

The Meeting commenced at 4.30pm.

IN ATTENDANCE

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

Also present were Mr Troy Green (Acting General Manager), Mr Patrick Knight (Director Engineering & Operations), Mr Garry Smith (Acting Director Planning & Regulation), Mr Don Buckley (Director Community & Natural Resources), Ms Genevieve Slattery (Executive Officer), Mr Neil Baldwin (Manager Risk and Human Resources/Public Officer) and Mrs Meredith Smith (Minutes Secretary).

ABORIGINAL STATEMENT

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

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

PRAYER

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

"Lord God Almighty

Father of our Lord Jesus Christ, You know the thoughts and intentions of every heart and witness our words and deeds.

Forgive us for when we have been preoccupied with our own rights and privileges to the detriment of others. We thank you for our freedoms and the privilege of living in this place.

We pray for those in authority over us. Fill their minds with Your thoughts and grant them wisdom to employ them. Fill their lives with Your love and their deeds with compassion.

Enable us to ever remember them at the Throne of Grace.

In Jesus Holy Name

Amen".



CONFIRMATION OF MINUTES

Minutes of the Ordinary and Confidential Council meetings held Tuesday 18 December 2007

1 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

RESOLVED that the Minutes of the Ordinary and Confidential Council Meetings held Tuesday 18 December 2007 be adopted as a true and accurate record of proceedings of that meeting.

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Nil.

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

Nil.

PLANNING COMMITTEE

2 COUNCIL DECISION:

**Administrator Payne
Administrator Boyd**

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

FOR VOTE - Unanimous

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR PLANNING & REGULATION

P1 [PR-PC] Development Application DA06/1289 for a Tourist Accommodation Building Comprising 92 Apartments, Swimming Pool On-Site facilities & Basement Car Parking at Lot 58 DP 1083567, Collins Lane, Casuarina

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

Ms Shirley Vallender
Dr John Hinwood
Mr Derek Herps
Mr Gordon Walker
Mr Tonu Aisatullin

P 1 COMMITTEE DECISION:

Administrator Boyd
Administrator Payne

RECOMMENDED that Development Application DA06/1289 for a tourist accommodation building comprising 92 apartments swimming pool on-site facilities & basement car parking at Lot 58 DP 1083567, Collins Lane, Casuarina be approved subject to the following conditions:-

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos SD 2001-F SD 2002-L, SD 2003-E, SD 2004-E, SD 2005-E, SD 3001-D, SD 3101-E and SD 2006-C, prepared by Cottee Parker Architects Pty Ltd and dated August 2007 and 27/10/2006 respectfully, except where varied by the conditions of this consent.
[GEN0005]
2. The use of crushing plant machinery, mechanical screening or mechanical blending of materials is subject to separate development application.
[GEN0045]
3. All signage is to be fitted with necessary devices capable of permitting the change in intensity of illumination of the sign in order to regulate glare or other like impacts.
[GEN0075]
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. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.

[GEN0265]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. The developer shall provide the following minimum number of off street parking spaces;

- 1 delivery space for a HRV
- 4 dedicated staff car spaces and
- 92 visitor/customer car spaces, (including parking for the disabled) in accordance with Tweed Shire Council Development Control Plan Part A2 – Site Access and Parking Code.

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

[PCC0065]

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

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

[PCC0075]

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: | \$192,401 |
| S94 Plan No. 4 (Version 4.0) | |
| Sector7c_4 | |
| LCA4 - Kings Beach | \$31,919 |
| Heavy Haulage Component | |

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

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

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

- | | |
|--|--------------|
| (b) Emergency Facilities (Surf Lifesaving) | \$11,852 |
| S94 Plan No. 16 | |
| (c) Extensions to Council Administration Offices
& Technical Support Facilities | \$103,982.96 |
| S94 Plan No. 18 | |
| (d) Kings Beach Open Space | \$61,420 |
| S94 Plan No. 19 | |

- (e) Cycleways \$14,064
S94 Plan No. 22
- (f) Regional Open Space (Casual) \$29,036
S94 Plan No. 26

[PCC0215/PSC0175]

10. Section 94 Contributions

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

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

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.

Heavy Haulage Component

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

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

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

[PCC0225]

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

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

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

Water DSP6:	31.54 ET @ \$9997	\$315,305
South Kingscliff Water Levy:	31.54 ET @ 231.9	\$7,314
Sewer Kingscliff:	48.5 ET @ \$4804	\$232,994

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

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

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

[PCC0265/PSC0165]

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

[PCC0285]

13. All earthworks shall be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system. The construction of any retaining wall or cut/fill batter must at no time result in additional ponding occurring within neighbouring properties.

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

[PCC0485]

14. Council will not permit ground anchors (to retain sacrificial sheet piling for basement excavations) within Council or private property, without prior consent from the property owner being obtained. If the land owner is Council, approval is required from the General Manager or his delegate, and the anchors are required to be removed upon completion of the works, unless a compensation amount is negotiated with Council.

[PCC0955]

15. Permanent stormwater quality treatment shall be provided in accordance with the following:
- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
 - (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 - Stormwater Quality*.
 - (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management. Typical water sensitive features include infiltration, maximising permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.
 - (d) Specific Requirements to be detailed within the Construction certificate application include:
 - (i) The entire pavement area of the basement car park and the driveway (which grades into the basement car park) shall be treated by an appropriately sized oil/grit arrestor before discharging into the infiltration tank.
 - (ii) Suitable allowances needs to be made within the subject site to permit access for maintenance of the proposed stormwater quality devices and infiltration tanks.

[PCC1105]

16. Stormwater

- (a) Details of the proposed roof water disposal, including surcharge overland flow paths are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. These details shall include likely landscaping within the overland flow paths.
- (b) All roof water shall be discharged to infiltration pits located wholly within the subject allotment.
- (c) The infiltration rate for sizing infiltration devices shall be 3m per day:
 - * As a minimum requirement, infiltration devices are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) over a range of storm durations from 5 minutes to 24 hours and infiltrate this storm within a 24 hour period, before surcharging occurs.
- (d) Surcharge overflow from the infiltration area to the street gutter, inter-allotment or public drainage system must occur by visible surface flow, not piped.
- (e) Runoff **OTHER THAN ROOF WATER** to remove contaminants prior to entry into the infiltration areas (to maximise life of infiltration areas between major cleaning/maintenance overhauls).

- (f) If the site is under strata or community title, the community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
 - (g) All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.
 - (h) All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.
 - (i) All infiltration devices are to be located clear of stormwater or sewer easements.
- [PCC1135]
17. Erosion and Sediment Control shall be provided in accordance with the following:
- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
 - (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".
- [PCC1155]
18. An application shall be lodged and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage or drainage works (including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works) prior to the issue of a construction certificate.
- [PCC1195]
19. Prior to the issue of a construction certificate a Construction Management Plan shall be submitted to the satisfaction of the General Manager or his delegate. All works shall comply with the approved plan.
- [PCCNS01]
20. Prior to the issue of the construction certificate the applicant is to submit to Council for approval a detailed landscaping plan specifically demonstrating dense planting along the northern boundary to act as a privacy screen.
21. The balustrades to the balconies nearest the northern boundary are to be constructed with opaque glass or non translucent material to ensure that sight lines from the balconies are outward and not down into adjoining private open space areas.

[PCCNS02]

22. Prior to issue of a construction certificate amended plans are to be submitted to the satisfaction of Council's General Manager or his delegate that provide for storage and removal of garbage and other waste materials in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".

