

The Meeting commenced at 4.30pm.

IN ATTENDANCE

Administrators Mr Frank Willan (Chairman) and Mr Max Boyd.

Also present were Mr Mike Rayner (General Manager), Mr Reg Norvill (Director Governance & Corporate Services), Mr Patrick Knight (Acting Director Engineering & Operations), Mr Noel Hodges (Director Planning & Development), Mr Don Buckley (Director Environment & Community Services), Ms Genevieve Slattery (Executive Officer), Mr Neil Baldwin (Governance Officer/Public Officer) and Mrs Maree Morgan (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 the Council Prayer lead by the General Manager.

CONFIRMATION OF MINUTES

Minutes of the Ordinary and Confidential Council Meetings held Tuesday 15 August 2006

169 COUNCIL DECISION:

Administrator Boyd
Administrator Willan

RESOLVED that the Minutes of the Ordinary and Confidential Council Meetings held Tuesday 15 August 2006 be adopted as a true and accurate record of proceedings of that meeting.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Administrator Turnbull

APOLOGIES

Administrator Turnbull.

170 COUNCIL DECISION:

**Administrator Willan
Administrator Boyd**

RESOLVED that the apology of Administrator Turnbull be accepted and the necessary leave of absence be granted for overseas business.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Administrator Turnbull

DISCLOSURE OF INTEREST

Nil.

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

Nil.

ITEMS NOT ON THE AGENDA

2006/2007 Rates Incentive

The 2006/2007 rates levy produced 36,014 notices with a total amount levied of \$54,440.295.

A total of 8,552 ratepayers paid their rates in full by 31 August 2006 with a total of \$11,596,587 in revenue collected. The winners of this year's scheme are:

1 ST Prize	A registered Holden Barina 5 Door Manual Hatch	Mr Cornelius Kelleher from Banora Point
2 ND Prize	6 Night Holiday at Great Sandy Straits Marina Resort Hervey Bay	Mr Clifford Fry & Mrs Giovanna Bertoldini-Fry & two others from Banora Point
3 rd Prize	3 Night Holiday at Quality Resort Twin Towns, Tweed Heads	Mr Bruce & Mrs Margaret Wilton from Sleepy Hollow

PLANNING COMMITTEE

171 COUNCIL DECISION:

Administrator Willan
Administrator Boyd

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

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

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR PLANNING & DEVELOPMENT

P1 [PD-PC] Development Application DA06/0327 for a Mechanical and Electrical Utility Installation for Kingscliff STP at Lot 20 DP 1082482, Tweed Coast Road, Chinderah

P 135 COMMITTEE DECISION:

Administrator Boyd
Administrator Willan

RECOMMENDED that Development Application DA06/0327 for a mechanical and electrical utility installation for Kingscliff STP at Lot 20 DP 1082482, Tweed Coast Road Chinderah be approved subject to the following conditions: -

GENERAL

1. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
[GEN0115]
2. The development shall be completed in accordance with the Statement of Environmental Effects and Drawing Nos:
 - WT05037/01, Issue A, prepared by Tweed Shire Council Design Unit, and dated 02/05/2006,
 - WT05037/02, Issue A, prepared by Tweed Shire Council Design Unit, and dated 02/05/2006,
 - WT05037/03, Issue A, prepared by Tweed Shire Council Design Unit, and dated 02/05/2006,
 - WT05037/04, Issue A, prepared by Tweed Shire Council Design Unit, and dated 02/05/2006,

- WT05037/05, Issue A, prepared by Tweed Shire Council Design Unit, and dated 02/05/2006,
- WT05037/06, Issue A, prepared by Tweed Shire Council Design Unit, and dated 02/05/2006,
- WT05037/07, Issue A, prepared by Tweed Shire Council Design Unit, and dated 02/05/2006,
- WT05037/08, Issue A, prepared by Tweed Shire Council Design Unit, and dated 02/05/2006,

except where varied by the conditions of this consent.

[GEN0005]

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. Until such time as the sewage treatment plant is completed and operational, sewage wastes shall be temporarily stored within the gravity sewer system (under construction). Sewage wastes shall be pumped out, transported and discharged at the existing Kingscliff STP. The storage system shall be monitored by Council's Water Unit staff. Watercourses shall not be permitted to flow or percolate to any water course or drain.
[GENNS01]
5. All wastes shall be collected, stored and disposed of to the satisfaction of Council's Director of Environment and Community Services.
[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. 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 | \$12,479 |
| (b) Extensions to Council Administration Offices
& Technical Support Facilities
S94 Plan No. 18 | \$253 |

[PCC0215]

7. 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:	1.708 ET @ \$4598	\$7,853
Sewer Kingscliff:	2.346 ET @ \$6688	\$15,690

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]

8. 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 Council's Director of Environment and Community Services.

[PCC0465]

9. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17⁰ or steeper, such

slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.

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

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

[PCC0455]

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

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

[PCC0485]

11. The site is to be filled to a minimum level of RL 3.3m AHD. The fill is to be retained by perimeter structural walls with concrete lined perimeter drainage or other approved treatment. Site filling and associated drainage is to be designed to address drainage on the site as well as existing stormwater flows onto or through the site, and minimizing the impact of filling on local drainage. Detailed engineering plans of fill levels and perimeter drainage shall be submitted with a S68 stormwater application for Council approval.

