

IN ATTENDANCE

Councillors W J Polglase (Mayor), L F Beck, M R Boyd, R D Brinsmead, B J Carroll, G Davidson (Deputy Mayor), H James, G J Lawrie, B M Luff, W M Marshall, P C P Youngblutt.

Councillors Brinsmead, Carroll and Luff were not present at the commencement of the meeting.

Also present were Dr John Griffin (General Manager), Mr Mike Rayner (Director Engineering Services), Mr Bob Missingham (Manager Works) from 7.30pm, Mr Reg Norvill (Executive Manager-Office of the General Manager), Mr Garry Smith (Acting Director Development Services), Mr Don Buckley (Director Environment & Community Services), Mr Brian Donaghy (Manager Administration Services/Public Officer) and Mrs Meredith Smith, (Minutes Secretary)

PRAYER

The meeting opened with a Prayer by Council's Chaplain, Bishop John Grindrod.

*Lord God, Father of every family, against whom no door can be shut:
Enter the homes of our land, we pray, with the angel of your presence,
To hallow them in pureness and beauty of love;
And, by your dear Son, born in a stable,
Move our hearts to hear the cry of the homeless,
And to convert all sordid and bitter dwellings into households of your own;*

*Jesus, you humbled yourself to be made like us;
The sharer of our sorrows, the companion of our journeys,
The light of our ignorance, the remedy of our weakness;
So fill us with your Spirit and endue us with your grace,
That as you have been made like us,
We may grow more like you; for your mercy's sake.*

*Jesus, the Lord of peace, give us peace and justice at all times and in all ways,
And grant us the Blessing of Christmas. Amen."*

CONFIRMATION OF MINUTES

Minutes of the Ordinary Council Meeting held 3 December 2003

1036 RESOLUTION:

Councillor G D Davidson
Councillor P C P Youngblutt

RESOLVED that the Minutes of the Council Meeting held 3 December be adopted as a true and accurate record of proceedings of that meeting.

Voting - Unanimous

APOLOGIES

Mr Russell Logan (Aboriginal Mentor Program)

DELEGATES REPORT - MR RUSSELL LOGAN (ABORIGINAL MENTOR PROGRAM)

Nil.

DISCLOSURE OF INTEREST

Nil.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

1037 RESOLUTION:

Councillor G Davidson
Councillor P C P Youngblutt

RESOLVED that this report be received and noted.

Voting - Unanimous

MAYORAL MINUTE

Mayoral Minute

Councillors,

1. Gold Coast Airport

4 December – Mtg at Gold Coast Airport with Runway Extensions Community Reference Group

2. Coastline Management Study Stage 2

Workshop at Kingscliff re Management Objectives

3. Citizenship Ceremony

5 December – Presented Citizenship Certificates to 11 new citizens at Tweed Heads

4. Christmas Party

5 December – Councillors, Directors & Managers Christmas Party at Tweed Bowls Club

5. Seabreeze Estate

7 December – Launch of MBS Display Village at Seabreeze Estate Pottsville

6. Cudgen Headland SLSC

7 December – Launch of new surfboat at Cudgen Headland Surf Club

7. Lifeworx Christmas Carols

7 December – attended Lifeworx Christmas Spectacular Carols at Tweed Heads

8. Twin Towns Friends Association

8 December – attended Twin Towns Friends Association's Christmas Luncheon at Tweed

9. Tweed Chamber of Commerce

9 December – attended Tweed Chamber Breakfast at South Tweed

10. Centaur School

9 December – attended Senior Presentations at Centaur School South Tweed

11. RSL Care

9 December – attended Tree Planting Ceremony to celebrate the commencement of the development of the RSL Care Darlington Retirement Community at Banora Point

12. TAFE

9 December – Kingscliff TAFE Achievement Awards at Condong

13. Business Excellence

10 December – Business Excellence Breakfast at Tweed

14. Tweed Cemetery

10 December – met with community representatives at Tweed Heads Cemetery

15. CDSE (Community Development Support Expenditure Scheme)

11 December – Presentation of funds – Tweed Civic Centre

16. Green Corps

11 December – Job Futures Green Corps Conservation Project opening by Larry Anthony – Tweed Valley Cemetery & Botanic Gardens

17. Tweed Futures

11 December – Tweed Futures Meeting Banora Point

18. Cabarita Advisory Committee

11 December – Meeting of Cabarita Advisory Committee at Cabarita

19. Black Rocks Bridge

12 December – official opening of Black Rocks Bridge at Pottsville

20. Christmas Function

12 December – Bolster & Co. Christmas Function - Banora

21. Border South Bodyboard Club

13 December – Border South Bodyboard Club Presentations at Duranbah

22. Greg Norman Junior Masters

13 December – Opening of Greg Norman Junior Masters at Coolangatta Tweed Golf Club

23. Salvation Army Carols

13 December – Salvation Army Christmas Carols Banora Point

24. Christian Outreach Centre

14 December – Christian Outreach Centre Christmas Carols by Candlelight Murwillumbah

25. Tweed River High School

15 December – Tweed River High School Annual Presentation Evening

26. Country Passenger Transport Infrastructure

16 December – Handover of cheque by Neville Newell for completion of Shelters (Kingscliff)

27. Autumn Club

16 December – Autumn Club Murwillumbah Christmas Lunch

28. Tweed Futures Issue Paper

16 December – Tweed Futures Issue Paper Public Meeting Murwillumbah

29. Tweed Valley Regional Art Gallery

16 December – Extraordinary General Meeting Tweed Valley Regional Art Gallery

30. Tweed Heads Public School

17 December Tweed Heads Public School Presentation Day (THCC)

INVITATIONS ACCEPTED:

- 18 December – Seaside City – LES & LEP Murwillumbah
- 18 December - Council Combined Staff Christmas Party Branding Rail
- 16 January 2004 – Seaside City Land Owners Meeting – Canvas & Kettle
- 22 January 2004 – Guest Speaker at Association of Independent Retirees Coolangatta/Tweed Branch Morning Tea

INFORMATION ON CONFERENCES TO BE HELD - Councillors to advise Mayoral Assistant, Jan Green, if they wish to attend and/or require further details:

- Coastal Zone Asia Pacific Conference **5-9 September 2004** in Brisbane
 - Coast to Coast '04 (Australia's National Coastal Conference **19-23 April 2004** Hobart Tasmania)
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- accordance with the provisions of Development Control Plan No 5 - Development in Flood Liable Land.
2. Subject to the availability of the \$50,000 for this purpose, Council pursues Option 1 of this Report to employ a person to investigate buildings on all flood liable land and where non-compliance issues are identified, issue and pursue orders to require the removal of non-compliant structures and enclosures so as to conform with the requirements of Development Control Plan No 5 - Development in Flood Liable Land.

Amendment 1 was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr James

Voting Against

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Davidson
Cr Lawrie
Cr Marshall
Cr Youngblutt

AMENDMENT 2

Councillor G J Lawrie
Councillor W M Marshall

PROPOSED that non-compliant structures are only identified and challenged, when brought to Council's attention through an application or complaint process.

ATTENDANCE AT MEETING

Councillor B M Luff attended the meeting 3.16pm.

Amendment 2 was **Carried**.

Voting For

Cr Beck
Cr Brinsmead
Cr James
Cr Lawrie
Cr Marshall
Cr Youngblutt

Voting Against

Cr Polglase
Cr Boyd
Cr Carroll
Cr Davidson
Cr Luff

1039 AMENDMENT 3

Councillor W J Polglase
Councillor G Davidson

RESOLVED that staff bring forward a report to address a strategy to deal with all non-compliant structures.

Amendment 3 was **Carried** and became the Motion.

Voting For	Voting Against
Cr Polglase	Cr Carroll
Cr Beck	
Cr Boyd	
Cr Brinsmead	
Cr Davidson	
Cr James	
Cr Lawrie	
Cr Luff	
Cr Marshall	
Cr Youngblutt	

Amendment 3 on becoming the Motion was **Carried**

Voting - Unanimous

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

1 [DS] Draft Development Control Plan No 52 Friday Island, Bogangar

1040 RESOLUTION:

Councillor B M Luff
Councillor G J Lawrie

RESOLVED that Council: -

1. Pursuant to Clause 21 of the Environmental Planning and Assessment Act Regulation 2000 adopts Development Control Plan No. 52 - Planning Controls - Friday Island Bogangar.

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

PROCEDURAL MOTION

1041 RESOLUTION:

Councillor G Davidson

RESOLVED that the Motion be put.

Voting - Unanimous

The Motion was **Carried**

Voting For

Cr Polglase
Cr Boyd
Cr Brinsmead
Cr Carroll
Cr Davidson
Cr Lawrie
Cr Luff
Cr Youngblutt

Voting Against

Cr Beck
Cr James
Cr Marshall

1042 RESOLUTION:

Councillor L F Beck
Councillor W M Marshall

RESOLVED that Items 2, 3 4 and 5 be dealt with en globo.