[PCCNS03]

PRIOR TO COMMENCEMENT OF WORK

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

[PCW0005]

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

[PCW0215]

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

[PCW0225]

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

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

[PCW0245]

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

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

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

[PCW0255]

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

[PCW0665]

29. 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]

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

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

[PCW0775]

31. 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 to the satisfaction of the Principal Certifying Authority.

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

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

[PCW0985]

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

[PCW1065]

DURING CONSTRUCTION

33. The applicant shall utilise the extension of Casuarina Way as a means of accessing the subject site for construction workers and heavy vehicles associated with construction. Collins Lane shall only be used during construction where access via Casuarina Way is not available.

[DURNS01]

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

[DUR0005]

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

Monday to Saturday from 7.00am to 7.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

36. All 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]

37. 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]

38. 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]

39. 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]

40. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Occupational Health and Safety Regulation 2001.
- [DUR0415]
41. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house or building is strictly prohibited.
- [DUR0815]
42. Provision to be made for the designation of 1 durable and pervious car wash-down area/s. The area/s must be identified for that specific purpose and be supplied with an adequate water supply for use within the area/s. Any surface run-off from the area must not discharge directly to the stormwater system.
- [DUR0975]
43. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate.
- [DUR0985]
44. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of an Occupation Certificate.
- [DUR0995]
45. All work associated with this approval is to be carried out so as not to impact on neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -
- Noise, water or air pollution
 - Minimise impact from dust during filling operations and also from construction vehicles
 - No material is removed from the site by wind
- [DUR1005]
46. 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]
47. All landscaping is to comply with the 88B Instrument pertaining to the site.
- [DUR1055]
48. All works shall be carried out in accordance with Councils Acid Sulfate Soils Management Plan for Minor Works and the report prepared by Cardno Engineering, October 2006. A signed copy of this Management Plan shall be submitted to Council prior to the commencement of works.
- [DUR1075]

49. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428.
- [DUR1685]*
50. Where a building or part of a building is required, under the provisions of Section D of the Building Code of Australia, to be accessible to permit use by people with disabilities, prominently displayed signs and symbols shall be provided to identify accessible routes, areas and facilities. The signage, including Braille or tactile signage, should be installed in accordance with the relevant provisions of the Building Code of Australia and achieve the minimum design requirements provided under AS1428.
- [DUR1695]*
51. Where access for people with disabilities is required to be provided to a building, sanitary facilities for the use of the disabled must also be provided in accordance with the provisions Part F-2 of the Building Code of Australia.
- [DUR1705]*
52. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
- [DUR1795]*
53. The proponent must not undertake any work within the public road reserve without giving Council's Engineering & Operations Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.
- [DUR1845]*
54. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Council's Development Design and Construction Specifications prior to any use or occupation of the buildings.
- [DUR1875]*
55. The proponent shall comply with all requirements tabled within any approval issued under Section 138 of the Roads Act.
- [DUR1885]*
56. 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]*
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57. A certificate from a suitably qualified practicing structural engineer shall be submitted to Council and the Principle Certifying Authority within seven (7) days of the site being excavated certifying the adequacy of the sheet piling or other retaining method used to support adjoining properties.

[DUR1965]

58. Swimming Pools (Building)

- (a) The swimming pool is to be installed and access thereto restricted in accordance with Council's "Code for the Installation of New Swimming Pools" and Australian Standard AS 1926-1986 (Copy of code enclosed).
- (b) Swimming pools shall have suitable means for the drainage and disposal of overflow water.

The pool pump and filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.

[DUR2075]

59. 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]

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

[DUR2195]

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

[DUR2375]

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

[DUR2405]

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

[DUR2425]

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

[DUR2435]

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65. 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]
66. 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]
67. 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]
68. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
- [DUR2515]
69. 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]
70. 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]
71. 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]

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

[DUR2625]

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

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

[DUR2655]

74. Sewer connections within the 7(f) zone are to comply with the following:-

(a) Two inspection shafts shall be provided to each lot. The first shall be provided immediately adjacent to the connection point provided by the developer. The second inspection shaft at 0.5 metres inside the 2(e) zone boundary on each property. Inspection shafts are to be finished at surface level with a standard bolted trap screw cap and concrete surround.

(b) Pipe work size for all lots under this approval are to have a 100mm diameter sewer.

[[DUR2695]

75. No portion of any structure may be erected within any easement for public infrastructure over the subject site. All structures shall be designed and sited such that all structure loads will be transferred to the foundation material outside of the zone of influence of any public infrastructure.

[DURNS01]

76. The ground floor podium level shall be no higher than RL8.0m AHD.

[DURNS02]

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

[DURNS03]

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

[DURNS04]

79. All works shall comply with the Erosion and Sediment Control Plan (Cardno Engineering, October 2006). In addition silt fencing shall be placed and maintained around the full perimeter of the site.

[DURNS05]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

[POC0005]

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

[POC0205]

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

[POC0225]

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

[POC0475]

84. 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]

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

[POC1045]

86. Prior to the issue of the Occupation Certificate or an Interim Occupation Certificate suitable vehicular access must be available to the basement car park of the development from an extension to Casuarina Way.

If by 1 June 2008 the necessary extension of Casuarina Way is not constructed from the end of the existing pavement to the point beyond the access driveway to the development, upon receiving a written request by the applicant (or any person entitled to act on this consent), Council shall use its best endeavour to achieve the construction of the road.

[POCNS01]

87. Prior to the issue of the Occupation Certificate or an Interim Occupation Certificate the conditions of consent shall be satisfied.

[POCNS02]

88. Prior to the issue of an Occupation Certificate or an Interim Occupation Certificate an 88B instrument shall be prepared to the satisfaction of Council's General Manager or his delegate stating that the development is to be used for tourist accommodation purposes only and shall not to be used for residential purposes.

In addition, prior to registration of any strata subdivision the title of each proposed lot shall contain a restriction as detailed above. Prior to registration a copy of the draft restriction is to be submitted to Council's General Manager or his delegate for approval.

[POCNS03]

USE

89. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, odours or the like.
[USE0125]
90. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
[USE0145]
91. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.
[USE0175]
92. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.
[USE0225]
93. All loading/unloading to take place within the boundary of the subject property.
[USE0525]
94. All wastes shall be collected, stored and disposed to the satisfaction of the General Manager or his delegate.
[USE0875]
95. Any air-handling system, hot or warm water system or water-cooling system and any other regulated system as defined in Part 4, Section 43 of the Public Health Act shall be operated in accordance with the requirements of Part 3, Clause 9 of the Public Health (Microbial Control) Regulation 2000.
[USE0935]
96. The premises shall be operated in accordance with the *Public Health (Swimming Pools and Spa Pools) Regulation 2000* and the current NSW Health Public Swimming Pool and Spa Pool Guidelines.
[USE0985]
97. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.
[USENS01]
98. This lot is approved only for tourist accommodation. The tourist accommodation units are not to be used for residential purposes.
[USENS02]