[PCC0675]

12. Design detail shall be provided to address the flood compatibility of the proposed structure including the following specific matters:
 - (a) The habitable areas of the building are to be at a level no less than 500mm above 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]

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) 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]

14. A construction certificate application for works that involve any of the following:-

- connection of a private stormwater drain to a public stormwater drain
- installation of stormwater quality control devices
- erosion and sediment control works

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]

15. Erosion and Sediment Control shall be provided in accordance with the following:
- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
 - (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its

Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

PRIOR TO COMMENCEMENT OF WORK

16. 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]

17. 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]

18. 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]

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

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

[PCW0255]

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

[PCW0755]

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

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]

22. Sediment and erosion control measures shall be placed and maintained to the satisfaction of Council's Director of Environment and Community Services.

[PCWNS01]

DURING CONSTRUCTION

23. 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]

24. 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]
25. 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]
26. 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]
27. 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]
28. 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]
29. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped.
[DUR0755]
30. Proposed earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments".
[DUR0785]

31. 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]
32. 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]
33. 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]
34. 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]
35. 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]
36. A certificate is to be submitted by a Registered Surveyor certifying that all habitable floor areas are constructed above 3.8 metres AHD, and certifying the actual finished level of the total site. Certification of those levels by a registered surveyor must be submitted to the Principal Certifying Authority prior to proceedings past floor level to ensure that the floor is above flood level. [DUR1365]
37. 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]

38. 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]

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

[DUR0825]

41. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Council's Director of Environment and Community Services.

[DUR0985]

42. 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]

43. 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]

44. 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]
45. 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]
46. 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 a waste transporter licensed by the EPA.
[DUR2215]
47. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads.
[DUR2415]
48. All waters that are to be discharged from the site shall a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/kg. The contractor shall nominate a person responsible for monitoring of the quality of such discharge waters on a daily basis and the results recorded. Such results shall be made available to Council's Environmental Health Officer(s) upon request.
[DUR2435]
49. Noise shall not be permitted to impact on the amenity of any premise.
[DURNS01]
50. Acid sulfate soils shall not be exposed or disturbed and the site shall not be dewatered for nay works associated with the erection of the electrical utility building.
[DURNS02]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

51. 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]
52. 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]

53. 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]

54. Work as executed plans are to be provided to Council in accordance with Councils adopted Development Design and Construction Specification.

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]

55. 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]

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

[USE0135]

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

[USE0145]

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

[USE0155]

59. 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]

60. 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]

61. All hazardous and/or dangerous goods shall be stored in accordance with requirements of WorkCover NSW.

[USE1035]

62. The disposal of all wash water, oil, grease or other pollutants from the business shall be disposed of to the satisfaction of Council's General Manager or his delegate.

[USE1055]

USE

63. The structure shall not be utilised for residential purposes.

[USENS01]

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Administrator Turnbull

P2 [PD-PC] Development Application DA05/0607 for a Part Ten Storey Multi Dwelling Residential Development Comprising of 26x2 and 4x3 Bedroom Units at Lot 23, 24 & 25 in DP 21234, No 7 –9 Angela Street Tweed Heads & No 46 Thomson Street Tweed Heads

P 136 COMMITTEE DECISION:

**Administrator Boyd
Administrator Willan**

RECOMMENDED that : -

- A. Council utilises its assumed concurrence in relation to the North Coast Regional Environmental Plan Clause 51 - Tall Buildings.
- B. Development Application DA05/0607 for a part ten storey multi dwelling residential development comprising of 26 x 2 and 4 x 3 three bedroom units at Lot 23, 24 & 25 in DP 21234, No. 7 –9 Angela Street, Tweed Heads & No. 46 Thomson Street, Tweed Heads be approved subject to the following conditions: -

"DEFERRED COMMENCEMENT"

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "A". Such evidence is to be provided within 12 months of the date of notification.

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "A". The consent shall become operative and take effect from the date of notification under Section 67 of the Environmental Planning and Assessment Regulations subject to the conditions set out in Schedule "B".

SCHEDULE "A"

Conditions imposed pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 and Section 67 of the Regulations as amended.

Provide evidence of registration of the signed Transfer Releasing Easement Form 01TR with Land and Property Information NSW, to extinguish the pipe-

line easement burdening Lot 25 DP 21234, and benefiting former Lot 8 DP 23888, now part of Strata Plan No. 73511.

Note: A partially completed Form 01TR is attached, to assist in satisfying this requirement.

SCHEDULE B

NOTE: THIS PART OF THE CONSENT WILL NOT BECOME OPERABLE UNTIL COUNCIL ADVISES THAT THE MATTERS CONTAINED IN SCHEDULE A ARE SATISFIED.