Voting For

Cr Beck
Cr Brinsmead
Cr Davidson
Cr Lawrie
Cr Marshall
Cr Youngblutt

Voting Against

Cr Polglase
Cr Boyd
Cr Carroll
Cr James
Cr Luff

2 [DS] DA K99/1450.02 for an Amendment to Development Consent K99/1450 for the Establishment of a Winery & Tourist Accommodation & Facilities (Golf Course) to be Developed in Three Stages at Lot 1 DP 121377, Lots 250, 251, 263 & 264 DP 755685, Carool Road,

1043 RESOLUTION:

Councillor L F Beck
Councillor W M Marshall

RESOLVED that: -

A: Development Application K99/1450.02 for an amendment to Development Consent K99/1450 for the establishment of a winery and tourist accommodation and facilities (golf course) to be developed in three stages at Lot 1 DP 121377, Lot 250 DP 755685, Lot 263 DP 755685, Lot 264 DP 755685, Lot 251 DP 755685, Carool Road, Carool be approved with the following amendments: -

1. Condition No. 2 be AMENDED TO READ.
2. The construction of a one (1) metre wide concrete table drain along that section of Carool Road commencing at the end of the wider road pavement, adjacent to Camp Goodenough, and finishing at the entrance to the subject property. Detailed engineering plans are to be submitted and approved by the Director of Engineering Services and the works completed prior to the issue of an occupation certificate for stage 1.

Alternatively, a contribution, equal to the cost of the proposed works is to be lodged with Council prior to issue of the occupation certificate for stage 1. The quantum of the contribution to be determined on the basis of an itemised works costing agreed between the applicant and Council's Director of Engineering Services.

2. Condition No. 13 be AMENDED TO READ:
 13. The provision of 82 off street car parking spaces and four (4) bus parking spaces. A minimum of 50 car parking spaces to be provided with stage 1 and the remainder with stages 2 or 3. The engineering design plans and construction standards shall be approved by Council's Engineering Services Division prior to construction. Construction shall be completed and approved prior to occupation of each stage. All constructed parking areas are to be a minimum of two (2) metres from any property boundary. All

batters involved in the construction of the parking areas are not to encroach on adjoining properties.

3. Condition No. 52 be AMENDED TO READ.
 52. The proposed development shall not gain access from or use the adjoining crown road reserve.
 4. Condition No. 53 be AMENDED TO READ:
 53. All access driveways and parking areas are to be constructed in accordance with detailed engineering drawings to be submitted and approved prior to the commencement of work. Construction of all car parking and access driveways is to be completed as required by Condition 13 of this consent for each stage of the development.
- B. Council determine if the \$500 fee associated with the lodgement of the Section 96 Application should be refunded.
- C. The applicant be required to demonstrate in writing to Council compliance with Development Consent K99/1450 within 30 days of the date of the amended consent.

RESOLUTION:

Councillor B J Carroll
Councillor B M Luff

RESOLVED that an extension of 2 minutes be granted to Councillor M R Boyd

Voting For

Cr Polglase
Cr Boyd
Cr Brinsmead
Cr Carroll
Cr Davidson
Cr James
Cr Lawrie
Cr Luff
Cr Youngblutt

Voting Against

Cr Beck
Cr Marshall

The Motion was **Carried**

Voting For

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Davidson
Cr Lawrie
Cr Marshall
Cr Youngblutt

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

RESOLUTION:

Councillor M R Boyd
Councillor B M Luff

RESOLVED that \$500 fee associated with the lodgement of the Section 96 Application not be refunded.

Voting - Unanimous

3 [DS] Development Application DA03/0504 for Two (2) Accommodation Bungalows at Lot 1 DP 1043885, Carool Road, Carool

1044 RESOLUTION:

Councillor L F Beck
Councillor W M Marshall

RESOLVED that Development Application DA03/0504 for two (2) accommodation bungalows at Lot 1 DP 1043885, Carool Road Carool be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Plans Nos 215B Sheets 1 & 4 dated December 2003 and the site plan dated September prepared by Parameter Designs, except where varied by these conditions. [GEN0010]
2. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility. [GEN0050]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0120]

4. The erection of a building in accordance with a development consent must not be commenced until:
 - a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
 - b. the person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority; and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

[GEN0150]

5. Driveway access to the accommodation bungalows is to be constructed to Tweed Shire Council standards.
6. The driveway to the accommodation bungalows shall be contained wholly within the property boundary, except where documentary evidence is provided from the NSW Department of Lands that identifies the use of the Crown Road as lawful.
7. Each accommodation bungalow is to be provided with not less than one (1) car parking space each and shall be constructed in accordance with Council's Development Control Plan No.2 and all of its attachments.

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

8. A. Building work that involves 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:
 - i. in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number; and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
 - ii. in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of **owner-builder work** in Section 29 of that Act,and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of work are changed in

such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

- B. A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

[PCC0310]

9. Section 94 Contributions

- (i) 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.

a. Tweed Road Contribution Plan: S94 Plan No. 4 (Version 4.0) (Sector 12 - Carool)	\$5,458
b. Open Space (Casual): S94 Plan No. 5	\$127
c. Emergency Facilities (Surf Lifesaving) (REMSHIRE) S94 Plan No. 16	\$476
d. Regional Open Space (Casual) S94 Plan No. 26	\$168

[PCC0050/PSC0005]

PRIOR TO COMMENCEMENT OF WORK

10. 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:

- (i) 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

- (ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and
- (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (A) the method of protection; and
 - (B) the date of installation of the system; and
 - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (D) 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.

[PCW0050]

11. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) 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, or
 - (c) if that is not practicable, any other sewage management facility approved by the council.

[PCW0060]

12. 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.

[PCW0090]

13. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan *"Tweed Shire Council Aus-Spec D7 - Stormwater Quality"* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond has been released.

[PCW0190]

14. Prior to commencement of any works on the site a plumbing and drainage inspection fee is to be submitted to Council.

[PCW0200]

DURING CONSTRUCTION

15. 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 or complying development certificate was made). [DUR0010]
16. 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. [DUR0080]
17. 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. [DUR0130]
18. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- a. footings, prior to pouring of concrete
 - b. slab, prior to pouring of concrete
 - c. frame prior to the erection of brick work or any wall sheeting
 - d. final inspection prior to occupation of the building
- [DUR0170]
19. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied. [DUR0200]
20. Details of the intended method of water storage are to be submitted to the Principal Certifying Authority for approval. Please note that the minimum storage capacity required shall be 20,000 litres. [DUR0800]
21. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays. [DUR0900]
22. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed. [DUR0950]
23. 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.

[DUR1020]

24. 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.
- [DUR1030]
25. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
- [DUR1090]
26. Yard 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.
- [DUR1130]
27. The finished floor level of the building should finish not less than 225mm above finished ground level.
- [DUR1150]
28. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.

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

[DUR1160]

29. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
- i. All required erosion and sedimentation control devices have been installed and are operational.
 - ii. Required toilet facilities have been provided on the site.
 - iii. A sign has been erected on the site identifying:
 - Lot number
 - Builder
 - Phone number of builder or person responsible for site.
 - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.

- v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.
- [DUR1200]
30. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.
- [DUR0850]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

31. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.
- [POC0020]
32. It is a condition of an approval to install, construct or alter a sewage management facility that the facility is not used (or used as altered) until the Council has given the applicant for approval notice in writing that it is satisfied that the facility has been installed, constructed or altered in substantial accordance with the approval.
- [POC0100]
33. It is a condition of this consent to operate a system of sewage management that this clause is complied with.
- (i) The sewage management facilities used in the operation of the system must be maintained in a sanitary condition and must be operated in accordance with the relevant requirements of this Regulation.
- (ii) A sewage management facility used in the operation of the system must not discharge into any watercourse or onto any land other than its related effluent application area.
- (iii) The conditions (if any) of any certificate of accreditation issued by the Director-General of the Department of Health under this Division in respect of the plans or designs for any components of the sewage management facilities must be complied with.
- (iv) The person operating the system of sewage management must provide details of the way in which it is operated, and evidence of compliance with the relevant requirements of this Regulation and of the conditions of the approval, whenever the Council reasonably requires the person to do so.
- [USE0230]

USE

34. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
- [USE0160]

35. Effluent from the two accommodation bungalows the subject of this approval and the previously approved neighbouring accommodation bungalow, which is being re-sited, shall be treated by a New South Wales Health accredited Aerated Waste Treatment System having a minimum rating equivalent to 10EP or 2000L/per day.
36. Treated effluent from the accredited Aerated Waste Treatment System shall be disposed of to an irrigation area designed and used solely for the purpose of the disposal of treated effluent via a subsurface drip pressurised irrigation system to the satisfaction of Council's Director for Environment and Health Services.
37. The minimum area of the designated irrigation area shall not be less than 1000m².
38. Water supplied for drinking purposes to each bungalow shall be of a potable quality acceptable to the Council's Director for Environment and Health Services.
39. Supply shall be connected to the potable water supply for the development in accordance with requirements of Condition Nos.54 to 57 of Development Approval K99/1450, when this system becomes available or following the completion of the 16 accommodation units approved under K99/1450, which ever occurs first.

