the date of gazettal of Tweed Local Environmental Plan 2000 (Amendment No 70).

FOR VOTE - Unanimous

P10 [PD-PC] Draft Tweed Local Environmental Plan 2000, Amendment No 76 - Heritage Items

P 10 COMMITTEE DECISION:

**Administrator Boyd
Administrator Willan**

RECOMMENDED that, pursuant to Section 66 of the Environmental Planning and Assessment Act 1979, Council exhibits draft Tweed Local Environmental Plan 2000, Amendment No 76.

FOR VOTE - Unanimous

P11 [PD-PC] Murwillumbah Locality and Master Planning Projects

P 11 COMMITTEE DECISION:

**Administrator Willan
Administrator Turnbull**

RECOMMENDED that this report be received and noted.

FOR VOTE - Unanimous

P 12 COMMITTEE DECISION:

**Administrator Willan
Administrator Boyd**

RESOLVED that the Committee resume in open Council.

FOR VOTE - Unanimous

3 COUNCIL DECISION:

**Administrator Willan
Administrator Boyd**

RESOLVED that the recommendations of the Planning Committee held Tuesday 23 January 2007 be adopted.

FOR VOTE - Unanimous

OPERATIONS COMMITTEE

4 COUNCIL DECISION:

**Administrator Willan
Administrator Turnbull**

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

FOR VOTE - Unanimous

REPORTS THROUGH THE GENERAL MANAGER

01 [TCS-OC] Transactional Banking Services

O 1 COMMITTEE DECISION:

Administrator Boyd
Administrator Willan

RECOMMENDED that:

1. Council accepts the Commonwealth Bank's contract for supply of transactional banking services for a term of five (5) years commencing 1 January 2007 to 31 December 2011.
2. The documents be executed under the Common Seal of Council.

FOR VOTE - Unanimous

02 [TCS-OC] Monthly Investment Report for Period Ending 31 December 2006

O 2 COMMITTEE DECISION:

Administrator Boyd
Administrator Willan

RECOMMENDED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at 31 December 2006 totalling \$117,157,478.39 be received and noted.

FOR VOTE - Unanimous

03 [EC-OC] Tweed Shire Social Plan - Review 2006

O 3 COMMITTEE DECISION:

Administrator Turnbull
Administrator Boyd

RECOMMENDED that Council:

1. Notes the progress made so far to action the issues raised by the 2006 Social Plan Review;
(nb: the attachment should form part of report)

2. Authorises a further similar round of consultation to be undertaken towards the beginning of 2007 for the 2007 Social Plan Review, including release of this progress summary;
3. Considers including the proposed budget items as identified in the Actions Report Funding Summary in the 2007/2008 budget;
4. Continues the operation of the Public Transport Working Group;
5. Defers the formation of the Working Group on Youth and Family Relationships pending the advice of the Youth Development Officer;
6. Continues the operation of the Tweed Shire Council Ageing, Disabilities and Home Care Working Group.
7. That the items under the "affordable housing" part of the actions table be referred to Director Planning & Development for consideration in the LEP review.
8. That Council prepares a report on the current status of community and public transport available within the Tweed.

FOR VOTE - Unanimous

O4 [EC-OC] Request for "In Kind" Support/Waive Fee

O 4 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council:-

1. With reference to the request from The Wintersun Festival Association Inc, Council provides the Tweed Heads Civic Centre for workshops for a reduced fee of 50% of the full daily fee being \$70 and that Council declines the waiver of fees for the evening function 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 Northern Rivers Symphony Orchestra Inc, Council provides the Tweed Heads Civic Centre for rehearsals every Wednesday for \$10 per rehearsal and that Council's support is recognised with the following acknowledgement "This programme has been supported by Tweed Shire Council".