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

1. This assessment is based upon the site specific advice and recommendations within the 'Statement of Environmental Effects; prepared by Darryl Anderson Consulting Pty Ltd, dated October 2006 and correspondence provided by Dr. Trevor Johnson of Cardno Pty Ltd, Ref. 4210/06A-2tj, dated 17 September 2007.
 2. At the commencement of building works in perpetuity the entire property shall be managed as an inner protection area as outlined within Planning for Bush Fire Protection 2006 and the Service's document 'Standards for asset protection zones'.
 3. All buildings are to be located no closer than 20 metres from the eastern boundary.
 4. A fire management plan is to be prepared that addresses the following requirements:
 - (a) Contact person/department and details; and
 - (b) Schedule and description of works for the construction of asset protection zones and their continued maintenance.
 5. Water, electricity and gas are to comply with section 4.1.3 of Planning for Bush Fire Protection 2006.
 6. Access shall comply with section 4.1.3 (1) of Planning for Bush Fire Protection 2006.
 7. New construction is to comply with Appendix 3 – Site Bush Fire Attack Assessment of Planning for Bush Fire Protection 2006.
 8. The northern, eastern and southern elevations of the proposed units adjacent to the eastern boundary shall comply with Australian Standard AS3959-1999 'Construction of buildings in bush fire-prone areas' Level 2.
 9. Construction of all remaining units and also the western elevation of the proposed units adjacent to the eastern boundary shall comply with Australian Standard AS3959-1999 'Construction of buildings in bush fire-prone areas' Level 1.
 10. Roofing on all proposed units shall be gutterless or have leafless guttering and valleys to prevent the build up of flammable material. Any materials used shall have a Flammability Index no greater than 5.
 11. Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2006. In this regard the following landscaping principles are to be incorporated into the development:
 - (a) Suitable impervious areas being provided immediately surrounding the building such as courtyards, paths and driveways.
 - (b) Grassed areas/mowed lawns/ or ground cover plantings being provided in close proximity to the building.
 12. An emergency/Evacuation Plan is to be prepared detailing the following:
 - (a) Under what circumstances will the complex be evacuated
 - (b) Where will all persons be evacuated to
-

- (c) Roles and responsibilities of persons co-ordinating the evacuation
- (d) Roles and responsibilities of persons remaining with the complex after evacuation; and
- (e) A procedure to contact the NSW Rural Fire Service District Office/NSW Fire Brigade and inform them of the evacuation and where they will be evacuated to.

GENERAL TERMS OF APPROVAL UNDER SECTION 20CA OF THE WATER ACT 1912 (Authority to construct a supply work and to take and use water conserved or obtained thereby)

- (1) The licensee must allow authorised officers of the Department of Water and Energy, and its authorised agents reasonable access to the licensed works with vehicles and equipment at any time for the purposes of:
 - Inspecting the said work
 - Taking samples of any water or material in the work and testing the samples.
- (2) The licensee shall within 2 weeks of being notified install to the satisfaction of the Department of Infrastructure, Planning and Natural Resources in respect of location, type and construction an appliance(s) to measure the quantity of water extracted from the works. The appliance(s) to consist of either a measuring weir or weirs with automatic recorder, or meter or meter(s) of measurement as may be approved by the Department of Infrastructure, Planning and Natural Resources. The appliance(s) shall be maintained in good working order and condition. A record of all water extracted from the works shall be kept and supplied to the Department of Infrastructure, Planning and Natural Resources upon request. The licensee when requested must supply a test certificate as to the accuracy of the appliance(s) furnished either by the manufacturer or by some person duly qualified.
- (3) The authorised work shall not be used for the discharge of polluted water into a river or lake otherwise than in accordance with the conditions of a licence granted under the protection of the environment operations act 1997. A copy of the licence to discharge is to be provided to the Department of Infrastructure, Planning and Natural Resources.
- (4) The term of this licence shall be six (6) months.
- (5) The volume of groundwater extracted from the work authorised by this licence shall not exceed 10 megalitres for the term of the licence.
- (6) The authorised work shall not be used for the discharge of water unless the ph of the water is between 6.5 and 8.5, or the water has been treated to bring the ph to a level between 6.5 and 8.5 prior to discharge, or the water is discharged through the council's sewerage treatment system.

- (7) The licensee shall test the ph of any water extracted from the work prior to the commencement of discharge and at least twice daily thereafter and record the date, time and result of each test in the site log. a copy of the records of the ph testing is to be returned with the form 'ag'.

The work shall be managed in accordance with the constraints set out in the acid sulfate soils management plan prepared by Cardno Qld Pty Ltd and dated 12 October 2006.

FOR VOTE - Unanimous

P2 [PR-PC] Development Application DA07/0447 for a Factory Unit Development Comprising 19 Units at Lot 1 DP 619871, No. 31-33 Morton Street, Chinderah

P 2 COMMITTEE DECISION:

**Administrator Payne
Administrator Boyd**

RECOMMENDED that Development Application DA07/0447 for a factory unit development comprising 19 units at Lot 1 DP 619871, No. 31-33 Morton Street Chinderah be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and
 - Site Plan DWG SK 1A, prepared by Schafer Design and dated 16/04/2007;
 - Block 1 Ground Floor/First Floor Plan DWG SK 2A prepared by Schafer Design and dated 16/04/2007;
 - Block 1 Elevation Plan DWG SK 3A prepared by Schafer Design and dated 16/04/2007;
 - Block 2 Ground Floor/Mezzanine Plan DWG SK 4A prepared by Schafer Design and dated 16/04/2007;
 - Block 2 Elevation Plan DWG SK 5A prepared by Schafer Design and dated 16/04/2007;
 - Block 3 Ground Floor/First Floor Plan DWG SK 6A prepared by Schafer Design and dated 16/04/2007;
 - Block 3 North Elevation DWG SK 7A prepared by Schafer Design and dated 16/04/2007
 - Block 4 Ground Floor Plan;
 - Block 4 East Elevation DWG SK 8A prepared by Schafer Design and dated 16/04/2007;

except where varied by the conditions of this consent.

[GEN0005]

2. Submission of a further Development Application(s) for the first use of the industrial units, such to be approved by Council prior to their use or occupation.

[GEN0055]

3. Future advertising structures/signs to be the subject of a separate development application (where statutorily required).

[GEN0065]

4. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]

5. 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. The development is to comply with the NSW Rural Fire Services' Planning For Bushfire Protection regulations, edition 2006.

[GENNS01]

7. The site shall be filled such that it complies with Section A3 – “Development of Flood Liable Land” of Council’s consolidated Tweed Development Control Plan and grades at a minimum of 1% to the street or other approved permanent drainage system. Where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties.

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

The fill material shall be free of any contaminants and from an approved source.

[GENNS02]

8. 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.

The application shall include (but is not limited to) the provision of vehicular access for the approved industrial units in accordance with Section A2 – “*Site Access and Parking Code*” of Council’s consolidated Tweed Development Control Plan and the associated Driveway Access to Property Design and Construction Specifications.

Submitted documentation 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

[GENNS03]

9. Stormwater discharge and permanent stormwater quality treatment shall be provided in accordance with the Stormwater Management Plan (SWMP) prepared by Cozens Regan Williams Prove dated 30/04/07, except where varied by the conditions of this consent.

[GENNS04]

10. Erosion and Sediment Control shall be provided in accordance with the Erosion and Sediment Control Plan (ESCP) prepared by Cozens Regan Williams Prove dated 30/04/07, except where varied by the conditions of this consent.

[GENNS05]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

[PCC0055]

12. The developer shall provide 28 parking spaces including parking for the disabled in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.

The 8 additional vehicular parks for the existing brothel are to be re-established with new permanent white line-marking paint.

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

[PCC0065]

13. 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: \$56,922
S94 Plan No. 4 (Version 4.0)
Sector6_4
- (b) Extensions to Council Administration Offices \$2,493.00
& Technical Support Facilities
S94 Plan No. 18

[PCC0215]

14. 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:	2.643 ET @ \$9997	\$26,422
Sewer Kingscliff:	2.643 ET @ \$4804	\$12,697

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

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.

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]

15. 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]

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

[PCC0465]

17. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be submitted to and approved by the Principal Certifying Authority PRIOR to the issue of a construction certificate.

The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of.