Voting For

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Davidson
Cr Lawrie
Cr Marshall
Cr Youngblutt

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

4 [DS] Development Application DA03/0503 for a Sanitary Facility and Kitchen Extension at Lot 1 DP 1043885 Carool Road, Carool

1045 RESOLUTION:

Councillor L F Beck
Councillor W M Marshall

RESOLVED that Development Application DA03/0503 for a sanitary facility & kitchen extension at Lot 1 DP 1043885, Carool Road, Carool be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plans Nos 352A Sheets 2 to 5 prepared by Parameter Designs and dated March 2003, except where varied by these conditions.
[GEN0010]
2. The golf club and associated dining facility is for the exclusive use of golfing members, their guests and guest of the tourist accommodation.
[GENNS01]
3. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428-Design for Access and Mobility.
[GEN0050]
4. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
[GEN0120]
5. The erection of a building in accordance with a development consent must not be commenced until:
 - a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
 - b. the person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority; and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.
[GEN0150]
6. Prior to a future request to any authority to further the patron licensing capacity of the dining / bar facility approval must be obtained from Tweed Shire Council, and if deemed necessary by Council, for assessment purposes, the submission and approval of a separate development application.
[GENNS02]
7. Prior to the commencement of work the Principal Certifying Authority is to be provided with and approve details of the kitchen exhaust system. Such details are to include the location of discharge to the air, capture velocity, size of hood and angle of filters. The system shall comply with Australian Standards SAA 1668 Part 2 Ventilation Requirements.
[PCW0120]

PRIOR TO COMMENCEMENT OF WORK

8. 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:
- (i) 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
 - (ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and
 - (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (A) the method of protection; and
 - (B) the date of installation of the system; and
 - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (D) 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.

[PCW0050]

9. 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.

[PCW0090]

10. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan *"Tweed Shire Council Aus-Spec D7 - Stormwater Quality"* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond has been released.

[PCW0190]

11. Prior to commencement of any works on the site a plumbing and drainage inspection fee of is to be submitted to Council.

[PCW0200]

DURING CONSTRUCTION

12. 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.

[DUR0080]

13. A garbage storage area shall be provided in accordance with Council's "**Code for Storage and Disposal of Garbage and Other Solid Waste**". [DUR0090]
14. 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. [DUR0130]
15. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- a. footings, prior to pouring of concrete
 - b. slab, prior to pouring of concrete
 - c. frame prior to the erection of brick work or any wall sheeting
 - d. final inspection prior to occupation of the building
- [DUR0170]
16. Any premises used for the storage, preparation or sale of food are to comply with the relevant provisions of the Food Act, 1989 and Council's adopted Code for the construction of Food Premises. Details of fittings and equipment are to be submitted to the Principal Certifying Authority prior to installation. [DUR0310]
17. All walls in the food preparation and food storage areas shall be of solid construction, easily washable, lightly coloured and tiled to a height of at least 2 metres above floor level, or where not tiled, cement rendered to provide a smooth even finish to ceiling. **Note:** Stud framed walls will not be acceptable. Intersections of all floors with walls shall be covered to a radius of not less than 25 millimetres. [DUR0320]
18. Shopfitters are to liaise with the Principal Certifying Authority prior to fitting out of shop. [DUR0340]
19. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays. [DUR0900]
20. 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.
- [DUR1020]
21. 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. [DUR1030]
22. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993. [DUR1090]
23. Yard 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. [DUR1130]
24. 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. [DUR1160]
25. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
- i. All required erosion and sedimentation control devices have been installed and are operational.
 - ii. Required toilet facilities have been provided on the site.
 - iii. A sign has been erected on the site identifying:
 - Lot number
 - Builder
 - Phone number of builder or person responsible for site.
 - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied. [DUR1200]
26. All flooring materials in the food preparation and storage areas are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation. Where tiling is to be used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices. [DUR0330]

27. Windows and doors opening into food preparation and storage areas are to be fully screened in accordance with Council's adopted code for the construction of food premises. [DUR0350]
28. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution. [DUR0870]
29. 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 or complying development certificate was made). [DUR0010]
30. All walls to the cooking area are to be of solid masonry construction or similar homogenous material acceptable to Council's Director for Environment and Health Services. Timber stud walls with gyprock lining or other cavity type construction is not acceptable. [DURNS01]
31. A separate handwashing facility which is to be provided with hot and cold water, soap and hand drying facility is to be installed in the cooking area. [DURNS02]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

32. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia. [POC0020]
33. A person must not commence occupation or use of the whole or any part of a new building (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). [POC0030]
34. Portable fire extinguishers containing an extinguishing agent suitable for the risk being protected must be installed in accordance with Australian Standard AS 2444 "Portable Fire Extinguishers - Selection and Location" and Part E1.6 of the Building Code of Australia. [POC0070]
35. It is a condition of an approval to install, construct or alter a sewage management facility that the facility is not used (or used as altered) until the Council has given the applicant for approval notice in writing that it is satisfied that the facility has been installed, constructed or altered in substantial accordance with the approval. [POC0100]

USE

36. It is a condition of this consent to operate a system of sewage management that this clause is complied with.
- (i) The sewage management facilities used in the operation of the system must be maintained in a sanitary condition and must be operated in accordance with the relevant requirements of this Regulation.
 - (ii) A sewage management facility used in the operation of the system must not discharge into any watercourse or onto any land other than its related effluent application area.
 - (iii) The conditions (if any) of any certificate of accreditation issued by the Director-General of the Department of Health under this Division in respect of the plans or designs for any components of the sewage management facilities must be complied with.
 - (iv) The person operating the system of sewage management must provide details of the way in which it is operated, and evidence of compliance with the relevant requirements of this Regulation and of the conditions of the approval, whenever the Council reasonably requires the person to do so.
- [USE0230]
37. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
- [USE0160]
38. The premises and equipment must comply with the requirements of the Australian Food Standards Codes as called into force by the Food Regulation 2001.
39. Any adequate or necessary measures shall be implemented to safeguard neighbouring lands from offensive levels of smoke arising from the use of externally exposed barbeques, grills or similar like facility
- [USENS01]
40. The premises is to be conducted in accordance with the requirements of the Australian Food Standards Code as called into force by the Food Regulation 2001.
- [USENS02]
41. The premises is to be treated initially prior to commencement of trading upon completion of development works and thereafter on a regular basis by a licensed pest control operator.
42. Patronage of the refreshment area shall not exceed at any given time that stipulated under any statutory approval or licence.
- [USENS03]
43. Adequate measures are to be incorporated as to deny access at all times by animals to the kitchen and dining areas. This includes peacocks and their access to water collection areas.
- [USENS04]

44. Adequate measures are to be provided and effectively maintained so as to prevent contamination of the water supply used in conjunction with the kitchen and that provided for consumption and use.
45. Refreshment areas are for the exclusive use of golfing members, their guests and guests of the tourist accommodation.
46. Live entertainment is not permitted. Any such future proposed entertainment is subject to separate prior approval.
47. Amplified music shall not unreasonably interfere with the amenity of adjoining lands.
48. No artificial light spill is permitted beyond the property boundaries.
49. Water supplied for the kitchen / restaurant facility and dining area, pro shop and games area shall be of a potable quality standard acceptable to Council's Director for Environment and Health Services. Such supply shall be tested at an interval not exceeding every six months at a NATA registered testing laboratory and a test report is to be submitted to Council's Director immediately (within the same 24hr period) following each sample test.
50. The water supply for the kitchen / restaurant facility and dining area, pro shop and games area shall be connected to the potable water supply for the development in accordance with the requirements of Condition Nos.54 to 57 of Development Approval K99/1450 when the designated system becomes available or following the completion of the 16 Accommodation Units, also approved under K99/1450, which ever occurs first.
51. Effluent from the Kitchen / restaurant facility and dining area, pro shop and games area shall be treated by either a two (2) x 10 EP or one (1) x 20 EP NSW Health accredited Aerated Waste Treatment System, minimum 2000 litres.
52. A suitably sized grease arrestor system shall be installed on the restaurant discharge line in accordance with the Tweed District Plumbing Service Pty Ltd report, as submitted.
53. Treated effluent from the two (2) x 10 EP or one (1) x 20 EP NSW Health accredited Aerated Waste Treatment System shall be disposed of to an irrigation area designed and used solely for the purpose of the disposal of treated effluent via a subsurface drip pressurised irrigation system to the satisfaction of Council's Director for Environment and Health Services.
54. The minimum area of the designated irrigation area shall not be less than 1550m².

55. At the time the sewerage treatment plant for the main accommodation buildings and winery building becomes operational the kitchen / restaurant facility and the dining area, pro shop and games area shall be connected to the this plant and the Aerated Waste Treatment System(s) and associated irrigation area shall be decommissioned to the satisfaction of Council's Director for Environment and Health Services.
56. Operational hours of the kitchen / refreshment and dining areas is limited to the operational hours of the golf course, plus one (1) hour.

[USENS05]

Voting For

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Davidson
Cr Lawrie
Cr Marshall
Cr Youngblutt

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

5 [DS] Development Application DA03/0505 for a Pool Gazebo, Gym Building and Golf Buggy Shed at Lot 1 DP 1043885 Carool Road, Carool

1046 RESOLUTION:

Councillor L F Beck
Councillor W M Marshall

RESOLVED that Development Application DA03/0505 for a pool gazebo, gym building and golf buggy shed at Lot 1 DP 1043885 Carool Road, Carool be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Plans Nos. 398C-Gym Sheets 1 to 6 dated April 2003 and the addendum plans submitted 31 March 2003 for the gazebo structure prepared by Parameter Designs, except where varied by these conditions.
[GEN0010]
2. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428-Design for Access and Mobility.
[GEN0050]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
[GEN0120]

4. The erection of a building in accordance with a development consent must not be commenced until:
 - a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
 - b. the person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority; and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

[GEN0150]
5. The proposed golf cart 'buggy' shed is NOT approved by this development consent.