3. With reference to the request from North Coast Area Health Service, The Tweed Hospital, Council provides the Tweed Heads Civic Centre free of charge for the Volunteers Christmas Party to be held on 14 December 2007 and that Council's support is recognised with the following acknowledgement "This programme has been supported by Tweed Shire Council".
4. With reference to the request from North Coast Area Health Service, The Tweed Hospital, Council provides use of the Tweed Heads Civic Centre free of charge for the Service of Remembrance to be held on 22 November 2007 and that Council's support is recognised with the following acknowledgement "This programme has been supported by Tweed Shire Council".
5. With reference to the request from Connect, that Council declines the request to provide the Murwillumbah Civic Centre free of charge to Connect for the function held on 5 December 2006.
6. With reference to the request from Murwillumbah Churches of Christ on behalf of the Ministers Fraternal, Council provides the use of the Murwillumbah Civic Centre for Carols by Candlelight on 9 & 10 December 2006 free of charge.
7. With reference to the request from the Tweed Australian South Sea Islander Community Inc, Council provides the South Sea Islander Room at no charge for 2007 meetings and that Council's support is recognised with the following acknowledgement "This programme has been supported by Tweed Shire Council".

FOR VOTE - Unanimous

O5 [EC-OC] Colours of Kenya Tour

O 5 COMMITTEE DECISION:

Administrator Turnbull

Administrator Boyd

RECOMMENDED that this report be received and noted.

FOR VOTE - Unanimous

O6 [EC-OC] Caretaking/Management - Murwillumbah Civic Centre Auditorium

O 6 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council:-

1. Awards the caretaking/management agreement for the Murwillumbah Civic Centre Auditorium to DK & JM Martain for a three year period with an option for a further three years.
2. Awards the licence agreement for the management of the Canvas & Kettle meeting room and kitchen to DK & JM Martain for a period of three years with a three year option.

FOR VOTE - Unanimous

O7 [EC-OC] Banora Point Community Centre - Caretaking/Management

O 7 COMMITTEE DECISION:

**Administrator Willan
Administrator Boyd**

RECOMMENDED that Council awards the management to DK and JM Martain as the lowest tenderer for a period of three (3) years with option for a further three (3) years.

FOR VOTE - Unanimous

O8 [EC-OC] Offer of Long Term Lease from Department of Lands to enable Tweed River Regional Museum to be Developed on Flagstaff Hill

O 8 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council:-

1. Accepts the offer from Department of Lands, to enter into a long-term lease arrangement for Flagstaff Hill, subject to development approval and proceeds with negotiating suitable terms and conditions.
2. Formally adopts the Paul Berkemeier concept for community consultation and proceeds to exhibit concept documentation and brief stakeholders on the project.

FOR VOTE - Unanimous

- 09 [EC-OC] Murwillumbah Pool Complex - Learn to Swim & Swim Coaching Agreement**

O 9 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council extends the Learn to Swim & Swim Coaching Agreement with Get Wet Swimming being D Buckland & J Prosser due to circumstances involving the Murwillumbah Pool Upgrade so as to expire on 31 August 2009.

FOR VOTE - Unanimous

- 010 [EC-OC] Request for Council to become "A Local Government Friend of Australian Red Cross"**

O 10 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Council agrees to be "A Local Government Friend of Australian Red Cross".

FOR VOTE - Unanimous

- 011 [EO-OC] Naming of Public Road, Milsoms Lane, Uki**

O 11 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:-

1. Council adopts the name of "*Milsoms Lane*", being the road reserve which runs from Crown Reserve 81169 for approximately 320m, parallel with Kyogle Road, Uki; and
2. The naming of the public road be gazetted under the provisions of the Roads (General) Regulation, 1994 and the Roads Act, 1993.

FOR VOTE - Unanimous

O12 [EO-OC] Naming of a Council Public Road

O 12 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:-

1. Council publicises its intention to name the road reserve which runs between Adelaide Street and Charles Street, Tweed Heads as "Sellicks Lane" allowing one month for objections to the proposal;
2. Council notifies the relevant authorities under the provisions of the Roads (General) Regulation 1994.