[PCC1065]

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

[PCC1195]

19. Prior to issue of a Construction Certificate the applicant is required to submit a Sediment and Erosion Control Management Plan to the satisfaction of Council's General Manager or delegate.

[PCCNS01]

20. The legal point of discharge for piped stormwater from the site is via direct connection into the kerb and gutter within Morton Street along the frontage of the subject site. Details of this connection shall be submitted with a s68 Stormwater Application for approval, prior to the issue of a Construction Certificate.

[PCCNS02]

21. 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]

PRIOR TO COMMENCEMENT OF WORK

22. It is the responsibility of the contractor to locate and identify all existing services prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure including areas external to the development site where works are proposed.

[PCW0005]

23. 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]

24. 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]

25. 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]

26. 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]

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

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

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

[PCW0985]

28. 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]

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

[PCW1075]

DURING CONSTRUCTION

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

[DUR0005]

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

Monday to Saturday from 7.00am to 7.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

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

[DUR0245]

33. 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]

34. 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]

35. 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]

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

[DUR0415]

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

[DUR0645]

38. The use of vibratory compaction equipment (other than hand held devices) within 100m of any building or structure is strictly prohibited.

[DUR0815]

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

[DUR0985]

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

[DUR0995]

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

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

[DUR1005]

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. All works shall be carried out in accordance with Councils Acid Sulfate Soils Management Plan for Minor Works. A signed copy of this Management Plan shall be submitted to Council prior to the commencement of works.

[DUR1075]

44. Subject to the requirements of the local electricity authority, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level shall be provided with earth leakage devices.

[DUR1415]

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

[DUR1685]

46. Where a building or part of a building is required, under the provisions of Section D of the Building Code of Australia, to be accessible to permit use by people with disabilities, prominently displayed signs and symbols shall be provided to identify accessible routes, areas and facilities. The signage, including Braille or tactile signage, should be installed in accordance with the relevant provisions of the Building Code of Australia and achieve the minimum design requirements provided under AS1428.

[DUR1695]

47. Where access for people with disabilities is required to be provided to a building, sanitary facilities for the use of the disabled must also be provided in accordance with the provisions Part F-2 of the Building Code of Australia.
[DUR1705]
48. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Council's adopted Design and Construction Specifications prior to any use or occupation of the buildings.
[DUR1875]
49. Where the kerb is to be removed for driveway laybacks, stormwater connections, 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]
50. 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]
51. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".
[DUR2195]
52. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.
[DUR2375]
53. Appropriate measures are to be put in place during the construction and/or demolition period to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up prior to cessation of same days work and/or commencement of any rain event.
[DUR2405]
54. 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]
55. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
[DUR2505]

56. 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]

57. 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]

58. 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]

59. House drainage lines affected by the proposal are to be relocated to Council's satisfaction. Prior to the relocation of any plumbing and drainage lines, a plumbing permit and the relevant plumbing permit fee is to be submitted to Council. Inspection of drainage works prior to covering is required

[DUR2565]

60. 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]

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

[DUR2645]

62. 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.

[DURNS01]

63. Regular inspections are to be carried out by the site supervisor to ensure that proper sediment and erosion control measures are maintained during construction.

[DURNS02]

64. Excavations below 1m of the natural ground level are not permitted without prior approval from Council's General Manager or delegate.

[DURNS03]

65. The driveway is to be constructed 7 metres wide at the property boundary and 13 metres wide at the kerb line with a uniform taper.

[DURNS04]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

66. 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]

67. 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]

68. 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]

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

[POC1055]

70. The 3.1m strip at the front of the property identified on the Site Plan is to be suitably landscaped to soften the appearance of the development.

[POCNS01]

71. Where the rear or most distant part of a proposed building is greater than 70 metres from the nearest hydrant, a new hydrant is required to be installed as per Australian Standard AS 2419.1– 2005 '*Fire Hydrant Installations*'. Locations of fire hydrants are to be delineated by blue pavement markers offset 150mm from the centre of the road. The direction of offset shall indicate on which side of the road the hydrant is located.

[POCNS02]

USE

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

[USE0125]

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

[USE0145]

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

[USE0225]

75. A person must not commence a change of building use for the whole or any part of an existing building unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[USE0395]

76. 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]

77. Provision to be made for a flood free storage area for stock and equipment susceptible to water damage.

[USENS01]

FOR VOTE - Unanimous

P3 [PR-PC] Development Application DA07/0411 for the Demolition of Existing Structures and Construction of a Three (3) Storey Apartment Building Comprising a Total of 3 x 3 Bedroom Apartments and 1 x 4 Bedroom Apartment with On Site Car Parking for Eleven V

P 3 COMMITTEE DECISION:

**Administrator Payne
Administrator Boyd**

RECOMMENDED that: -

- A. State Environmental Planning Policy No. 1 objection to Clause 32B(4)(b) of the North Coast Regional Environmental Plan regarding shadow impacts on beaches and waterfront open space be supported and the concurrence of the Director-General of the Department of Planning be assumed.
- B. Development Application DA07/0411 for the demolition of existing structures and construction of a three (3) storey apartment building comprising a total of 3 x three (3) bedroom apartments and 1 x four (4) bedroom apartment with on site car parking for eleven vehicles and two swimming pools at Lot 3 DP 327289, No. 18 Tweed Coast Road Hastings Point be approved subject to the following conditions: -

GENERAL

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

Plan Number	Date	Description
SP/01A	29.8.07	Basement Plan and Section through driveway
07 116 /1 Issue E	7.2.07	Perspectives
07 116/2 Issue E	7.2.07	Elevations/Perspective
07 116/3 Issue E	7.2.07	Elevations/Perspective
07 116/4 Issue G	7.2.07	Floor Plan
07 116/5 Issue F	7.2.07	Upper Floor Plans
07 116 /7 Issue F	7.2.07	Elevations/Sections

except where varied by the conditions of this consent.

[GEN0005]

2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]

3. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.

[GEN0265]

4. That the colours and materials are to be compatible with the natural surrounds of the areas and that materials should be of a non-reflective nature.

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

[PCC0075]

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:	\$9,300
S94 Plan No. 4 (Version 4.0)	
Sector8a_4	
(b) Open Space (Structured):	\$1,260
S94 Plan No. 5	
(c) Open Space (Casual):	\$269
S94 Plan No. 5	
(d) West Kingscliff – Open Space:	\$3,030
S94 Plan No. 7	
(e) Shirewide Library Facilities:	\$1,112
S94 Plan No. 11	
(f) Bus Shelters:	\$38
S94 Plan No. 12	
(g) Eviron Cemetery/Crematorium Facilities:	\$229
S94 Plan No. 13	
(h) Community Facilities (Tweed Coast - South)	\$1,752
S94 Plan No. 15	
South Coast	
(i) Emergency Facilities (Surf Lifesaving)	\$324
S94 Plan No. 16	

(j)	Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$3,225.23
(k)	Cycleways S94 Plan No. 22	\$568
(l)	Regional Open Space (Structured) S94 Plan No. 26	\$3,757
(m)	Regional Open Space (Casual) S94 Plan No. 26	\$1,381

[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 DSP6:	3 ET @ \$9997	\$29,991
Sewer Hastings Point:	2.2ET@\$4804	\$10,569

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

[PCC0285]

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

[PCC0585]

10. 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]

11. Stormwater

- (a) Details of the proposed roof water disposal, including surcharge overland flow paths are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. These details shall include likely landscaping within the overland flow paths.
- (b) All roof water shall be discharged to infiltration pits located wholly within the subject allotment.
- (c) The infiltration rate for sizing infiltration devices shall be 3m per day:

- * As a minimum requirement, infiltration devices are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) over a range of storm durations from 5 minutes to 24 hours and infiltrate this storm within a 24 hour period, before surcharging occurs.
- (d) Surchage overflow from the infiltration area to the street gutter, inter-allotment or public drainage system must occur by visible surface flow, not piped.
- (e) Runoff other than roof water to remove contaminants prior to entry into the infiltration areas (to maximise life of infiltration areas between major cleaning/maintenance overhauls).
- (f) If the site is under strata or community title, the community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
- (g) All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.
- (h) All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.
- (i) All infiltration devices are to be located clear of stormwater or sewer easements.