[GENNS01]
6. The gym building and pool gazebo areas are for the exclusive use of guests staying at the tourist development.
7. The gym building is not permitted to be run as an independent facility to the tourist development for the purposes of servicing the general public, being persons other than those staying at the tourist accommodation.

[GENNS02]
8. Prior to operation of the gym building all car-parking and ingress/egress requirements of Development Approval K99/1450 must first be constructed and operational to the satisfaction of Council's Director Development Services.

[GENNS03]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

9. Prior to the issue of a Construction Certificate a Building Certificate is to be submitted to and approved by Council for the existing golf buggy/cart shed. The details submitted with the Building Certificate shall include structural certification from a practising structural engineer, elevation and structural detail plans. In the event that structural certification cannot be obtained a Construction Certificate shall be submitted for any works that involve either the full or part reconstruction or for any reinforcement work.

PRIOR TO COMMENCEMENT OF WORK

10. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) 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, or

- (c) if that is not practicable, any other sewage management facility approved by the council. [PCW0060]
11. 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. [PCW0090]
12. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan *"Tweed Shire Council Aus-Spec D7 - Stormwater Quality"* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond has been released.

[PCW0190]

DURING CONSTRUCTION

13. 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 or complying development certificate was made). [DUR0010]
14. 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. [DUR0080]
15. 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. [DUR0130]
16. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- a. footings, prior to pouring of concrete
 - b. slab, prior to pouring of concrete
 - c. frame prior to the erection of brick work or any wall sheeting
 - d. final inspection prior to occupation of the building
 - e. steel reinforcing prior to pouring of concrete

[DUR0170]

17. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied. [DUR0200]
18. Access to the building for disabled persons shall be provided and constructed in accordance with the requirements of Part D3 of the Building Code of Australia and Australian Standard AS 1428.1. [DUR0260]
19. Prominently displayed signs and symbols must be provided to identify for disabled persons all routes and areas where architectural barriers do not exist. Such access must comply with the requirements of Australian Standard AS 1428 Parts 1 and 2. [DUR0270]
20. Disabled car parking spaces are to be provided at the rates provided for under Part D3.5 of the Building Code of Australia and constructed in accordance with Australian Standard AS2890.1. [DUR0300]
21. The spa 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 AS1926-1986 (Copy of code enclosed). [DUR1310]
22. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays. [DUR0900]
23. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed. [DUR0950]
24. 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. [DUR1020]
25. 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. [DUR1030]

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

[DUR1090]

27. Yard 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.

[DUR1130]

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

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

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

[DUR1160]

29. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:

- i. All required erosion and sedimentation control devices have been installed and are operational.
- ii. Required toilet facilities have been provided on the site.
- iii. A sign has been erected on the site identifying:
 - Lot number
 - Builder
 - Phone number of builder or person responsible for site.
- iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.

[DUR1200]

30. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.

[DUR0870]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

31. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications,

conditions of Consent and the relevant provisions of the Building Code of Australia.

[POC0020]

32. A person must not commence occupation or use of the whole or any part of a new building (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).

[POC0030]

33. It is a condition of an approval to install, construct or alter a sewage management facility that the facility is not used (or used as altered) until the Council has given the applicant for approval notice in writing that it is satisfied that the facility has been installed, constructed or altered in substantial accordance with the approval.

[POC0100]

USE

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

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

[USE0230]

35. Effluent from the gym building shall be treated by a New South Wales Health accredited Aerated Waste Treatment System having a minimum rating equivalent to 10EP or 2000L / per day.
36. Treated effluent from the Aerated Waste Treatment System shall be disposed of to an irrigation area designed and used solely for the purpose of the disposal of treated effluent via a subsurface drip pressurised irrigation system to the satisfaction of Council's Director for Environmental and Health Services.
37. The minimum area of the designated irrigation area shall not be less than 1000m².

38. At the time the sewerage treatment plant for the main accommodation buildings and winery building becomes operational, the gym building shall be connected to the plant and the Aerated Waste Treatment System and Irrigation Area shall be decommissioned to the satisfaction of Council's Director for Environmental and Health Services.
39. Water supplied for drinking purposes to the gym building shall be of a potable quality standard acceptable to Council's Director for Environmental and Health Services. Such supply shall be tested at an interval not exceeding every six months at a NATA registered testing laboratory and a test report is to be submitted to Council's Director for Environmental and Health Services immediately (within same 24hr period) following each sample tested.
40. Such water supply for the gym building shall be connected to the potable water supply for the development in accordance with the requirements of Condition Nos.54 to 57 of Development Approval K99/1450 when this system becomes available or following the completion of the 16 accommodation units approved under K99/1450, which ever occurs first.
41. Spa pool water quality shall be maintained at all times to a standard in accordance with the guidelines entitled "*Public Swimming Pool and Spa Pool Guidelines*" and "*Guidelines for Disinfecting Public Swimming Pools and Spa Pools*" as published by the NSW Department of Health.
[USENS01]
42. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
[USE0160]
43. The operating hours of the gym building are 6.30am to 8pm Monday to Sunday, except Friday and Saturday at 6.30am to 9.30pm.
[USENS02]

Voting For

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Davidson
Cr Lawrie
Cr Marshall
Cr Youngblutt

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

6 [DS] Proposed Installation of a Needle and Syringe Vending Machine and Disposal Bin at Lot 1 DP 1015202 No. 8-10 Nullum Street, Murwillumbah

Councillor W J Polglase
Councillor P C P Youngblutt

PROPOSED that the Minister assisting the Minister of Infrastructure and Planning (Planning Administration) be requested that, in regard to the Development Application lodged by the Northern Rivers Area Health Service for the installation of a needle and syringe vending machine and disposal bin at Lot 1 DP 1015202 No 8-10 Nullum Street, Murwillumbah, that an additional time period until April 2004 be provided for Council to advise upon suggested conditions given that Council is desirous of obtaining community feedback on the matter via a consultation process.

1047 AMENDMENT

Councillor B M Luff
Councillor B J Carroll

RESOLVED that the Minister assisting the Minister for Infrastructure and Planning (Planning Administration) be advised that if the development application lodged by the Northern Rivers Area Health Service for the installation of a needle and syringe vending machine and disposal bin at Lot 1 DP 1015202 No. 8-10 Nullum Street, Murwillumbah, is approved then the following conditions should be attached to the consent: -

GENERAL

1. The consent will expire in one (1) year from the date of this approval. The applicants may lodge a Section 96 modification of consent prior to the expiration of this consent. This condition may be removed if sufficient evidence determines that the use has not had an adverse impact on the amenity of the locality.
2. The development shall be completed in general accordance with Plan No 95208 WD.5.C, dated 10 February 2000 and prepared by Robert Gow Architects, except where varied by these conditions.
3. The erection of lattice screens to reduce the visibility of the vending machine from the street.
4. Mature plants are incorporated into the surrounding garden to minimise visual impact.
5. The immediate area is maintained on a daily basis.

6. The applicant continues to liaise with Councils Environment and Health Unit during the trial period for the placement of single use needle and syringe disposal bins.
7. No information, signage or directions shall be so placed to be visible to the general public.
8. The disposal bin is to be secured to the wall and/or ground to prevent removal by vandalism or during periods of flood.

DRAINAGE/FLOODING

9. Subject to the requirements of Northpower, 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 should be suitably treated to withstand continuous submergence in water.

1048 RESOLUTION:

Councillor P C P Youngblutt
Councillor G Davidson

RESOLVED that an extension of 3 minutes be granted to Councillor L F Beck.

TEMPORARY ABSENCE FROM MEETING

Councillor G Davidson left the meeting.

Voting For

Cr Polglase
Cr Beck
Cr Boyd
Cr Carroll
Cr Brinsmead
Cr Lawrie
Cr Marshall
Cr Youngblutt

Voting Against

Cr Luff
Cr James

The Amendment was **Carried**

Voting For

Cr Polglase
Cr Boyd
Cr Brinsmead
Cr Carroll
Cr James
Cr Luff
Cr Youngblutt

Voting Against

Cr Beck
Cr Lawrie
Cr Marshall

RETURN TO MEETING

Councillor G Davidson returned to the meeting.

The Amendment on becoming the Motion was **Carried**

Voting For

Cr Boyd
Cr Brinsmead
Cr Carroll
Cr Davidson
Cr James
Cr Luff
Cr Marshall
Cr Youngblutt

Voting Against

Cr Polglase
Cr Beck
Cr Lawrie

A RECISSION MOTION HAS BEEN RECEIVED ON THIS ITEM FROM COUNCILLORS BECK, LAWRIE AND POLGLASE.

1049 RESOLUTION:

Councillor W J Polglase
Councillor L Beck

RESOLVED that Standing Orders be suspended to deal with Item 11, 12 and 14 of the Agenda.