FOR VOTE - Unanimous

O13 [EO-OC] Consent to Easement to Drain Water within Lot 2 DP 534521

O 13 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council provides its consent as the owner of Lot 2 DP 534521 to the creation of an Easement to Drain Water within Lot 2 as shown in the draft plan of easement provided by Metricon Qld Pty Ltd.

FOR VOTE - Unanimous

O14 [EO-OC] Clothiers Creek Floodplain Storage

O 14 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council opposes any rezoning or development proposals of the Clothiers Creek Floodplain between the Pacific Motorway and Cudgen Lake involving a net decrease in the volume of available flood storage.

FOR VOTE - Unanimous

O15 [EO-OC] Coolangatta Creek Sea Outlet

O 15 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that this item be received and noted.

FOR VOTE - Unanimous

O16 [EO-OC] Funding for Roadside Management Plan

O 16 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Willan**

RECOMMENDED that:-

1. The "Funds for Planning - Environmental Trust Saving our Corridors Program" grant funding of \$2,200 be accepted.
2. Council votes the funds accordingly.

FOR VOTE - Unanimous

O17 [EO-OC] Adoption of Draft Pesticide Notification Plan

O 17 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that the draft Tweed Shire Council Pesticide Notification Plan be adopted, with a notice to this effect being placed in the NSW Government Gazette.

FOR VOTE - Unanimous

- O18 [EO-OC] Quarterly Variation Report Contract EC2005-193 - Design and Construction of the Tertiary Treatment Facility, Murwillumbah Sewage Treatment Plant**

O 18 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that the nil variations, for the period 1 October to 31 December 2006, for Contract EC2005-193 Design and Construction of the Tertiary Treatment Facility, Murwillumbah Sewage Treatment Plant, be received and noted.

FOR VOTE - Unanimous

- O19 [EO-OC] EQ2006-119(B) Level of Discount to be Applied for the Supply of Materials to Council as a Preferred Supplier**

O 19 COMMITTEE DECISION:

**Administrator Willan
Administrator Boyd**

RECOMMENDED that formal Preferred Supplier Arrangements, with discount levels as tabled at this meeting be entered into with all nominated suppliers. The Preferred Supplier Arrangement will apply for a twelve-month (12) period from the date determined by Council and at Council's sole discretion and subsequent approval two (2) further extensions of twelve (12) month each may be approved.

FOR VOTE - Unanimous

- O20 [EO-OC] EC2006-167 Supply and Laying of Asphaltic Concrete to Local Streets**

O 20 COMMITTEE DECISION:

**Administrator Boyd
Administrator Willan**

RECOMMENDED that:-

1. Council awards Contract EC2006-167 Supply and Laying of Asphaltic Concrete to Local Streets to Pioneer Road Services Pty Ltd for the Schedule of Rates tendered.
2. The Director Engineering and Operations be given delegated authority to approve variations up to 20% above the initial contract quantities.

3. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

O21 [EO-OC] Variation to Infrastructure Program

O 21 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that the construction of:-

1. Trunk drainage in Murwillumbah Street, Murwillumbah be deferred to a future year after completion of the Carpark/swimming pool redevelopment
2. The construction of drainage improvements in Wommin Bay Road, Chinderah be brought forward to the 2006/07 Infrastructure Program.

FOR VOTE - Unanimous

O22 [EO-OC] Murwillumbah CBD Parking Study

O 22 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council:-

1. In accordance with the Environmental Planning & Assessment Regulation amend Development Control Plan No. 2 (DCP2) Site Access and Parking Code, V1.1, to remove the Local Area Customer car parking concession of 30% provided in Section 4.8, from Murwillumbah.
2. Ensure all new developments in Murwillumbah provide on-site car parking in compliance with Development Control Plan No. 2 Site Access and Parking Code, rather than making monetary contributions, unless exceptional circumstances (such as adverse impacts on street frontages) can be demonstrated.
3. Ensure that applications for outdoor dining in Murwillumbah that consume on street parking are refused unless the business can physically provide the lost on-street car parking spaces with equivalent on-site car parking spaces.