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and the following Plan Nos:

- 03198 TP.01 Rev C prepared by RH Frankland & Associates Pty Ltd and dated 15/3/2005;
- 03198 TP.02 Rev A prepared by RH Frankland & Associates Pty Ltd and dated 10/2/2005;
- 03198 TP.03 Rev B prepared by RH Frankland & Associates Pty Ltd and dated 2/3/2005;
- 03198 TP.04 Rev A prepared by RH Frankland & Associates Pty Ltd and dated 10/2/2005;
- 03198 TP.05 Rev A prepared by RH Frankland & Associates Pty Ltd and dated 10/2/2005;
- 03198 TP.06 Rev A prepared by RH Frankland & Associates Pty Ltd and dated 10/2/2005;
- 03198 TP.07 Rev A prepared by RH Frankland & Associates Pty Ltd and dated 10/2/2005;
- 03198 TP.08 Rev A prepared by RH Frankland & Associates Pty Ltd and dated 10/2/2005;
- 03198 TP.09 Rev A prepared by RH Frankland & Associates Pty Ltd and dated 10/2/2005;
- 03198 TP.10 Rev B prepared by RH Frankland & Associates Pty Ltd and dated 9/3/2005;
- 03198 TP.11 Rev C prepared by RH Frankland & Associates Pty Ltd and dated 9/3/2005;
- 03198 TP.12 Rev C prepared by RH Frankland & Associates Pty Ltd and dated 9/3/2005;
- 03198 TP.13 Rev C prepared by RH Frankland & Associates Pty Ltd and dated 9/3/2005;
- 03198 TP.14 Rev C prepared by RH Frankland & Associates Pty Ltd and dated 9/3/2005;
- 03198 TP.15 Rev C prepared by RH Frankland & Associates Pty Ltd and dated 9/3/2005;

- 03198 TP.16 Rev A prepared by RH Frankland & Associates Pty Ltd and dated 14/2/2005;

except where varied by the conditions of this consent.

[GEN0005]

2. The proposed future demolition of existing dwellings and other improvements on the site, must be the subject of a separate development consent.

[GEN0035]

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. 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]

6. Any use of a crane or other equipment that may exceed a top RL of 49.5 metres AHD would intrude into the prescribed airspace of Gold Coast Airport, and therefore represent a "controlled activity" under the Airports (Protection of Airspace) Regulations. The proponent must obtain the approval of the Secretary, Department of Transport and Regional Services. An application for the Secretary's approval must be given to the airport lessee company (ie Gold Coast Airport Limited) at least 28 days before the intended commencement of the controlled activity.

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. Prior to the issue of a Construction Certificate the applicant is to submit to the General Manager or his delegate a detailed plan of landscaping for approval. This plan should focus on drought resistant native species and should soften the development.

[PCC0585]

8. Prior to issue of Construction Certificate the applicant is to submit a detailed schedule of colours and materials for approval by the General Manager or his delegate.

[PCCNS01]

9. Section 94 Contributions

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

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

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

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

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

(a) Tweed Road Contribution Plan: S94 Plan No. 4 (Version 4.0) Sector1_4	\$19,320
(b) Open Space (Structured): S94 Plan No. 5	\$12,959
(c) Open Space (Casual): S94 Plan No. 5	\$2,602
(d) Shirewide Library Facilities: S94 Plan No. 11	\$11,437
(e) Bus Shelters: S94 Plan No. 12	\$402
(f) Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$2,307
(g) Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$3,330
(h) Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$21,079.84

(i)	Cycleways S94 Plan No. 22	\$5,844
(j)	Regional Open Space (Structured) S94 Plan No. 26	\$38,647
(k)	Regional Open Space (Casual) S94 Plan No. 26	\$14,205
(l)	Tweed Heads Master Plan: S94 Plan No. 27	\$28,269.00

[PCC0215]

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

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

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

Water DSP4:	12.68 ET @ \$4598	\$58,303
Sewer Banora:	20.5 ET @ \$2863	\$58,692

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]

11. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and

Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

12. 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]

13. 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) Vehicular footpath crossings
- (b) Concrete footpath construction for both road frontages

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

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

[PCC0895]

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

- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
- (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 - Stormwater Quality*.
- (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management. Typical water sensitive features include infiltration, maximizing permeable/landscaped areas, stormwater retention

/detention/reuse, and use of grass swales in preference to hard engineered drainage systems.

- (d) Specific Requirements to be detailed within the Construction certificate application include:
- (i) Shake down area along the haul route immediately before the intersection with the road reserve.
 - (ii) All runoff from the undercover basement and driveways must be treated to remove oil and sediment pollutants prior to discharge to the public realm. All permanent stormwater quality control devices must be sized in accordance with Section D7.12 of Council's Development Design Specification D7 - Stormwater Quality. Full details of permanent treatment devices, including maintenance schedules, must be provided with a S68 Stormwater Application for approval prior to the issue of a Construction Certificate.
 - (iii) Roof water does not require treatment and should be discharged downstream of treatment devices.
 - (iv) Uncovered impervious car wash bays are only permitted where contaminated runoff can be directed to pervious landscaping or garden areas, to filter contaminants and maximise infiltration. Car wash bays of a durable, pervious construction are preferred. If such bays cannot be provided in locations that can be accessed satisfactorily by vehicles, these bays must be relocated to the undercover basement, bunded to prevent contamination of basement runoff, and all collected car wash runoff treated and discharged to sewer as trade waste, requiring a Tweed Shire Council Trade Waste Application.

[PCC1105]

15. 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]

16. 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]

17. (a) 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. This can be achieved by On-site Stormwater Detention (OSD), utilizing above or below ground storage. 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, Revision 2, 2004"* 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.