[PCC1135]

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

[PCC1155]

13. The building is to be designed and subsequently constructed to be capable of withstanding the likely coastal erosion impacts applicable to the site as identified in Council's adopted Coastal Management Plan.

[PCCNS01]

14. The proposed driveway gradients are to comply with AS2890.1 – 2004 (Part 1 Off street car parking). Gradient detail for the carpark driveway is to be shown on the construction certificate application.

[PCCNS01]

15. The planter boxes and associated landscaping located to the west of unit 3 and 4 are to be deleted to enable a vehicle to leave the site in a forward direction from unit garages.

[PCCNS01]

16. Deep pile foundations located within the maximum 100 year coastal hazard line are to be designed by a suitably qualified engineer to withstand erosion scour for the maximum 100 year coastal hazard line. Details of design compliance and certification are required prior to the issue of the construction certificate.

[PCCNS01]

17. The foundations and footings for the buildings are to be designed by a suitably qualified structural design engineer, with the design taking into account potential coastal erosion impacts, such as identified on Council's Coastal Erosion Hazard Map and the Tweed Coastline Hazard Definition Study - Draft Final Report prepared by WBM Oceanics Australia.

PRIOR TO COMMENCEMENT OF WORK

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

[PCW0005]

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

- (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

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

[PCW0225]

- 21. Residential building work:

- (a) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - * in the name and licence number of the principal contractor, and
 - * the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - * the name of the owner-builder, and
 - * if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
- (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0235]

22. 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]

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

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

[PCW0255]

24. 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]

25. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
- (a) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
 - (b) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and

- (c) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
- (i) the method of protection; and
 - (ii) the date of installation of the system; and
 - (iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (iv) the need to maintain and inspect the system on a regular basis.

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

[PCW0775]

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

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

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

[PCW0985]

27. 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]

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

[DUR0655]

DURING CONSTRUCTION

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

[DUR0005]

30. 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]
31. 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]
32. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).
- [DUR0375]
33. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.
- [DUR0395]
34. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.
- [DUR0405]
35. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Occupational Health and Safety Regulation 2001.
- [DUR0415]

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

[DUR0645]

37. 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]

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

[DUR0815]

39. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications, Development Control Plan, Part A5 - Subdivision Manual and Development Control Plan, Part A14 - Cut and Fill on Residential Land to the satisfaction of the Principal Certifying Authority.

Please note timber retaining walls are not permitted.

[DUR0835]

40. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent.

[DUR0905]

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

[DUR0985]

42. 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]

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

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

[DUR1005]

44. 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]
45. 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]
46. 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 in accordance with Council's Development Design and Construction Specifications.
- Twenty four (24) hours notice is to be given to Council's Engineering & Operations Division before placement of concrete to enable formwork to be inspected.
- [DUR1735]
47. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
- [DUR1795]
48. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Council's adopted Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
- [DUR1875]
49. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction. Certification from a suitably qualified engineer experienced in structures is to be provided to the PCA prior to the issue of an Occupation Certificate.
- [DUR1955]
50. Swimming Pools (Building)
- (a) The swimming pool is to be installed and access thereto restricted in accordance with Council's "Code for the Installation of New Swimming Pools" and Australian Standard AS 1926-1986 (Copy of code enclosed).
- (b) Swimming pools shall have suitable means for the drainage and disposal of overflow water.

- (c) The pool pump and filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.

[DUR2075]

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

[DUR2085]

52. 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]

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

[DUR2195]

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

[DUR2405]

55. 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]

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

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

[DUR2485]

57. Plumbing

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

[DUR2495]

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

[DUR2505]

59. 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]

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

[DUR2545]

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

- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- * 50⁰C in all other classes of buildings.

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

[DUR2555]

62. 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]

63. All works shall be carried out in accordance with the Remedial Action Plan prepared by Precise Engineering dated July 2007.

[DURNS01]

64. Validation testing shall be undertaken in accordance with the Remedial Action Plan prepared by Precise Environmental dated July 2007. A Validation Report shall be prepared by a suitably qualified person and submitted to Council with 30 days of completion of the remedial works.

[DURNS02]

65. Regular inspections are to be carried out by the site supervisor to ensure that proper sediment & erosion control measures are maintained during construction.

[DURNS03]

66. Sediment & erosion controls must be installed and maintained in accordance with the Erosion & Sediment Control Plan prepared by Cozens Regan Williams Prove Pty Ltd dated 28 March 2007.

[DURNS04]

67. Excavation works undertaken below 2m of the ground surface level in Class 4 and 1m below Class 3 areas shall be undertaken in accordance with Council's Acid Sulfate Soil Management Plan for Minor Works.

[DURNS05]

68. Dewatering is not permitted without prior approval from the General Manager or delegate.

[DURNS07]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

[POC0005]

70. 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]

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

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

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

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

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

[POC0265]

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

[POC0435]

73. 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]

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

[POC1045]

USE

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

[USE0125]

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

[USE0175]

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

[USE0225]

78. Swimming Pools (Building)

- (a) It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the adjoining premises. Due regard must be given to the affect that landscaping will have on the future effectiveness of the security fencing. (Section 7 Swimming Pool Act 1992).
- (b) The resuscitation poster must be permanently displayed in close proximity to the swimming pool. (Section 17 Swimming Pool Act 1992).

[USE1295]

79. Swimming pool backwash must be discharged to Council's sewer system.

[USENS01]

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

1. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area as outlined within Planning for Bush Fire Protection 2006 and the Service's document 'Standards for asset protection zones'.
 2. Water, electricity and gas are to comply with section 4.1.3 of Planning for Bush Fire Protection 2006.
 3. To aid in fire fighting activities, pedestrian access to the rear of the property shall be maintained at all times.
-

4. New construction shall comply with Australian Standard AS3959-1999 'Construction of buildings in bush fire-prone areas' Level 2.
5. Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2006.

FOR VOTE - Unanimous

P4 [PR-PC] Discussion Paper Submission- Improving the NSW Planning System November 2007

P 4 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that the following responses be provided to NSW Department of Planning in relation to the discussion paper - Improving the NSW Planning System.

1. Tweed Shire Council advises that it is willing to participate in the Department's proposed recommendation, 6.5E3

"The Department of Lands and Department of Planning should implement a number of regional and local council pilot programs utilising the six system within the existing statewide framework to demonstrate the benefits of early adoption of ePlanning and to build on the work already undertaken in a number of sectors".

2. The Department of Lands be requested to provide local government councils and the Department of Planning with a timeframe for the implementation of a centrally managed Statewide cadastre which will service the needs of the ePlanning initiative.
3. The Department of Planning be requested to liaise with the Department of Commerce to establish (and/or update) panel contracts for corporate systems and database software utilised by local government, with the necessary web enabled interfaces to facilitate the delivery of ePlanning.
4. The Department of Planning be requested to direct funds currently being collected on behalf of the State Government for PlanFIRST to the Improving NSW Planning Systems, reform agenda.
5. The Department of Planning be requested to provide strict guidelines detailing the content of information to be provided online.