4. Request the Murwillumbah District Business Chamber to advise business operators that have development consent conditions requiring customer car parking to clearly signpost their private car parks for customers and remove "reserved for staff" car parking spaces.
5. Review Murwillumbah parking regulation to optimise time restricted and unrestricted parking zones within the CBD in consultation with the Murwillumbah District Business Chamber.
6. Defer any consideration of the introduction of parking meters into the CBD.
7. Advises the Murwillumbah District Business Chamber that should businesses wish to pursue a physical solution to provide additional car parking (such as a new car park), Council would be prepared to enter into negotiations with the Chamber to consider the introduction of a "special rate for car parking" to be applied to all Murwillumbah businesses.
8. Considers the conversion of the council owned property at 113 Wollumbin Street adjacent to the existing car park to provide about 30 new car parking spaces as a medium to long term project.
9. Request the Murwillumbah District Business Chamber to facilitate the amalgamation of private car parks in Proudfoots Lane in conjunction with Proudfoots Lane upgrade to maximise parking opportunities.
10. Defers consideration of a covered walkway from the South Murwillumbah public car parks to the Murwillumbah CBD.
11. Council invites the Murwillumbah Chamber of Commerce to provide a written response to the issues raised in this report.

FOR VOTE - Unanimous

O 23 COMMITTEE DECISION:

**Administrator Willan
Administrator Boyd**

RESOLVED that the Committee resumes in Open Council.

FOR VOTE - Unanimous

5 COUNCIL DECISION:

**Administrator Willan
Administrator Boyd**

RESOLVED that the recommendations of the Operations Committee held Tuesday 23 January 2007 be adopted.

FOR VOTE - Unanimous

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

6 COUNCIL DECISION:

**Administrator Willan
Administrator Boyd**

RESOLVED that this report be received and noted.

FOR VOTE - Unanimous

Tree Poisoning, Casuarina (Reference Schedule of Outstanding Resolutions O12)

7 COUNCIL DECISION:

**Administrator Willan
Administrator Turnbull**

RESOLVED that:-

1. A reward of \$15,000 be posted for information that leads to the conviction of person(s) responsible for the wilful damage of vegetation at Casuarina.
2. A press release be prepared informing the community of this decision

FOR VOTE - Unanimous

ADMINISTRATOR'S MINUTE

[AM] Documents Signed by Administrators

8 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

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 & DEVELOPMENT

Nil.

REPORTS FROM THE ACTING DIRECTOR TECHNOLOGY & CORPORATE SERVICES

Nil.

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

Nil.

REPORTS FROM THE DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

- 1 [SUB-KBWHMC] Minutes of the Koala Beach Wildlife And Habitat Management Committee Meeting held Wednesday 6 December 2006

9 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that the:-

1. Minutes of the Koala Beach Wildlife and Habitat Management Committee Meeting held 6 December 2006 be received and noted; and

2. Administrator Turnbull be recorded as "not present" at the meeting of the Koala Beach Wildlife and Habitat Management Committee held Wednesday 6 December 2006.
3. Director's recommendations be adopted as follows

Business Arising:

2. Street Trees and Footpaths

That the trees along Cudgera and Sassafras Avenue be retained and footpath on affected areas on the northern side of the streets be removed.

1. Committee Member Replacement

That Graham Avery is appointed as the new member on the Koala Beach & Wildlife Habitat Committee.

FOR VOTE - Unanimous

RETIREMENT FROM MEETING

Administrator Turnbull left the meeting at 5.30pm.