Details are to be submitted with the application for a Construction Certificate.

- (b) The provision of an OSD system described in Part (a) is not required if the underground piped drainage system in Pearl Street is extended to the development's Angela Street frontage, with all site stormwater discharged directly to this system via a kerb inlet pit. Full engineering details of the stormwater extension must be submitted with a s68 Stormwater Application for approval prior to the issue of a Construction Certificate. Design calculations must demonstrate that the drainage extension and the receiving infrastructure can accept runoff from the development site in events up to the ARI 5 year design storm.

[PCC1165]

18. An application shall be lodged and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage or drainage works prior to the issue of a construction certificate.

[PCC1195]

19. In accordance with Section 68 of the Local Government Act, application shall be made to Council for any proposed sewerage drainage system. Detail shall include hydraulic drawings, pipe sizes, details of materials and discharge temperatures.

[PCC1225]

20. 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]
21. Pursuant to Section 68 of the Local Government Act, 1993 an approved pre-treatment device (eg. Oil/grease traps, separators, etc) shall be installed in accordance with Tweed Shire Councils Trade Waste Policy. Submission of detailed hydraulic plans and specifications indicating size, type, location and drainage installations in accordance with AS 3500 shall be submitted to Council for approval. [PCC1265]
22. (a) All structural building elements, including walls and footings, must be constructed clear of the public sewer main in accordance with Frankland & Associates Drawing No.03198-TP.01(C), dated 15/03/05.
- (b) The landscaped area within the building setback along the eastern boundary must not contain any tree species growing to more than 1.5m tall at maturity, or have intrusive root systems (such as palm or fig species). Council will not be responsible for the reinstatement of any plantings in this area that may be disturbed by future excavation or maintenance activities on the sewer main.
- (c) Any retaining walls to be constructed across the public sewer must be supported by a concrete bridging beam for a minimum distance of 1m either side of the pipe centreline. The bridging beam must be supported by piers founded below the zone of influence of the sewer pipe, as defined by Council. The retaining walls must be designed to be free standing should retained fill need to be removed.
- (d) The refuse collection point at the front of the site is to be relocated clear of the proposed sewer easement. Alternatively, the structure/compound may be constructed of readily demountable and removable materials, subject to prior approval of Council's Director Engineering and Operations. [PCCNS02]
23. Prior to the issue of a Construction Certificate, the following modifications to the approved plans are to be incorporated:
- (a) Provision is to be made for bicycle parking in the basement areas.
- (b) The refuse collection point and fire booster cabinet are to be relocated to ensure driveway sight triangles per AS2890 are unencumbered.
- (c) No ground anchors or other protrusions into Council's footpath area are allowed, from the basement excavation adjoining the front boundary on the Thompson Street frontage. [PCCNS03]

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

[PCCNS04]

PRIOR TO COMMENCEMENT OF WORK

25. 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]

26. 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]

27. The erection of a building in accordance with a development consent must not be commenced until:

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

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

[PCW0215]

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

[PCW0225]

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

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

[PCW0245]

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

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

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

[PCW0255]

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

[PCW0705]

32. 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]

- 33. 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]

- 34. 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]

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

[PCW1055]

- 36. 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]

- 37. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.

[PCW1085]

- 38. Prior to the commencement of any demolition works on the site a Development Application for the demolition works is to be submitted to and approved of by Council.

[PCWNS01]

39. Erosion and sediment control devices should be installed to the satisfaction of Council's General Manager or delegate and maintained throughout the duration of construction.

[PCWNS02]

40. 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 Council's General Manager or delegate. Documentary evidence must be provided that the fill material is free of any contaminants.

[PCWNS03]

DURING CONSTRUCTION

41. 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]

42. The provision of 45 off street car parking spaces including parking for the disabled where applicable. Twelve (12) of these spaces are to be marked for visitor use and should be shown as common property areas on any subsequent strata plan. 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]

43. 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]

44. 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]
45. 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]
46. 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]
47. 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]
48. 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]
49. 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]

50. (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]

51. 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]

52. 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]

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

[DUR0755]

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

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

[DUR0765]

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

[DUR0805]

56. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited. [DUR0815]
57. All fill and cut batters shall be contained wholly within the subject land. [DUR0825]
58. Provision to be made for the designation of two (2) durable and pervious car wash-down area/s. The area/s must be identified for that specific purpose and be supplied with an adequate water supply for use within the area/s. Any surface run-off from the area must not discharge directly to the stormwater system. [DUR0975]
59. 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]
60. 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]
61. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. All such materials should be chipped on site and used in landscaping unless it is not possible due to size, non suitability of the material or some other limitation, in which case the material will be disposed of at Council's Stotts Creek depot. [DUR1015]
62. Landscaping of the site shall be carried out in accordance with the submitted/approved landscaping plans. [DUR1045]
63. All fire service connections are to be compatible with those of the NSW Fire Brigade. [DUR1325]
64. 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 Thompson Street and Angela Street, in accordance with Councils adopted Development Design and Construction Specification.

The required footpath crossfall may require work to be undertaken on the footpath area fronting adjoining properties, with merging batters not to exceed 1:14, and all disturbed areas reinstated with turf.