Voting For

Cr Polglase
Cr Beck
Cr Boyd
Cr Brinsmead
Cr Carroll
Cr Davidson
Cr James
Cr Lawrie
Cr Marshall
Cr Youngblutt

Voting Against

Cr Luff

11 [DS] Development Application DA03/0273 for Multi-Dwelling Housing Comprising of 127 Units at Lot 119 DP 29195, Lot 142 DP 29195, No. 35 Panorama Drive, Tweed Heads West

Councillor B M Luff
Councillor M R Boyd

PROPOSED that this item be deferred.

1050 AMENDMENT

Councillor G Davidson
Councillor W M Marshall

RESOLVED that Development Application DA03/0273 for multi-dwelling housing comprising of 127 units at Lot 119 DP 29195, Lot 142 DP 29195, No. 35 Panorama Drive, Tweed Heads West be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plans Nos ADD101 RevA dated Feb 2003, ADD201 RevA to ADD208 RevA dated Feb 2003 inclusive, ADD211 RevB, ADD212 RevA and ADD213 RevA, ADD 214 RevB, ADD215 RevA dated Feb 2003 inclusive, SK-01-501 RevB to SK-01-502 RevB dated 21/2/2003 and AR301 RevB dated Jan 2003 prepared by Fulton Trotter and Partners, except where varied by these conditions.

[GEN0010]

2. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428-Design for Access and Mobility.

[GEN0050]

3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0120]
4. The erection of a building in accordance with a development consent must not be commenced until:
- a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
 - b. the person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority; and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building. [GEN0150]
5. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:
- i. Easements for sewer, water supply and drainage over **ALL** services on private property.
 - ii. A three metre wide right of way for public access shall be provided parallel to the boundary splay between Scenic Drive and Gull Place.
- Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.
- Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.
6. The proposed 'tower building' shall be no more than 25m AHD in height. The 'terrace units' shall be no more than three storeys in height. On completion of the building a registered surveyor shall provide documentation demonstrating that this condition has been complied with. [GENNS01]
7. The application is required to obtain the necessary licences for the proposed development from the Environment Protection Authority.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

8. A detailed plan of landscaping is to be submitted and approved by Council's Director, Development Services prior to the issue of a Construction Certificate. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.

[PCC0010]

9. Any carparking floodlighting shall not spill beyond the boundaries of the site. A plan of the lighting shall be approved by the Director of Development Services **PRIOR** to the issue of a Construction Certificate.

[PCC0030]

10. The application is required to satisfy the Environment Protection Authority requirements prior to the issue of a Construction Certificate.

11. Section 94 Contributions

- (i) 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.

- a. Tweed Road Contribution Plan: \$326,131.00
S94 Plan No. 4 (Version 4.0)
(Sector 4_4 Bilambil Heights)

Heavy Haulage Component

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

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

where:

\$Con_{TRCP - Heavy} heavy haulage contribution

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

b.	Open Space (Structured): S94 Plan No. 5	\$63,196.00
c.	Open Space (Casual): S94 Plan No. 5	\$13,509.00
d.	Shirewide Library Facilities: S94 Plan No. 11	\$55,777.00
e.	Bus Shelters: S94 Plan No. 12	\$2,240.00
f.	Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$10,797.00
g.	Emergency Facilities (Surf Lifesaving) (REMSHIRE) S94 Plan No. 16	\$18,724.00
h.	Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$32,530.13
i.	Cycleways S94 Plan No. 22	\$13,016.00
j.	Regional Open Space (Structured) S94 Plan No. 26	\$95,316.00
k.	Regional Open Space (Casual) S94 Plan No. 26	\$17,846.00

[PCC0050/PSC0005]

12. 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: \$383,258.00
Sewer: \$306,793.00

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.

[PCC0070/PSC0004]

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

[PCC0190]

14. Permanent Stormwater Quality Treatment
- (a) Permanent stormwater quality treatment shall comply with "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development". New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the "deemed to comply" provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.
 - (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of

porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.

- (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
- (d) Specific requirements:
- (i) Runoff from all hardstand/impervious areas (includes driveway, car park and hardstand landscape areas and excludes roof area) must be pre-treated to remove oil and grit, prior to discharge into the public stormwater system. Roof water runoff does not require treatment and must be discharged downstream of any pollutant treatment device.
 - (ii) Washdown runoff generated from the proposed basement area must also be sized to remove oil and grit pollutants and must be discharged into the sites sewer system, if levels permit. The installed pollutant device must also satisfy the following sizing requirements.
 - (a) The retained volume of the Oil/Grit arrestor must be no less than 0.5m^3 per 1000m^2 of the basement/undercover car park area.
 - (b) The minimum retained volume of an Oil/Grit arrestor is 0.75m^3 .
 - (iii) The appropriate number of car wash bays must be provided for the development. If these bays are to be constructed of impervious material, then all runoff from the bays must be bunded to remove oil and grit pollutants prior to discharge. If levels allow, discharge must be via the sewer network and a Tweed Shire Council Trade Waste application will be required. If levels don't permit, connection can be made to the site stormwater network. Council prefers if these bays are constructed of pervious material.
 - (iv) The appropriate number of visitor car parking bays must also be provided for the development. If these bays are to be constructed of impervious material, then all runoff from these bays must be treated to remove pollutants prior to discharge into the site's drainage network.

[PCC0230]

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

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

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

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

[PCC0240]

16. A. Building work that involves 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:
- i. in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number; and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
 - ii. in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of **owner-builder work** in Section 29 of that Act,and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
- B. A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

[PCC0310]

17. Erosion and Sediment Control During the Construction Phase of Development
- (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "*Tweed Shire Council Aus-Spec D7 - Stormwater Quality*" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond (if required) has been released.

- (b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
 - (c) Diversion drains are to be provided along the western and northern boundaries of the site to divert clean water from external catchments around the site, as proposed in Jim Glazebrook & Associates 'Statement of Environmental Effects ' dated February 2003.
- [PCC0320]
- 18. The applicant shall submit a full schedule of exterior colours for the proposed development to the satisfaction of and approval by the Director of Development Services.
 - 19. The applicant shall submit details on the proposed location for employee car parking for the duration of the construction of the proposed development. This shall detail the location of such car parking, approval by owner and shall not compromise any other approved use of land. These details are to be to the satisfaction and approval by the Director of Development Services.
 - 20. The applicant shall submit a hydraulic analyses demonstrating the adequacy of the existing 150 diameter water main for meeting fire fighting requirements.
 - 21. The applicant is to submit detailed engineering plans for the Gull Place / Scenic Drive intersection, and associated kerb and gutter and pavement widening for Scenic Drive, in accordance with Sketch No.202038-SK-20/06/03 for the approval of the Director of Engineering Services. In the event that the Director of Engineering Services requires a round about, based on Black Spot funding to be determined in February 2004, a cash contribution of \$50,000 in lieu of the intersection works described above shall be provided, alternatively the protected turn lanes are to be constructed.
 - 22. The lots are to be consolidated into one (1) lot under one (1) title. The plan of consolidation shall be registered with the Lands Titles Office prior to issue of the construction certificate.
 - 23. A Plan of Management shall be provided for the development in relation to development of land adjoining the 7(l) Environmental Protection (Habitat) zoned land. This plan shall address adverse effects arising from the development and mitigation measures to be adopted. The plan shall detail the ongoing maintenance required in this area and the persons responsible for ensuring the long-term implementation of the Plan of Management. This Plan shall be submitted to and approved by the Director of Development Services prior to the issue of a construction certificate.

[PCCNS01]

24. A basement plan shall be provided identifying the 48 visitor car parking spaces with the majority located in the first block or entering the basement. This plan is to be to the satisfaction of and approved by the Director of Development Services.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

25. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) 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, or
 - (c) if that is not practicable, any other sewage management facility approved by the council.

[PCW0060]

26. A sign must be erected on the site in a prominent, visible position stating:
- a. that unauthorised entry to the work site is prohibited; and
 - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
 - c. Lot number.

[PCW0070]

27. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:
- i. The person must, at the person's own expense:
 - a. preserve and protect the building from damage; and
 - b. if necessary, underpin and support the building in an approved manner.
 - ii. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.

[PCW0080]

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

[PCW0090]

29. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "*Tweed Shire Council Aus-Spec D7 - Stormwater Quality*" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond has been released.

[PCW0190]

30. An application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.

[PCW0210]

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

[PCW0230]

32. Prior to commencement of works all required plumbing and drainage inspection fees are to be submitted to Council.

[PCWNS01]

33. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of the Director, Development Services. The sign is to remain in place until the Subdivision Certificate is issued.

[PCW0030]

34. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by Council prior to any discharge to sewer being commenced.

[PCW0220]

DURING CONSTRUCTION

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

- a. A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.
- b. The chute shall be located in a position approved by the Principal Certifying Authority.
- c. A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.

[DUR0070]

36. 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.

[DUR0080]

37. A garbage storage area shall be provided in accordance with Council's "**Code for Storage and Disposal of Garbage and Other Solid Waste**". [DUR0090]
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. [DUR0130]
39. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- a. footings, prior to pouring of concrete
 - b. slab, prior to pouring of concrete
 - c. frame prior to the erection of brick work or any wall sheeting
 - d. final inspection prior to occupation of the building
 - e. completion of work
 - f. swimming pool safety fencing prior to filling the pool with water
 - g. the fire protection of penetrations through any fire rated elements prior to covering
 - h. steel reinforcing prior to pouring of concrete. [DUR0170]
40. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied. [DUR0200]
41. a. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
b. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property. [DUR0210]
42. If the work involved in the erection or demolition of a building:
- a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - b. building involves the enclosure of a public place,
- a hoarding or fence must be erected between the work site and the public place.
- If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

[DUR0220]

43. All surface runoff from sealed driveway, car parking areas and the like, is to be piped to the street. Drainage from all uncovered carpark areas must comply with AS3500.3, Clause 3.4.5.2.