6. A submission be sent to the Department of Planning based on the issues identified in this report.

FOR VOTE - Unanimous

P5 [PR-PC] Review of Determination of Development Application DA06/0640 for Dwelling Additions, Fence & Gatehouse at Lot 16 DP 244426, No. 44 Oyster Point Road, Banora Point

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

Mr Mark Mcdonald

P 5 COMMITTEE DECISION:

**Administrator Payne
Administrator Boyd**

RECOMMENDED that the Review of Determination of Development Application DA06/0640 for dwelling additions, fence & gatehouse at Lot 16 DP 244426, No. 44 Oyster Point Road, Banora Point be deferred for consideration with the information tabled by the applicant.

FOR VOTE - Unanimous

3 COUNCIL DECISION:

**Administrator Payne
Administrator Boyd**

RESOLVED that the recommendations of the Planning Committee held Tuesday 22 January 2008 be adopted.

FOR VOTE - Unanimous

ADJOURNMENT OF MEETING

The meeting adjourned for the Community Access session at 5.30pm.

RESUMPTION OF MEETING

The Meeting resumed at 5.56pm.

OPERATIONS COMMITTEE

4 COUNCIL DECISION:

Administrator Boyd
Administrator Payne

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

FOR VOTE - Unanimous

REPORTS THROUGH THE GENERAL MANAGER

01 [GM-OC] Delegations Environmental Planning and Assessment Act

O 1 COMMITTEE DECISION:

Administrator Boyd
Administrator Payne

RECOMMENDED that the General Manager's delegations be amended to enable determination of all development applications and certificates under the Environmental Planning and Assessment Act 1979 as amended except for proposals with a capital investment value of more than \$10,000,000 and subdivisions consisting of more than 50 lots.

FOR VOTE - Unanimous

02 [TCS-OC] Investment Report for Period ending 31 December 2007

O 2 COMMITTEE DECISION:

Administrator Boyd
Administrator Payne

RECOMMENDED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at 31 December 2007 totalling \$118,716,936.87 be received and noted.

FOR VOTE - Unanimous

03 [EO-OC] Road Closure Application - Parish of Mooball (Sleepy Hollow)

O 3 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Council objects to the closure of the section of Crown Road reserve being 10.075m wide east of Lot 4 in DP 845662 at Sleepy Hollow.

FOR VOTE - Unanimous

04 [EO-OC] Road Closure Application - Parish of Kunghur

O 4 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Council objects to the closure of the Crown public roads within Lots 1, 2, and 3 in DP 737440, within and west of Lot 4 DP 737440, within Lot 121 DP 134446, within and south of Lot 34 DP 755714, within and west of Lot 2 DP 755714 at Kunghur.

FOR VOTE - Unanimous

05 [EO-OC] Road Closure Application - Parish of Condong

O 5 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Council objects to the closure of the road reserve which runs west of Lot 1 in DP 597175.

FOR VOTE - Unanimous

O6 [EO-OC] Road Closure Application - Parish of Kynnumboon

O 6 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Council objects to the closure of the section of road which runs west of Lot 15 in DP 755715.

FOR VOTE - Unanimous

O7 [EO-OC] Road Closure Application - Parish of Mooball (Wooyung)

O 7 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Council objects to the closure of the Crown Road reserve which runs North and East of Lot 3 in DP 801224.

FOR VOTE - Unanimous

O8 [EO-OC] Road Closure Application - Parish of Murwillumbah

O 8 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Council objects to the closure of the section of road within and north of Lot 1 in DP 1078949.

FOR VOTE - Unanimous

O9 [EO-OC] Road Naming - Thomson Street, Tweed Heads

O 9 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that:-

1. Council publicises its intention to formally name the road which runs from the intersection of Charles and Florence Street to Bay Street, Tweed Heads, as "Thomson Street", allowing one month for submissions and objections to the name; and
2. Council notifies the relevant authorities under the provisions of the Roads (General) Regulation 1994.

FOR VOTE - Unanimous

O10 [EO-OC] Classification of Land as Operational, Pottsville. Proposed Lot 299 in Subdivision of Lot 286 Dp 1120559

O 10 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that:-

1. Council approves the transfer of proposed Lot 299 in Subdivision of Lot 286 in DP 1120559 at Pottsville as Drainage Reserve.
2. Proposed Lot 299 be classified as "Operational" pursuant to Section 31 of the Local Government Act, 1993; and
3. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

O11 [EO-OC] Renaming of Part of Public Road, Stott Street, Tweed Heads West

O 11 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that:-

1. Council adopts the name of "*Skyline Drive*", being the road reserve which west from the intersection of Skyline Drive and Stott Street; and
2. The naming of the public road be gazetted under the provisions of the Roads (General) Regulation, 1994 and the Roads Act, 1993.

FOR VOTE - Unanimous

O12 [EO-OC] Land Acquisition for Road - Carool Road, Carool

O 12 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that:-

1. Council approves the acquisition of Lot 1 in DP 1120947 for public road and the compensation payable as works in kind under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary application to the Minister and/or Governor;
2. Lot 1 in DP 1120947 be dedicated as road following gazettal of the acquisition; and
3. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

O13 [EO-OC] Lease of Council Premises - Lot 1 DP 1082080, Recreation Street, Tweed Heads. Twin Towns Playgroup & Tweed Heads Bridge Club.

O 13 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that the licence agreement between Tweed Shire Council and Twin Towns Playgroup and Tweed Heads Bridge Club be executed under the Common Seal of Council.

FOR VOTE - Unanimous

O14 [EO-OC] EC2007-046 Quarterly Variation Report on Contract - Construction of the Murwillumbah Regional Memorial Pool Complex and Car Park

O 14 COMMITTEE DECISION:

**Administrator Payne
Administrator Boyd**

RECOMMENDED that the December 2007 Quarterly Variations of -\$251,801.00 (exclusive of GST) for Contract EC2007- Construction of the Murwillumbah Regional Memorial Pool Complex and Car Park, be received and noted:-

1. Variation No.1 - Revised calculation of Contract amount based on final submission by preferred Contractor (-\$266,862.00 GST Excl).
2. Variation No.2 - Grubbing & removal of tree stumps (\$3,724.00 GST Excl).
3. Variation No.3 - Additional Asbestos Removal (\$3,675.00 GST Excl).
4. Variation No.4 - CCTV conduiting to Car Park (\$6,682.00 GST Excl).
5. Variation No.5 - Kiosk Unisex Disabled WC Plumbing (\$245.00 GST Excl).
6. Variation No.6 - Stormwater line alteration to CWA (\$735.00 GST Excl).

FOR VOTE - Unanimous

O15 [EO-OC] Floodplain Management Program Grant Funding

O 15 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that:-

1. Council formally accepts the grant offer of \$60,000 for Mooball-Crabbes Creek Flood Mitigation Works from the Minister for Climate Change, Environment and Water under the State Floodplain Management Program 2007/08.
2. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

O16 [EO-OC] Contract EC2007-119 Revetment Works at Tweed Valley Way and Bartletts Road, Dulguigan Road, Rayes Lane, Tumbulgum Road at Tygalgah, River Street and Causeway Removal on Duroby Creek at Beltana Drive

O 16 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that:-

1. Council awards Contract EC2007-119 – Revetment Works at Tweed Valley Way & Bartletts Road, Dulguigan Road, Rayes Lane, Tumbulgum Road at Tygalgah, River Street & Causeway Removal on Duroby Creek at Beltana Drive for the lump sum (separable portions (a) to (f)) amount of \$350,972.73 (Excl. GST) to MJ & SL Seery Excavations Pty Ltd.
2. The General Manager be given authority to approve additional works of \$160,000 for additions to the separable portions (d) and (e) if national disaster relief funding is made available.
3. The General Manager be given delegated authority to approve variations up to 20% of the total revised contract sum.
4. The ATTACHMENT be treated as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.