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]

65. 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]

66. 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]

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

[DUR1905]

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

[DUR1945]

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

[DUR1955]

70. 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]

71. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".

[DUR2195]

72. 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]

73. 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]

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

[DUR2415]

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

[DUR2445]

76. 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]

77. 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]

78. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position. [DUR2505]
79. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993. [DUR2515]
80. 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]
81. 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]
82. 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]
83. 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]
84. 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 rain event. [DURNS01]
85. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads. [DURNS02]

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

[DURNS03]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

87. 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]

88. 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]

89. Redundant existing vehicular laybacks/driveways on both street frontages shall be *removed and the areas reinstated to match adjoining works*, in accordance with Councils adopted Development Design and Construction Specifications.

[POC0755]

90. The lots are to be consolidated into one (1) lot under one (1) title. The plan of consolidation shall be registered with the Lands Titles Office prior to issue of an occupation certificate.

[POC0855]

91. 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]

92. 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]

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

[POC1055]

94. An easement to drain sewage 3m wide and benefiting Tweed Shire Council, shall be created within the eastern boundary of the development site, to contain the existing public sewerage main. The applicant is responsible for the creation of this easement and all associated costs. Documentary evidence of creation of this easement shall be required prior to issue of any Occupation Certificate.

[POCNS01]

USE

95. 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]
96. Owners of buildings served by plant involving the operation of "cooling towers", "evaporative condensers" or "tepid water systems" must submit to Council, half yearly, a report detailing the maintenance, cleansing and chemical treatment of such plant every three (3) months in accordance with Part 6 of the NSW Public Health Act.
[USE0535]
97. A Strata Certificate shall not be issued for a Strata Plan or a Strata Plan of Subdivision unless the provision of the Strata Schemes (Freehold Development) Act 1973 and/or the Strata Schemes (Leasehold Development) Act 1986 have been complied with.
[USE1235]
98. All externally mounted artificial lighting is to be shielded to the satisfaction of Council's General Manager or delegate where necessary or required so as to prevent the spill of light creating a nuisance to neighbouring or adjacent premises.
[USENS01]
99. All mechanical ventilation, plant and associated equipment shall be acoustically treated where required to the satisfaction of Council's General Manager or delegate so as to avoid the creation of intrusive or unreasonable noise to any occupant of a neighbouring or adjacent premise.
[USENS02]

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Administrator Turnbull

P3 [PD-PC] Public Exhibition of Draft Tweed Local Environmental Plan 2000, Amendment No 30 - Kyogle Road, Uki

P 137 COMMITTEE DECISION:

**Administrator Boyd
Administrator Willan**

RECOMMENDED that Council:

1. Adopts draft Tweed Local Environmental Plan 2000, Amendment No 30, as exhibited.

2. Forwards draft Tweed Local Environmental Plan 2000, Amendment No 30, to the Minister and request that the Minister make the Plan in accordance with the Environmental Planning and Assessment Act 1979.
3. Pursuant to the provisions of the Environmental Planning and Assessment Act 1979 enters into a Planning Agreement with the landowner of Lot 3 DP 708144 Kyogle Road, Uki prior to the Gazettal of Amendment No 30 for the dedication of part of the subject site generally in accordance with the area of land identified in Figure 3 of this report and proposed to be zoned 6(a) Open Space.

The Planning Agreement is to ensure that the land is dedicated at no cost to Council. Any legal costs associated with the preparation of the Agreement are also to be borne by the landowner.

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

P4 [PD-PC] Exhibition of Consolidated Development Control Plan

P 138 COMMITTEE DECISION:

Administrator Boyd
Administrator Willan

RECOMMENDED that Council:

1. Adopts the amended consolidated Development Control Plan;
2. Gives public notice in the Tweed Link of its decision in accordance with the Environmental Planning and Assessment Regulations 2000, specifying that the exhibited Development Control Plan comes into effect on the date of the notice.

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

P 139 COMMITTEE DECISION:

Administrator Boyd
Administrator Willan

RESOLVED that the Planning Committee resumes in Open Council under the Chairmanship of Administrator Willan.

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

172 COUNCIL DECISION:

**Administrator Boyd
Administrator Willan**

RESOLVED that the recommendations of the Planning Committee held Tuesday 5 September 2006 be adopted.

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

OPERATIONS COMMITTEE

173 COUNCIL DECISION:

**Administrator Boyd
Administrator Willan**

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

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

O1 [GC-OC] 2006-2007 Loan Borrowings Program

O 227 COMMITTEE DECISION:

**Administrator Boyd
Administrator Willan**

RECOMMENDED that :-

1. The General Manager and Chief Financial Officer be authorised to negotiate acceptance of the loan quotations; and
2. The loan documentation be completed under the Common Seal of Council.

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

O2 [EO-OC] Sports Advisory Committee

O 228 COMMITTEE DECISION:

**Administrator Boyd
Administrator Willan**

RECOMMENDED that:-

Merve Edwards
Alana Brims
Linda Threlfo
Rob Neinhuis
Stephen Reade
Robert McDowell

be appointed as community representatives on the Sports Advisory Committee for a 2-year tenure. The two vacant positions may be occupied should appropriate candidates be identified.