2 [SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Wednesday 13 December 2006

10 COUNCIL DECISION:

**Administrator Boyd
Administrator Willan**

RESOLVED that the:-

1. Minutes of the Tweed Coastal Committee Meeting held Wednesday 13 December 2006 be received and noted; and
2. Director's recommendations be adopted as follows

General Business:

3. Tweed Coastal Committee Membership

Tweed Coastal Committee

That Council's Environmental Officer (Vegetation Management) be endorsed as a non voting member of the Tweed Coastal Committee.

7. Tree Poisoning – Casuarina Foreshore

Parks - Casuarina

That the recommendation of the Tweed Coastal Committee be noted by Council being:-

That Council makes every effort to find perpetrators and take appropriate action to deter people from poisoning/removing trees on public land.

FOR VOTE - Voting - Unanimous

ABSENT. DID NOT VOTE - Administrator Turnbull

3 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 13 December 2006

11 COUNCIL DECISION:

**Administrator Boyd
Administrator Willan**

RESOLVED that the:-

1. Minutes of the Tweed River Committee Meeting held Wednesday 13 December 2006 be received and noted; and
2. Director's recommendations be adopted as follows

Item from Meeting held 13 October 2006

Business Arising:

4. Funding for Biodiversity Program (Renamed by Director)

That:

1. *Council notes the Committee's views and advise them that funding for the Vegetation Management Plan and other nominated environmental projects will be considered in the development of the 2007/08 Management Plan.*

2. *Council Administrators and EMT be invited to attend a bus tour to witness first hand the threats to biodiversity and the restoration works currently underway in the Tweed catchment.*
-

Correspondence In:

4. **Letter from Nucrush Pty Ltd - Dredging of Sand and Aggregates in the Tweed River**

That Council responds to Nucrush highlighting the recommendations in the Upper Estuary Management Plan and Bank Management Plan supporting the need for investigation of a dredging licence and noting the need to investigate the lower estuary.

Agenda Item:

2. **Coastal Lake Assessment and Management Tool (CLAM) Progress and Feedback**

That Council staff prepare a detailed proposal to Council for the preparation of a revised Plan of Management for Cobaki Broadwater. That such proposal be accompanied by project objectives and outcomes, project justification, project management, timetable, costings and that GCAL, Pacificlink Alliance and Developers within the catchment be approached for a contribution.

General Business:

3. **Membership of Tweed River Committee**

That Council's Environmental Officer (Vegetation Management) be endorsed as a non voting staff member to the Tweed River Committee.

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Administrator Turnbull

4 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 14 December 2006

12 COUNCIL DECISION:

Administrator Boyd
Administrator Willan

RESOLVED that the:-

1. Minutes of the Local Traffic Committee Meeting held Thursday 14 December 2006 be received and noted; and
2. Director's recommendations be adopted as follows

BUSINESS ARISING:

10. **Minjungbal Drive, Tweed Heads South**

DW1489454; Minjungbal Drive; Traffic - Linemarking; Directional Signs; Local Area Traffic Management; Pedestrian Crossings; DA06/0351 Pt4; DW1510180; 1512145;

That at the completion of the upgrading of Minjungbal Drive to 6 lanes between Soorley Street and Kirkwood Road "No Stopping" signs be erected prohibiting parking between 8:00 - 10:00am and 3:00 - 6:00pm Monday to Friday.

GENERAL BUSINESS:

1. **Bay Street, Tweed Heads - Permit Parking**
DW1502132; Local Area Traffic Management; Parking Zones; Bay Street

That the Bay Street parking permits be extended a further 12 months to 31 December 2007.

6. **Bicycle Road Racing on Local Streets - 2007**

DW1511488; Bicycle Matters - General; Traffic - Safety

That Council gives approval for the use of the subject roads shown in the application document subject to approval from the NSW Police.

10. Redesign of Wardrop Valley Road between Lundberg Drive and the New Industrial Estate

DW1512110; Local Area Traffic Management; Wardrop Valley Road; Speed Zones

That a 60kph speed zone be installed on Wardrop Valley Road as shown on Plan No. WK05073.