FOR VOTE - Unanimous

O17 [EO-OC] Consolidation of Land Pottsville Reservoir, Pottsville Road, Pottsville**O 17 COMMITTEE DECISION:**

**Administrator Boyd
Administrator Payne**

RECOMMENDED that:-

1. Council approves the consolidation of Lot 1 in DP 1080884, Lot 1 in DP 1080885 with Lot 1 in DP 215997 and Lot 4 in DP 573328; and
2. Executes all documentation under the Common Seal of Council.

FOR VOTE - Unanimous

O18 [EO-OC] Public Transport Working Group Membership**O 18 COMMITTEE DECISION:**

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Council appoints the following persons as members of the Public Transport Working Group:-

Formal (members):

- Tweed Heads / Coast Bus Operators - Surfside Buslines - David Bishara;
- Murwillumbah Valley Bus Operators - Parsons Bus Company - John Parsons
- Taxi industry - Don Stubbs – Tweed Taxis
- Community Transport – Phil Barron - Tweed Byron Ballina Community Transport
- Tweed Shire Council – John Zawadzki (Traffic Engineer); Robin Spragg (Social Planner)
- Community representatives - Len Greer (Coastal Village Alliances) – Acting Chairman; Linda Lomman (Northern Rivers Social Development Council); Rosemary Beard (Veterans Affairs); Terry O'Toole (Pottsville Community Association); Doug Weatherley (Murwillumbah Ratepayers Association)
- State government representative - Ben Riley (Ministry of Transport)
- Transport sustainability groups (interest groups) - Bill McKenniarey (Blind Citizens Australia)

Informal (observers):

- Gold Coast City Council – facilitating public transport needs within Gold Coast City Council

FOR VOTE - Unanimous

O19 [EO-OC] Tweed Road Contribution Plan - Additions to Works Program at Fraser Drive

O 19 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that:-

1. The 5 Year Rolling Works Program, funded from the Tweed Roads Contribution Plan be amended by adding the following item to 2007/2008.

(50) Fraser Drive - Leisure Dr to Broadwater Parkway - Area E (Widen to 4 lane), part item only being western side between Leisure Drive and Botanical Circuit. Estimated Cost \$550,000.
2. The funding of \$550,000 be voted in the current 2007/08 budget from the S94 Tweed Roads Contribution Plan Number 4.

FOR VOTE - Unanimous

O20 [EO-CM] Chinderah Bay Drive, Chinderah

O 20 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that:-

1. Council agrees to the extension of the option exercise date to commence on 15 January 2009 and expire on 14 February 2009, on the condition that controlling ownership of Riverpoint Pty Ltd transfers to Hutchinson Builders (or their representatives) before 30 June 2008. If such transfer of ownership does not occur the option exercise date is to automatically revert to 1 July 2008 and expire on 31 July 2008;

2. Should the agreement formalising the extension of the option period not be executed and finalised prior to 14 February 2008 then the General Manager is authorised to exercise the option prior to that date; and
3. All documentation be executed under the Common Seal of Council.
4. The ATTACHMENT be treated as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because it contains commercial information which would be likely to prejudice the commercial position of the organisations providing the information.

FOR VOTE - Unanimous

O21 [CNR-OC] Palliative Care Issues for Tweed Shire

O 21 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Council receives and notes the report on Palliative Care Issues for Tweed Shire.

FOR VOTE - Unanimous

O22 [CNR-OC] Request for "In Kind" Support/Waive Fee

O 22 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Council:-

1. With reference to the request from the Twin Towns & District Garden Club Inc, Council provides the Tweed Heads Civic Centre Auditorium for a reduced fee of \$97.50 per meeting being 50% of the full fee of \$195 for the meetings held on the second Monday of each month from January to November 2008, and that Council's support is recognised with the following acknowledgement "This program has been supported by Tweed Shire Council".
2. With reference to the request from the Twin Towns & District Garden Club Inc, Council provides the Tweed Heads Civic Centre Auditorium for a reduced fee of \$110.20 with the Friday set-up free of charge for the Annual Flower Show on 22 and 23 September 2008, and that Council's support is recognised with the following acknowledgement "This program has been supported by Tweed Shire Council".

3. With reference to the request from the Far North Coast Disability Interagency, NSW Department of Education & Training, Council approves the request for a waiver of the fee for use of the South Tweed Community Hall on 27 May 2008 for the expo for school leavers with a disability, and that Council's support is recognised with the following acknowledgement "This program has been supported by Tweed Shire Council".
4. With reference to the request from the Penne Millar, The Cancer Foundation NSW, Relay for Life, subject to availability Council provides the Murwillumbah Civic Centre Auditorium for a reduced fee of \$103 being 50% of the full fee of \$206 for the professional fundraising concert in March 2006, and that Council's support is recognised with the following acknowledgement "This program has been supported by Tweed Shire Council".
5. With reference to the request from Vic Basten, Australian Academy of Tai Chi, Council provides the Kingscliff Amenities Hall for a reduced fee of \$18 per hour being a discount of \$10 for the first hour and \$3 for each subsequent hour, and that Council's support is recognised with the following acknowledgement "This program has been supported by Tweed Shire Council".
6. With reference to the request from Northern Rivers Symphony Orchestra, Council provides the Tweed Heads Civic Centre for rehearsals every Wednesday for \$10 per rehearsal and provides the Tweed Heads Civic Centre free of charge for three concert performances in 2008, and that Council's support is recognised with the following acknowledgement "This program has been supported by Tweed Shire Council".
7. With reference to the request from the Tweed Australian South Sea Islander Community Inc, Council provides the South Sea Islander Room at no charge for 2008 monthly meetings and that Council's support is recognised with the following acknowledgement "This programme has been supported by Tweed Shire Council".

FOR VOTE - Unanimous

O23 [CNR-OC] Entomological Control Report for period October to December 2007

O 23 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that the Entomological Control Report for the period October to December 2007 be received and noted.

FOR VOTE - Unanimous

O 24 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

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

FOR VOTE - Unanimous

5 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

RESOLVED that the recommendations of the Operations Committee held Tuesday 22 January 2008 be adopted.

FOR VOTE - Unanimous

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

6 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

RESOLVED that the Schedule of Outstanding Resolutions be received and noted.

FOR VOTE - Unanimous

ADMINISTRATOR'S MINUTE

[AM] Signing of Documents

Documents signed by Administrator Boyd.

7 COUNCIL DECISION:

Administrator Boyd
Administrator Payne

RESOLVED that the information be received and noted.

FOR VOTE - Unanimous

ORDINARY ITEMS FOR CONSIDERATION

REPORTS FROM THE GENERAL MANAGER

Nil.

REPORTS FROM THE DIRECTOR PLANNING & REGULATION

Nil.

REPORTS FROM THE DIRECTOR TECHNOLOGY & CORPORATE SERVICES

1 [SUB-BSLC] Minutes of the Beach Safety Liaison Committee Meeting held Wednesday 21 November 2007

TITLE: Council Agenda Master (Minutes)

8 COMMITTEE DECISION:

Administrator Boyd
Administrator Payne

RECOMMENDED that the:-

1. Minutes of the Beach Safety Liaison Committee Meeting held Wednesday 21 November 2007 be received and noted; and

2. Director's recommendations be adopted as follows

Correspondence

1. Emergency Services Coordinator

That this request be referred to the General Manager for further consideration.