[DUR0770]

44. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays.

[DUR0900]

45. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed.

[DUR0950]

46. Any proposed cooling tower installation must also include details on the proposed means of back flow prevention to the water supply prior to installation.

[DUR0970]

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

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

[DUR1020]

48. 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.

[DUR1030]

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

[DUR1040]

50. Where two (2) or more premises are connected by means of a single house service pipe, the owner of each premises must (*unless all the premises are occupied by a single household or firm as a residence or place of business*) ensure that a separate water meter, of a class and size approved by Council, is installed on each of those premises.

[DUR1070]

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

[DUR1090]

52. 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.

[DUR1110]

53. 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.

[DUR1160]

54. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:

- i. All required erosion and sedimentation control devices have been installed and are operational.
- ii. Required toilet facilities have been provided on the site.
- iii. A sign has been erected on the site identifying:
 - Lot number
 - Builder
 - Phone number of builder or person responsible for site.
- iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
- v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.

[DUR1200]

55. 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 to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1210]

56. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9. [DUR1290]
57. The internal road and ramps must comply with AS2890.1.
58. No paving is to be constructed past the concrete footpath alignment on Gull Place directly opposite Inlet Drive.
59. The proposed concrete pathway on Scenic Drive is to have a pram ramp at the Gull Place intersection and on the shop side of Gull Place and extend the footpath to connect with the paths at the shopping centre.
60. No gardens are to be provided on the corner of Gull Place and Scenic Drive due to road widening on the corner to accommodate a future round about.
61. Kerb and gutter shall be constructed to Scenic Drive along with associated pavement widening and intersection works in accordance with Council's road construction standards. [DURNS01]
62. 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 or complying development certificate was made). [DUR0010]
63. The provision of 192 off street car parking spaces, 48 visitor spaces are to be provided. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls. The visitor spaces are to be marked and sign posted as for visitors. [DUR0050]
64. 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. [DUR0060]
65. A concrete ribbon footpath 1.2 metres wide and 100 millimetres thick is to be constructed on a compacted base along the frontage of the site to Gull Place only. No footpath is to be provided along the Scenic Drive frontage. The compacted base is to achieve 95% of maximum dry density determined in accordance with AS1289 5.4.1 for a minimum 100mm depth. A full depth construction joint is to be provided at 6.0 metre intervals and 20 millimetre deep groove joints provided every 1.5 metres, the balance area to be graded to the kerb and turfed. The footpath is to have a 3% crossfall which must be attained at each side boundary. This may result in work to be undertaken on the footpath at adjoining properties which must not exceed 1:14 and must be

reinstated with turf. The footpaving is to be located 800 millimetres from the property boundary. The concrete footpath gradient shall be parallel to the top of kerb for the full frontage of the site and maintained unvaried across the (any) driveway cross-section. An inspection of the formwork is to be arranged with Council's Engineering Services Division prior to concrete being placed.

[DUR0520]

66. The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering Services 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.

[DUR0430]

67. Testing for the presence of Potential Acid Sulfate Soils and Actual Acid Sulfate Soils shall be carried out in accordance with the ASSMAC guidelines of the full material overlying the orck floor of the original quarry at the time of construction. If such tests reveal the presence of PASS or AASS then such soil shall be managed in accordance with the provisions of the ASSMAC Guidelines and a management plan is to be submitted to Council for consideration and approval. Such management shall be to the satisfaction of Council's Director of Environment and Community Services.

68. It is a condition of this consent that the area directly in front of the collection area as referenced in the advice provided by Solo Resource Recovery and dated 12th May 2003 be designated and sign posted accordingly as a 'No Parking' area.

[DURNS02]

69. Provision to be made for the designation of a 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.

[DUR0240]

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

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

[DUR0730]

71. The water quality control pond shall be fully fenced in accordance with the requirements of AS1926 for children less than five (5) years of age.

[DUR0810]

72. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties. [DUR0850]
73. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution. [DUR0870]
74. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles. [DUR0880]
75. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning. [DUR0890]
76. 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. [DUR0910]
77. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited. [DUR0920]
78. Prior to and during construction provide a "shake down" area along the haul route located immediately before the intersection with the road reserve. The "shake down" area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director of Engineering Services. [DUR0930]
79. The burning of builders waste on site by open fire is prohibited. [DUR0940]
80. Pre-treatment devices must be serviced by a Council approved waste contractor. The applicant will be required to enter into a service agreement

with this waste contractor. Pre-treatment device service frequency will be approved by Councils Manager Water.

[DUR1170]

81. The management measures contained in the Peter Parker Flora and Fauna report dated February 2003 shall be adopted during the construction.
82. Discharge of stormwater from the site is to be via connection into the existing gully pits in either Gull Place or Scenic Drive. No discharge is allowed onto neighbouring properties.
83. The driveway entrance must be designed in accordance with DCP2 and AS2890.1 (section 3.4(a)) with the maximum driveway gradient for 6m from the property boundary not exceeding 1:20 or 5%.
84. The driveway entrances must be graded to ensure Q100 stormwater runoff from Gull Place's kerb and gutter does not enter the site.
85. If pumps are required to drain the basement, the pumps utilised must be designed and installed in accordance with Section 9 of AS/NZS 3500.3.2.1998 (Natural Plumbing and Drainage3 - Part 3.2: Stormwater Drainage - Acceptable Solutions). Failsafe measures must be in place such that property (on site and adjacent) is protected in case of pump failure.
86. Peak stormwater discharge from the developed site must be limited (in events of intensity up to the ARI 100 year design storm), such that Post Development discharge from site does not exceed Pre Development discharge flows. This may be achieved by on site detention (OSD), on site retention or a combination of both. If On Site Detention (OSD) tanks are proposed, the tanks may be positioned such that runoff is required to be pumped from the driveway and basement areas into the tank, but roofwater must enter the tank by gravity means only. The tank may incorporate infiltration techniques to reduce the size of the tank required but pipe discharge from the tank to the site's legal point/s of discharge be via gravity means only. Pumps will not be accepted as a control of discharge. OSD devices including Discharge Control Pits (DCP) are to comply with standards in The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook, Second Edition 1994"). Permissible site discharge (PSD) and site storage requirements (SSR), do not apply to the Tweed Shire. The DCP must be installed within the drainage network, such that stormwater is discharged into the DCP prior to any discharge entering the OSD tank/s. The DCP must discharge into the OSD device, only once the maximum allowable site discharge rate is reached. Surcharging of the drainage network is only acceptable under storm events greater than an ARI 100 year design storm event. If infiltration is incorporated, the tank must be designed to completely empty (by means of infiltration) for a 3 month ARI storm event (deemed to be 40% of the ARI 1 year event) within a 24-hour period, with a safety factor of 2. Note, infiltration is not an acceptable method of treatment for Oil/Grit. Any overflow of the tank/s is to be via visual, overland flow into the kerb and gutter drainage networks of either Gully Place

- or Scenic Drive or other approved permanent drainage systems. Preliminary calculations indicate that an OSD tank exceeding 150m³ is required.
87. All mechanical plant, air handling system plant or equipment and the like are to be acoustically shielded in accordance with recommendations from a qualified acoustic consultant and to the satisfaction of Council's Director of Environment and Community Services where required to ensure that the operation of such mechanical plant and equipment does not result in the emission of offensive noise to any neighbouring residential area or premises.
88. All mechanical plant, air handling plant, equipment and the like shall be positioned on the premises in locations that will not unreasonably interfere with the amenity of existing residential areas or premises in respect to noise, dust and visual or other air borne emissions.
89. In the event that dewatering operations are to be carried out on the site, all practical measures to the satisfaction of Council's Director of Environment and Community Services shall be undertaken to ensure that the operation of dewatering pumps and associated equipment do not result in the emission of offensive noise to any neighbouring residential area or premises.
90. Any dewatering pumps or associated equipment and sediment control pumps are to be located in a position on the site to the satisfaction of Council's Director of Environment and Community Services so as to not unreasonably interfere with the amenity of any existing residential area or premises in respect to noise, dust, visual or other air borne emissions.
91. In the event of any on site dewatering operations, a dewatering management plan specifying discharge quality criteria is to be submitted for consideration and approved by Council's Director of Environment and Community Services.
92. All artificial external lighting shall be shielded where required to the satisfaction of Council's Director of Environment and Community Services so that the spill of light or glare does not create a nuisance to any neighbouring residential area or premises.
- [DURNS03]
93. The proposed development is to fully comply with Council's Energy Smart Housing Policy (DCP39). In order to comply with DCP39 consideration must be given to the building envelope, orientation, insulation, ventilation, thermal mass, zoning, and hot water supply.
- [DUR1000]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

94. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications,

conditions of Consent and the relevant provisions of the Building Code of Australia.

[POC0020]

95. A person must not commence occupation or use of the whole or any part of a new building (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).