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

O3 [EO-OC] Plan of Easement over Lot 71 in DP 755730, Kyogle Road, Uki

O 229 COMMITTEE DECISION:

**Administrator Boyd
Administrator Willan**

RECOMMENDED that:-

1. Council signs the plan of Easement to Drain water within Lot 71 in DP 755730 as Chargee.
2. All necessary documentation be executed under the Common Seal of Council.

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

O4 [EO-OC] Kingscliff Mechanical & Electrical Facility - Contract No. EC2006-076

O 230 COMMITTEE DECISION:

**Administrator Boyd
Administrator Willan**

RECOMMENDED that:-

1. Council awards Contract EC2006-076 to Multi Span Australia Pty Ltd at the adjusted tender amount of \$2,063,695 (excluding GST).
2. The Acting Director Engineering and Operations be given delegated authority to approve variations up to 20% of the initial contract sum.

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

O5 [EO-OC] Tweed Shire Council Lease of Quarry at North Arm within Lot 2 DP 772166

O 231 COMMITTEE DECISION:

**Administrator Boyd
Administrator Willan**

RECOMMENDED that:-

1. Council approves entering into an agreement with the owner of Lot 2 DP 772166 at North Arm for the leasing and quarrying of road base material within the quarry located on the land for a period of two years with options for three further one year periods in accordance with the terms detailed in the body of the report; and
2. All necessary documentation be executed under the Common Seal of Council.

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

**O6 [EO-OC] Telstra Communication Building - SALT - Lot 471 Dp 1075192
Casuarina Way Kingscliff.**

O 232 COMMITTEE DECISION:

**Administrator Boyd
Administrator Willan**

RECOMMENDED that Council:-

1. Approves the creation of a Right of Access 5 wide burdening Lot 469 in DP 1075142 and benefiting Telstra Corporation;
2. Approves the acquisition of proposed Lot 943 in the subdivision of Lot 941 in DP 1079124 for the purposes of the Local Government Act, 1993 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 and the making of the necessary application to the Minister and/or Governor;
3. Advises the Director-General of the Department of Planning that, pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, and Section 28 of the Local Government Act 1993, it intends to prepare a draft Local Environmental Plan Amendment to reclassify proposed Lot 943 at Kingscliff from Community Land to Operational Land;
4. Approves the transfer of proposed Lot 943 to Telstra Corporation following reclassification;
5. Proceeds with any necessary actions only upon receipt of an undertaking from Telstra or Ray Group Pty Ltd to cover all costs relating to this matter; and
6. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Voting - Unanimous

ABSENT. DID NOT VOTE - Administrator Turnbull

07 [EO-OC] Tugun Bypass - Compensatory Habitat and Airport Drainage

O 233 COMMITTEE DECISION:

**Administrator Boyd
Administrator Willan**

RECOMMENDED that this report be received and noted.

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

08 [EO-OC] Bray Park Water Treatment Plant Augmentation - Selection of Tender Panel for Principal Contractors

O 234 COMMITTEE DECISION:

**Administrator Boyd
Administrator Willan**

RECOMMENDED that Council:-

1. Selects the following four companies for invitation to submit Detailed Tenders for Principal Contractor for the Bray Park Water Treatment Plant Augmentation Works: -

Barclay Mowlem Construction Limited
Boulderstone Hornibrook Pty Ltd
FRH Group Pty Ltd
Reed Constructions Australia Pty Ltd
2. Requests short-listed companies to attend additional workshops throughout tender period to ensure risks are correctly apportioned and allocated and specification issues are clearly defined.
3. Makes a payment of a nominal sum of \$10,000, to each company, to participate in the pre-tender workshops

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

O9 [EC-OC] Future Use and Naming of "The City of the Arts Space"

O 235 COMMITTEE DECISION:

**Administrator Boyd
Administrator Willan**

RECOMMENDED that :-

1. The building at 3-5 Tumbulgum Road, Murwillumbah be set aside as a cultural centre to be known as "Coolamon Cultural Centre", also acknowledging for the next few years that part of the building, will be used as offices for Community and Cultural Services staff.
2. A Plan of Management be developed for the use of these facilities

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

O10 [EC-OC] Negotiations with Department of Lands for Tweed River Regional Museum Relocation to Pilot Station Site

O 236 COMMITTEE DECISION:

**Administrator Boyd
Administrator Willan**

RECOMMENDED that:-

1. The preferred option for the Tweed River Regional Museum is to utilise the former Pilot Station site at Flagstaff Hill.
2. Council forwards Concept Plans and appropriate documentation and application for long term lease to the Department of Lands.
3. Council proceeds to commission architect Paul Berkemeier to develop a Concept Plan for the Tweed Heads branch of the Museum at the former Pilot Station site.

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

O11 [EC-OC] Request for "In Kind" Support/Waive Fee

O 237 COMMITTEE DECISION:

**Administrator Boyd
Administrator Willan**

RECOMMENDED that Council provides the Tweed Valley Division of General Practice the use of the Tweed Heads Auditorium on 15 June 2007 at no charge for the purpose of hosting an Aboriginal and Torres Strait Island (ATSI) health exposition.