FOR VOTE - Unanimous

2 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 13 December 2007

9 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that the:-

1. Minutes of the Local Traffic Committee Meeting held Thursday 13 December 2007 be received and noted; and
2. Director's recommendations be adopted as follows

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES

[LTC - A2] Tumbulgum Road, Murwillumbah

As per the Committee's recommendation being:

That the Committee supports the request subject to standard conditions for 2008 and that it be reviewed by Local Traffic Committee for future years.

[LTC - A6] Commercial Road, Murwillumbah - Flood Levee Wall Works

That no objections are raised to traffic control of flood levee mural painting that will result in loss of 6 car parking spaces for a 6 month period and that the traffic management plan for the mural paintings be approved.

[LTC - A7] Tweed Valley Way, Tumbulgum

As per the Committee's recommendation being:

That no further action be taken.

[LTC - A8] Kennedy Drive, Tweed Heads West

As per the Committee's recommendation being:

That:-

1. The westbound bus zone be relocated west of the pedestrian crossing on Kennedy Drive.
 2. Council formally request the Roads & Traffic Authority to consider funding signalisation of the pedestrian crossing at or near its current location.
-

[LTC - A10] Wommin Bay Road and Chinderah Bay Drive Intersection

As per the Committee's recommendation being:

That the pedestrian refuge on the eastern side of Chinderah Bay Drive be relocated to the east and the left turn lane be extended to the original line marking.

[LTC - A11] Bay Street Business Permit Parking

As per the Committee's recommendation being:

That the Bay Street Business Permit Parking scheme be terminated as at 31 December 2007 including the reinstatement of the School Bus Zone to Stuart Street, Tweed Heads.

[LTC - A12] Pumpenbil Road Intersection with Brays Creek Road

As per the Committee's recommendation being:

That a "Give Way" sign and linemarking be installed on Pumpenbil Road at the intersection with Brays Creek Road with associated barrier linemarking on Brays Creek Road.

B. INFORMAL ITEMS SECTION

GENERAL TRAFFIC ADVICE

[LTC - B1] Recreation Street Park between Florence Street and Park Street, Tweed Heads

As per the Committee's recommendation being:

That 10km/hr speed zone signage be installed in the access aisle between Florence Street and Park Street.

[LTC - B3] Pumpenbil Road Intersection with Brays Creek Road

As per the Committee's recommendation being:

That the dates of 14 February, 13 March, 17 April, 15 May, 19 June, 17 July, 21 August, 18 September, 16 October, 13 November, 11 December 2008 be confirmed as Local Traffic Committee meeting dates for 2008.

C. CLASSIFIED ROADS SECTION

REGULATORY MATTERS

[LTC - C2] Minjungbal Drive, Tweed Heads South

As per the Committee's recommendation being:

That "No Stopping At All Times" be extended on the western side of Minjungbal Drive by 60m south of the Machinery Drive intersection.

FOR VOTE - Unanimous

3 [SUB-PTWG] Minutes of the Public Transport Working Group Meeting held Friday 21 December 2007

10 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that the:-

1. Minutes of the Public Transport Working Group Meeting held Friday 21 December 2007 be received and noted; and
2. Director's recommendations be adopted as follows

3.3 Labor Government - Implications for Pubic Transport in Tweed

As per the Committee's recommendation being:-

That Justine Elliott's office be requested to advise Council of the government's plans for the funding of local bus shelter maintenance.

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING & OPERATIONS

Nil.

REPORTS FROM THE DIRECTOR COMMUNITY & NATURAL RESOURCES

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

Nil.

ORDERS OF THE DAY

Nil.

QUESTION TIME

Nil.

COMMITTEE OF THE WHOLE

11 COUNCIL DECISION:

Administrator Payne
Administrator Boyd

RESOLVED that Council resolves itself into a Confidential Committee of the Whole in accordance with Section 10A(2) of the Local Government Act 1993 (as amended) and that the press and public be excluded 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 reasons of the confidential nature of the business to be transacted

FOR VOTE - Unanimous

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

REPORTS FROM THE DIRECTOR ENGINEERING & OPERATIONS

1 [EO-CM] Tweed River Art Gallery - Licence to Chereyne Hamlin

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 1 COMMITTEE DECISION:

That Council execute the Licence Agreement for the Gallery Café and Gardener's Shed under the common seal of Council.

FOR VOTE - Unanimous

2 [EO-CM] Acquisition of Land for Road Widening - Kyogle Road, Terragon

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 2 COMMITTEE DECISION:

That Council makes offers of compensation to the affected landowners for the acquisition of land for the widening of Kyogle Road, Terragon as follows:-

1. Lot 3 in DP 839254 - \$3,500
2. Lot 4 in DP 839254 - \$7,000
3. Lot 1 in DP 533921 - \$22,715
4. Lot 2 in DP 610080 - \$8,113
5. Lot 3 in DP 610080 - \$5,240
6. Lot 1 in DP 874871 - \$12,000
7. Lot 2 in DP 874871 - \$3,500
8. Lot 3 in DP 874871 - \$50,000 and relocation of house pad
9. Lot 5 in DP 748885 - \$3,000
10. Lot 6 in DP 808162 - \$3,000

FOR VOTE - Unanimous

3 [EO-CM] Works to Widen the Eastern Side of Fraser Drive South of Leisure Drive

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 3 COMMITTEE DECISION:

Administrator Boyd
Administrator Payne

RECOMMENDED that:-

1. In regard to the road works (and other associated works) to widen the western side of Fraser Drive from 110m to 265m south of Leisure Drive, Council has decided that in accordance with Section 55(3) of the Local Government Act 1993, there are extenuating circumstances for completing these works by contract without inviting tenders. The reasons are:-
 - The developer of DA05/1291 (a shopping centre at the corner of Fraser Drive and Leisure Drive), had engaged a contractor to execute road works (and other associated works) to widen the western side of Fraser Drive from 0m to 110m south of Leisure Drive.
 - The additional widening works from 110m to 265m south of Leisure Drive (finishing at Botanical Circuit intersection) are most efficiently constructed by the same contractor as this minimises cost and disruption to the public.
 - Simultaneous construction of both sections between Leisure Drive and Botanical Circuit eliminates undesirable half block construction. The northern section of the block would otherwise have been completed to a high quality urban standard and the southern section would have remained a narrow rural standard without connecting shoulder widening, footway/cycleway and longitudinal drainage.
2. Council endorse the letting of road works (and other associated works) to widen the western side of Fraser Drive from 110m to 265m south of Leisure Drive to Peninsula Constructions P/L.
3. Council authorise the payment to Peninsula Constructions P/L of \$492,650.12 (including GST) for the above works.
4. The quotation of Theiss Service P/L for \$89,920.40 (including GST) be accepted for street/route lighting associated with the above works.

FOR VOTE - Unanimous

- 4 [EO-CM] Lease of Lots, 2, 4, 6 and 8 in DP 1080842 - Chinderah Bay Drive, Chinderah**

REASON FOR CONFIDENTIALITY:

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

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

C 4 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that Council take all necessary actions to pursue payment of the outstanding rental pursuant to the lease between Council and Riverpoint Pty Ltd over Lots 2, 4, 6 and 8 in DP 1080842 from the current directors of Riverpoint Pty Ltd and notify the proposed purchaser of Riverpoint Pty Ltd of the outstanding debt of \$6,049.

FOR VOTE - Unanimous

12 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

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

FOR VOTE - Unanimous

There being no further business the Meeting terminated at 6.05pm.



Minutes of Meeting Confirmed by Council
at Meeting held

Chairman



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