FOR VOTE - Voting - Unanimous

ABSENT. DID NOT VOTE - Administrator Turnbull

ORDERS OF THE DAY

5 [NOM] Aboriginal Statement

NOTICE OF MOTION:

13 COUNCIL DECISION:

**Administrator Boyd
Administrator Willan**

RESOLVED that the words of the aboriginal acknowledgement approved at the Council meeting held 6 July 2005 be referred to the Aboriginal Advisory Committee for consideration of members in view of a recent suggestion made by an Aboriginal person that the words "traditional owners" perhaps should be replaced by "original custodians".

FOR VOTE - Voting - Unanimous

ABSENT. DID NOT VOTE - Administrator Turnbull

QUESTION TIME

[QT] Hastings Point Road, Headland

Administrator Boyd

Asked will staff provide an estimate of cost to reconstruct or resurface the access road and parking area on Hastings Point Headland?

The General Manager responded that a report would be prepared disclosing the estimated cost of these works.

[QT] Groundwater Reserves - Tweed Shire

Administrator Boyd

Asked have there been any detailed assessments undertaken to identify and quantify groundwater reserves in Tweed Shire?

The General Manager responded that there was an amount of detailed information available. This information will be collated from the various sources and provided to Council.

14 COUNCIL DECISION:

Administrator Boyd
Administrator Willan

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

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Administrator Turnbull

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 FROM THE DIRECTOR ENGINEERING AND OPERATIONS

1 [EO-CM] Licence Agreement - Part of Road Reserve - Riverside Drive, Tumbulgum

REASON FOR CONFIDENTIALITY:

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

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

C 2 COMMITTEE DECISION:

That that Council defers this item until the meeting of 13 February 2007 to allow for further discussion.

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Administrator Turnbull

2 [EO-CM] Bray Park Water Treatment Plant Upgrade - Project Review

REASON FOR CONFIDENTIALITY:

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

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

C 3 COMMITTEE DECISION:

That Council:-

1. Receives and notes this report.
2. Approves payment of additional design fees to Hunter Water Australia (HWA).
3. Proceeds to call tenders for the Upgrade of Bray Park Water Treatment Plant.
4. Further reviews the financing and justification of the project following tender price submissions.
5. Pursue sources of loan funds for the project.

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Administrator Turnbull

REPORTS FROM THE DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

3 [EC-CM] Request for Donation

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 4 COMMITTEE DECISION:

That this item be deferred to obtain more information.

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Administrator Turnbull

4 [EC-CM-CON] Community Options Program

REASON FOR CONFIDENTIALITY:

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

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

C 5 COMMITTEE DECISION:

That Council:-

1. Notes that the Community Options Project is a case management program and that the current management direction of the program is clearly consistent with the funding body guidelines and that Council is sympathetic to the client group that has been adversely affected by this shift in program direction.
2. Engages in an independent mediation process between both parties with the Executive Officer of Community Options as the mediator, noting that the intention is for the mediator to meet with the agreed client group on an individual basis.
3. Formalise a peer support program for the Community Options staff through the NSW Community Options Project Inc.
4. Accepts the offer of NSW Community Options Project Inc to facilitate a special forum with the main service providers, including the representatives of the funding body to work in partnership to develop a mapping exercise to identify all of the existing pathways for this particular client group. This facilitation could also act as conciliatory process to link all players therefore allowing an increased understanding and linkage to each other.

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Administrator Turnbull

15 COUNCIL DECISION:

**Administrator Willan
Administrator Boyd**

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

FOR VOTE - Voting - Unanimous

ABSENT. DID NOT VOTE - Administrator Turnbull

There being no further business the Meeting terminated at 5.40pm.



Minutes of Meeting Confirmed by Council

at Meeting held

Chairman