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

O12 [EC-OC] Lifeguard Service Casuarina

O 238 COMMITTEE DECISION:

**Administrator Boyd
Administrator Willan**

RECOMMENDED that Council provides a lifeguard service for Casuarina in the current three year contract for the Christmas holiday period only.

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

LATE ITEM

O 239 COMMITTEE DECISION:

**Administrator Boyd
Administrator Willan**

RECOMMENDED that Item aO12 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

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

aO12 [EO-OC] EC2006-112 Manufacture, Supply and Delivery of 5610m of DN 200mm Pressure Pipe

O 240 COMMITTEE DECISION:

**Administrator Boyd
Administrator Willan**

RECOMMENDED that Crevet Pipelines be awarded the contract for the supply of 5610m of DN 200mm Pressure Pipe with a contract price of \$173,298.00 (GST Excl).

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

O 241 COMMITTEE DECISION:

**Administrator Boyd
Administrator Willan**

RESOLVED that the Committee resumes in Open session.

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

174 COUNCIL DECISION:

**Administrator Boyd
Administrator Willan**

RESOLVED that the recommendations of the Operations Committee held Tuesday 5 September 2006 be adopted.

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

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

175 COUNCIL DECISION:

Administrator Willan
Administrator Boyd

RESOLVED that this report be received and noted.

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

ADMINISTRATOR'S MINUTE

[AM] Signing of Documents

176 COUNCIL DECISION:

Administrator Boyd
Administrator Willan

RESOLVED that the information be received and noted.

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

ORDINARY ITEMS FOR CONSIDERATION

REPORTS FROM THE GENERAL MANAGER

Nil.

REPORTS FROM THE DIRECTOR PLANNING & DEVELOPMENT

Nil.

REPORTS FROM THE DIRECTOR GOVERNANCE & CORPORATE SERVICES

Nil.

REPORTS FROM THE ACTING DIRECTOR ENGINEERING AND OPERATIONS

Nil.

REPORTS FROM THE DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

- 1 **[SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 9 August 2006**

177 COUNCIL DECISION:

**Administrator Boyd
Administrator Willan**

RESOLVED that the:-

1. Minutes of the Tweed River Committee Meeting held Wednesday 9 August 2006 be received and noted; and
2. Director's recommendations be adopted as follows

CORRESPONDENCE IN:

1. **Draft Memorandum of Understanding Tweed Shire Council and NRCMA**

Tweed River Committee

As per Committee's recommendation being:

"That Council endorse the Memorandum of Understanding between NRCMA and Tweed Shire Council subject to finalisation, including the recognition that Tweed Shire Council undertakes programs and projects that contribute to the targets within the Catchment Action Plan."

AGENDA ITEMS:

5. **Terranora and Cobaki Broadwater Ecosystem Health Monitoring Project Update**

Terranora Broadwater, Cobaki Broadwater

As per Committee's recommendation being:

"That Council endorses in principle the ecosystem health monitoring project, estimated cost in the order of \$313,000, and that collaborative funding be sought from stakeholders including the Tugun Bypass, Gold Coast City Council, respective owners of Area E and the Cobaki Lakes, GC Airport Ltd and TSC Sewer Fund."

FOR VOTE - Voting - Unanimous

ABSENT. DID NOT VOTE - Administrator Turnbull

2 [SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Wednesday 9 August 2006

178 COUNCIL DECISION:

**Administrator Boyd
Administrator Willan**

RESOLVED that the:-

1. Minutes of the Tweed Coastal Committee Meeting held Wednesday 9 August 2006 be received and noted; and
2. Director's recommendations be adopted as follows
 7. **Estuary and Coastal Management Programs - Funding Application 2006/07**
Tweed Coastal Committee; Coastal Management; Estuary Management

As per Committee's recommendation being:

That Council submit the funding application to Department of Natural Resources for 2006/07.

FOR VOTE - Voting - Unanimous

ABSENT. DID NOT VOTE - Administrator Turnbull

3 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 17 August 2006

179 COUNCIL DECISION:

**Administrator Boyd
Administrator Willan**

RESOLVED that the:-

1. Minutes of the Local Traffic Committee Meeting held Thursday 17 August 2006 be received and noted; and
2. Director's recommendations be adopted as follows

BUSINESS ARISING:

Item from Meeting Held 20/7/2006:

7. **Cudgera Creek Road, Pottsville
Heavy Vehicles; R1470 Pt5; DW1425845; 1433280**

As per the Committee's recommendation being:

That B-double restrictions on Cudgera Creek Road during the hours of 7:00am - 9:00am and 2:00pm to 4:00pm on school days be lifted.

GENERAL BUSINESS:

PART A

2. **Mooball Street, Murwillumbah
DW1431997; R3520 Pt2; Parking Infringement Notices; Transport -
Bus Services - Stops; School Zones**

As per the Committee's recommendation being:

That a 'No Parking' zone be erected on Mooball Street to replace the existing 'Bus Zone' between 8:00am - 9:00am and 3:00pm - 4:00pm on School Days.