[POC0030]

96. On completion of work a certificate signed by a practising structural engineer is to be submitted to the PCA to certify the structural adequacy of the structure.

[POC0060]

97. Prior to the issue of an occupation certificate the management measures, specifically in relation to weed eradication, contained in the Peter Parker Flora and Fauna report dated February 2003 shall be completed.

[POCNS01]

USE

98. 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).

[USE0250]

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

[USE0160]

100. Owners of buildings served by plant involving the operation of "cooling towers", "evaporative condensers" or "tepid water systems" must submit to Council, half yearly, a report detailing the maintenance, cleansing and chemical treatment of such plant every three (3) months in accordance with Part 6 of the NSW Public Health Act.

[USE0180]

GENERAL TERMS OF APPROVAL FROM THE ENVIRONMENT PROTECTION AUTHORITY

1 Administrative conditions

A1. Information supplied to the EPA

- A1.1** Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- The development application DA03/0273 submitted to Tweed Shire Council on 20 March 2003;
- The supplementary Reports submitted to the EPA from Council dated 26 June 2003; and
- All additional documents supplied to the EPA in relation to the development, including all documentation supplied in response to the EPA's letters to Council and advice received by Council.

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

2. DISCHARGES TO AIR AND WATER AND APPLICATIONS TO LAND

P1 Location of monitoring/discharge points and areas

P1.1 The following points referred to in the table below are identified for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air or water from the point.

Air and Water

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Description of Location
1	Discharge to waters and effluent monitoring point	Discharge to waters and effluent monitoring point	Discharge from stormwater detention pond labelled as "SB1" on map titled "Figure 5 Erosion Control Plan" (Martin Findlater & Associates dated February 2003) submitted in the Statement of Environmental Effects for the development dated February 2003.

3 Limit conditions

L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

L2. Concentration limits

L2.1 For each monitoring/discharge point or utilisation area specified in the table/s below, the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentrations limits specified for that pollutant in the table.

L2.2 Where a pH quality limit is specified in the Table, the specified percentage of samples must be within the specified ranges.

L2.3 To avoid any doubt, this condition does not authorise the discharge of any other pollutants.

POINT 1

Pollutant	Units of measure	100% concentration limit

Suspended soils	Mg/L	50
Oil & Grease	Mg/L	10
PH	PH	6.5 to 8.5

L6. Noise limits

L6.1 Prior to the commencement of construction activities, the licensee must submit an Excavation Noise Management Protocol to the EPA. The protocol shall include, but not be limited to:

- (a) identification of each work area;
- (b) identification of general activities that will be carried out and associated noise sources for each work area;
- (c) identification of all potentially affected noise sensitive receivers including residences, schools, commercial premises and noise sensitive equipment;
- (d) determination of appropriate noise and vibration objectives for each identified noise sensitive receiver;
- (e) assessment of potential noise impacts from the proposed construction methods including noise from construction vehicles and noise impacts from required traffic diversions;
- (f) examination of all reasonable and feasible noise mitigation measures including the use of alternative construction methods where potential noise impact exceed the relevant objectives;
- (g) description and commitment to work practices which limit noise;
- (h) description of specific noise mitigation treatments and time restrictions including respite periods, duration and frequency;
- (i) extent of noise monitoring;
- (j) construction timetabling;
- (k) numbers of vehicles proposed to transport extracted material off site;
- (l) position and size of stockpile of excavated material;
- (m) procedures for notifying residents of construction activities likely to affect their noise and vibration amenity; and
- (n) contingency plans to be implemented in the event of non-compliances and/or noise complaints.

L6.2 Construction activities shall be restricted to the hours of 7.00am to 6.00pm (Monday to Friday); 8.00am to 1.00pm (Saturday) and at no time on Sundays and public holidays except for:

- (a) any works which do not cause noise emissions to be audible at any nearby residential property and other noise sensitive receivers;
- (b) the delivery of plant, equipment and materials which is required outside these hours as requested by Police or other authorities for safety reasons;
- (c) emergency work to avoid the loss of lives, property and/or to prevent environmental harm;
- (d) any other work as agreed by Council in consultation with the EPA, and considered essential to the project and where it can be demonstrated that it would achieve a better environmental outcome, through a Community Consultation Process.

- L6.3** Piling, rock hammering and any other activities which result in impulsive or tonal noise generation shall only be scheduled between the following hours unless otherwise agreed by the EPA:
- (a) 8am to 12pm, Monday to Saturday (except on Public Holidays); and
 - (b) 2pm to 5pm Monday to Friday (except on Public Holidays).
- Where these activities are undertaken for a continuous three hour period and are audible at noise sensitive receptors, a respite period of at least one hour must follow.
- L6.4** The excavation works and removal of excavated materials from the site must be completed within a continuous period of 40 working days excluding Saturdays (after 1pm) , Sundays and Public Holidays).
- L7 Waste**
- L7.1** The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.
- L7.2** This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.
- 4 OPERATIONAL CONDITIONS**
- 01 Stormwater/sediment control**
- 01.1 Extraction Phase**
- 01.2** A Soil and Water Management Plan (SWMP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The SWMP must be prepared in accordance with the requirements for such plans outlined in Managing Urban Stormwater: Soils and Construction (available from the Department of Housing).
- 02 Dust**
- 02.1** Activities occurring at the premises must be carried out in a manner that will ensure that any emissions of dust from the premises are not visible in the atmosphere beyond the boundary of the premises.
- 02.2** Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
- 5 MONITORING AND RECORDING CONDITIONS**
- M Requirement to monitor concentration of pollutants discharged**
- M1** For each monitoring/discharge point or utilisation area specified below (by point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure and sample at the frequency, specified opposite in the other columns:

POINTS 1

Pollutant	Units of measure	Frequency	Sampling Method
Oil & Grease	mg/L	Daily during any discharge	Grab sample
Total suspended solids	mg/L	Daily during any discharge	Grab sample
PH	PH	Daily during any discharge	Grab sample

M3 Monitoring Locations 1

M3.1 Monitoring at monitoring point 1 must commence after the first sedimentation pond is constructed.

M4 Reporting

M4.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.

M4.2 All records required to be kept by the licence must be:

- In a legible form, or in a form that can readily be reduced to a legible form;
- Kept for at least 4 years after the monitoring or event to which they relate took place; and
- Produced in a legible form to any authorised officer of the EPA who asks to see them.

M4.3 The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

- The time(s) at which the sample was collected;
- The point at which the sample was taken; and
- The name of the person who collected the sample

M5 Testing methods - concentration limits

M5.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with a relevant local calculation protocol must be done in accordance with:

- Any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or
- If no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or
- If no such requirement is imposed by or under the POEO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing placing place.

Note: The Clean Air (Plant and Equipment) Regulation 1997 requires testing for certain purposes to be conducted in accordance with test method contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW").

M5.2 Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by condition M3 must be done in accordance with:

- The Approved Methods Publication; or
- If there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act 1997 in relation to the development or the relevant load calculation protocol, a method approved by the EPA in writing before any tests are conducted, unless otherwise expressly provided in the licence.

M6 Reporting conditions

M6.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken, provide a summary of complaints relating to the development, report on progress on studies and investigations being undertaken.

The Amendment was **Carried**

Voting For	Voting Against
Cr Polglase	Cr Boyd
Cr Beck	Cr Carroll
Cr Brinsmead	Cr Luff
Cr Davidson	
Cr James	
Cr Lawrie	
Cr Marshall	
Cr Youngblutt	

The Amendment on becoming the Motion was **Carried**

Voting For	Voting Against
Cr Polglase	Cr Boyd
Cr Beck	Cr Luff
Cr Brinsmead	
Cr Carroll	
Cr Davidson	
Cr James	
Cr Lawrie	
Cr Marshall	
Cr Youngblutt	

12 [DS] Development Application DA03/0962 for the Erection of a Mixed Commercial/Retail and Residential Building at Lot 24 DP 31208, No. 47 Tweed Coast Road, Bogangar

1051 RESOLUTION:

Councillor G Davidson
Councillor L F Beck

RESOLVED that:-

- A. Council assumes the concurrence of the Director-General of Infrastructure, Planning and Natural Resources in relation to the application to vary the height standard for the subject land from three to four storeys in part; and
- B. Council approves Development Application DA03/0962 for the erection of a mixed commercial/retail and residential building at Lot 24 DP 31208, No. 47 Tweed Coast Road, Bogangar subject to the following conditions:-

Part 1

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plans Nos 2453.1 to 2453.9 inclusive prepared by Design Imagery and submitted with the development application, except where varied by these conditions. [GEN0010]
2. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility. [GEN0050]
3. No retaining walls or similar structures are to be constructed over Council's sewer main. [GEN0090]
4. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0120]
5. The erection of a building in accordance with a development consent must not be commenced until:
 - a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
 - b. the person having the benefit of the development consent:

- (i) has appointed a Principal Certifying Authority; and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
- c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building. [GEN0150]

- 6. The existing house drainage line is to be capped off by a licensed plumber prior to demolition of the existing structure.

- 7. This development consent does not permit the use of the four commercial retail tenancies for take away food or restaurant purposes. [GENNS01]

- 8. The proposed future uses must be the subject of a separate approval. [GEN0110]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- 9. The payment of a contribution of \$75880.00 in lieu of the provision of 7 off street car parking spaces. The contribution to be paid in full prior to the issue of a Construction Certificate. [PCC0020]

- 10. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, and submitted to Council, prior to issue of the Construction Certificate. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times. [PCC0040]

- 11. Section 94 Contributions
 - (i) 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.