3. **Enterprise Avenue, Machinery Drive and Parkside Drive Tweed
Heads South
DW1435953; Traffic - Weight of Vehicles; R1915 Pt1; R3250 Pt4;
R4144Pt1**

As per the Committee's recommendation being:

That subject to Mr Abood submitting a DA for the site showing that B-Doubles are able to enter and exit the site in a forward direction, an extension of designation for B-Double use between the hours of 7:00pm to 7:00am be made for:-

- a) *Machinery Drive and Greenway Drive only to the intersection of Traders Way.*
- b) *Traders Way from Greenway Drive to Enterprise Avenue.*

- c) *Enterprise Avenue from Traders Way to number 30 Enterprise Avenue.*

4. Philip Street, Pottsville

R4261 Pt1; Parking - Zones; DW1436230

As per the Committee's recommendation being:

That the unbroken section and the broken sections of linemarking on Philip Street Pottsville be removed beyond 10m south from the intersection with Coronation Drive

6. Hungerford Lane, Kingscliff

R2605 Pt1; DW1440555; Traffic - Parking Zones

As per the Committee's recommendation being:

That:-

- 1. An advertisement be placed in the Tweed Link advising that a 'No Parking' zone is proposed to be erected on the western side of Hungerford Lane, Kingscliff between Palmers Avenue and Sutherland Street requesting public comment.*
- 2. The signage be approved subject to the issues raised in 1 above being addressed.*

7. Salt Village - Traffic Management Proposal

DW1445190; 1445192; 1445195; 1445191; Local Area Traffic Management; Traffic - Safety

As per the Committee's recommendation being:

That:-

- 1. The installation of speed bumps on Bells Boulevard within the Salt Village car parking area be approved.*
- 2. Approval be given for the designation of the car park on Bells Boulevard within Salt Village to be one way.*

8. Poplar Avenue, Bogangar

R4400 Pt1; DW1445995;

As per the Committee's recommendation being:

That a 'Give Way' sign and associated linemarking be installed on Poplar Avenue to increase delineation at the intersection with Rosewood Avenue, Bogangar.

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

ORDERS OF THE DAY

Nil.

QUESTION TIME

[QT] Kallaroo Bund

Administrator Boyd

Raised the question as to what stage has been reached with the issue of removal of the bund wall in Kallaroo Circuit?

The Acting Director Engineering & Operations responded that some time ago Council made a submission to the Minister for Local Government under Section 742 of the Local Government Act to adjudicate. This matter is currently with the Minister for further consultation with the Department of Natural Resources and the Department of Environment and Conservation.

180 COUNCIL DECISION:

**Administrator Willan
Administrator Boyd**

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 THROUGH GENERAL MANAGER IN COMMITTEE

1 [GC-CM] TEDC Quarterly Financial Reporting – June 2006 Quarter

REASON FOR CONFIDENTIALITY:

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

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

C 63 COUNCIL DECISION:

That this report be received and noted.

FOR VOTE - Voting - Unanimous

ABSENT. DID NOT VOTE - Administrator Turnbull

2 [GC-CM] Hastings Point Marine Environment Centre

REASON FOR CONFIDENTIALITY:

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

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

C 64 COUNCIL DECISION:

That Council notes the proposal submitted by the Hastings Point Environment Centre and requests the Department of Lands to consider the viability of the Centre being relocated onto Crown Land.

FOR VOTE - Voting - Unanimous

ABSENT. DID NOT VOTE - Administrator Turnbull

REPORTS FROM THE DIRECTOR PLANNING & DEVELOPMENT IN COMMITTEE

3 [PD-CM] Development Application DA05/0816 for a 3 Storey Dwelling & Demolition of Existing Dwelling at Lot 460 DP 755740, No 27 Fingal Road, Fingal Head

REASON FOR CONFIDENTIALITY:

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

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

C 65 COUNCIL DECISION:

That: -

1. The State Environmental Planning Policy No.1 Objection not be supported.
2. Development Application DA05/0816 for a 3 storey dwelling & demolition of existing dwelling at Lot 460 DP 755740, No. 27 Fingal Road Fingal Head be refused for the following reasons: -
 1. The subject land has a two (2) storey height limit under the provisions of the Tweed Local Environmental Plan 2000 and the development at three (3) storeys does not comply and would set an undesirable precedent.
 2. The proposal would be contrary to the public interest.

FOR VOTE - Voting - Unanimous

ABSENT. DID NOT VOTE - Administrator Turnbull

REPORTS FROM THE DIRECTOR GOVERNANCE & CORPORATE SERVICES IN COMMITTEE

Nil.

REPORTS FROM THE ACTING DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

4 [EO-CM] Boundary Adjustment - Wardrop Valley - Lots 1 & 2 in DP 1069561

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 66 COUNCIL DECISION:

That:-

1. Council approves the boundary adjustment at Wardrop Valley between Lot 1 in DP 1069561 owned by Council and 2 in DP 1069561, owned by Les & Jim Dickinson;
2. Council resolves that the transaction falls within "special circumstances" in relation to Council's Disposal of Land Policy;
3. All necessary documentation be executed under the Common Seal of Council.

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

5 [EO-CM] The Lower Tweed and Pacific Highway Road Network Master Plan

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 67 COUNCIL DECISION:

That Council endorses the conclusion and recommendations of the report.

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

181 COUNCIL DECISION:

Administrator Boyd
Administrator Willan

RESOLVED that the report and 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 5.10pm



Minutes of Meeting Confirmed by Council

at Meeting held

Chairman