- a. Tweed Road Contribution Plan: \$43,072.00
 S94 Plan No. 4 (Version 4.0)
(Sector 7a - Duranbah/Cab)

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. Open Space (Structured): \$2,280.00
 S94 Plan No. 5
- c. Open Space (Casual): \$487.00
 S94 Plan No. 5
- d. Shirewide Library Facilities: \$2,012.00
 S94 Plan No. 11
- e. Eviron Cemetery/Crematorium Facilities: \$396.00
 S94 Plan No. 13

f.	Community Facilities (Tweed Coast) (South Coast) S94 Plan No. 15	\$2,920.00
g.	Emergency Facilities (Surf Lifesaving) (REMSHIRE) S94 Plan No. 16	\$690.00
h.	Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$1,359.21
i.	Cycleways S94 Plan No. 22	\$470.00
j.	Shirewide Car Parking S94 Plan No. 23	\$75,880.00
k.	Regional Open Space (Structured) S94 Plan No. 26	\$3,437.00
l.	Regional Open Space (Casual) S94 Plan No. 26	\$643.00

[PCC0050/PSC0005]

12. 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: \$14,385.00
Sewer: \$11,515.00

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.

[PCC0070/PSC0004]

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

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

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

[PCC0090]

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

[PCC0190]

15. Permanent Stormwater Quality Treatment

- (a) Permanent stormwater quality treatment shall comply with "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development". New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the "deemed to comply" provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.
- (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.
- (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage

of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.

(d) Specific requirements:

- (i) Runoff from all hardstand/impervious areas (includes driveway and undercover car park areas, all hardstand walkway or podium areas and any hardstand landscape areas and excludes all roof area) must be pre-treated to remove oil and grit, prior to discharge into the public stormwater system. Roof water runoff does not require treatment and must be discharged downstream of any pollutant treatment device.
- (ii) In addition to the sizing provisions specified in Council's Development Design Specification D7 - "Stormwater Quality", the Oil / Grit arrestor proposed must also be sized to satisfy the following requirements.
 - a. The retained volume of the Oil / Grit arrestor must be no less than 0.5m^3 per 1000m^2 of the basement / undercover car park area.
 - b. The minimum retained volume of an Oil / Grit arrestor is 0.75m^3 .

Reference is made to AS/NZ3500.3.2.1998 National Plumbing and Drainage - Stormwater Drainage - Acceptable Solutions / Section 8 / Figure 8.3 for typical Oil / Grit arrestors.

- (iii) All runoff from the proposed car wash bay must be bunded and treated to remove oil and grit prior to discharge. If levels allow, discharge must be via the sewer network and a Tweed Shire Council Trade Waste application will be required. If levels do not permit, connection can be made to the site stormwater network.

[PCC0230]

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

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

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

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

[PCC0240]

17. A. Building work that involves 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:
- i. in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number; and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
 - ii. in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of **owner-builder work** in Section 29 of that Act,

and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

- B. A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

[PCC0310]

18. Erosion and Sediment Control During the Construction Phase of Development
- (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan *"Tweed Shire Council Aus-Spec D7 - Stormwater Quality"* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond (if required) has been released.
 - (b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase

of development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.

[PCC0320]

19. Pursuant to Section 68 of the Local Government Act, 1993 to ensure there is no unacceptable discharge to Councils sewerage system an approved pre-treatment device (eg. Oil/grease traps, separators, etc) shall be installed to details approved prior to the issuing of a Construction Certificate. The development will be required to meet discharge standards in accordance with Councils Trade Waste Policy.

[PCC0290]
20. Prior to the issue of a construction certificate the applicant shall demonstrate to Council the method of construction and details in relation to the need for any sheet piling. In the event that any sheet piling is required to Council owned land the applicant shall provide all necessary detail to the Director of Engineering Services for approval and satisfy any such arrangements necessary for the construction period of the development.
21. All stormwater discharge from site (including roof water) is to be piped, via the proposed 375mm diameter stormwater network at the rear laneway connected to the Hastings Street drainage network. Connection is to be to the Hydraulic Engineers design and approved by the Director of Engineering Services. No discharge is allowed onto neighbouring properties.
22. The design of the proposed 375mm diameter stormwater network must be in accordance with Tweed Shire Council drawings A1-1327/01, A1-1327/02 and A1-1327/03 and must be pre-approved by the Director of Engineering Services.
23. The driveway entrance must be designed in accordance with DCP2 and AS2890.1 (section 3.4(a)) with the maximum driveway gradient for 6m from the property boundary not exceeding 1:20 or 5%.
24. Driveway entrances must be graded to ensure Q100 stormwater runoff from the proposed rear lane does not enter the site.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

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

[PCW0010]

26. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of the Director, Development Services. The sign is to remain in place until the Subdivision Certificate is issued.

[PCW0030]

27. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised to the satisfaction of the Principal Certifying Authority and provided with a dish drain or similar at the base or otherwise retained to the satisfaction of the Principle Certifying Authority. All retaining works shall be completed to the satisfaction of the Principal Certifying Authority prior to start of building work. Please note timber retaining walls are not permitted.

[PCW0040]

28. 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:
- (i) 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
 - (ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and
 - (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (A) the method of protection; and
 - (B) the date of installation of the system; and
 - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (D) 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.

[PCW0050]

29. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) 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, or
 - (c) if that is not practicable, any other sewage management facility approved by the council.

[PCW0060]

30. A sign must be erected on the site in a prominent, visible position stating:
- a. that unauthorised entry to the work site is prohibited; and
 - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.

- c. Lot number. [PCW0070]
31. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:
- i. The person must, at the person's own expense:
 - a. preserve and protect the building from damage; and
 - b. if necessary, underpin and support the building in an approved manner.
 - ii. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work. [PCW0080]
32. 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. [PCW0090]
33. Prior to the commencement of building work, a certificate signed by a registered professional engineer is to be submitted to the Principal Certifying Authority to certify that adequate consolidation of foundation material has been achieved to support the proposed structure. [PCW0110]
34. Prior to the commencement of work the Principal Certifying Authority is to be provided with and approve details of the kitchen exhaust system. Such details are to include the location of discharge to the air, capture velocity, size of hood and angle of filters. The system shall comply with Australian Standards SAA 1668 Part 2 Ventilation Requirements. [PCW0120]
35. Sewer main within site is to be accurately located and the Principal Certifying Authority advised of its location and depth prior to start of any building works. [PCW0180]
36. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "*Tweed Shire Council Aus-Spec D7 - Stormwater Quality*" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond has been released.

[PCW0190]

37. An application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.

[PCW0210]

38. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by Council prior to any discharge to sewer being commenced.

[PCW0220]

DURING CONSTRUCTION

39. 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 or complying development certificate was made).

[DUR0010]

40. 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 1742-1991 (Manual for 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.

[DUR0040]

41. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:
- a. A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.
 - b. The chute shall be located in a position approved by the Principal Certifying Authority.
 - c. A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.

[DUR0070]

42. 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.

[DUR0080]

43. 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.

[DUR0100]

44. 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.

[DUR0130]

45. Demolition of building existing on site is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover Authority.

[DUR0160]

46. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- a. footings, prior to pouring of concrete
 - b. slab, prior to pouring of concrete
 - c. frame prior to the erection of brick work or any wall sheeting
 - d. final inspection prior to occupation of the building
 - e. completion of work

[DUR0170]

47. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.

[DUR0200]

- 48.
- a. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
 - b. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

[DUR0210]

49. If the work involved in the erection or demolition of a building:
- a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - b. building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

[DUR0220]

50. Provision to be made for the designation of a 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.
[DUR0240]
51. Access to the building for disabled persons shall be provided and constructed in accordance with the requirements of Part D3 of the Building Code of Australia and Australian Standard AS 1428.1.
[DUR0260]
52. Prominently displayed signs and symbols must be provided to identify for disabled persons all routes and areas where architectural barriers do not exist. Such access must comply with the requirements of Australian Standard AS 1428 Parts 1 and 2.
[DUR0270]
53. If access for the disabled is required under Part D3 of the Building Code of Australia, facilities for the use of the disabled shall be provided as specified in Part F2.4 of the Building Code of Australia and shall be constructed to the requirements of Australian Standard AS1428.1.
[DUR0280]
54. Tactile ground surface indicators for orientation of people with vision impairment are to be provided in accordance with Australian Standard AS1428.4
[DUR0290]
55. Disabled car parking spaces are to be provided at the rates provided for under Part D3.5 of the Building Code of Australia and constructed in accordance with Australian Standard AS2890.1.
[DUR0300]
56. Any premises used for the storage, preparation or sale of food are to comply with the relevant provisions of the Food Act, 1989 and Council's adopted Code for the construction of Food Premises. Details of fittings and equipment are to be submitted to the Principal Certifying Authority prior to installation.
[DUR0310]
57. All walls in the food preparation and food storage areas shall be of solid construction, easily washable, lightly coloured and tiled to a height of at least 2 metres above floor level, or where not tiled, cement rendered to provide a smooth even finish to ceiling. **Note:** Stud framed walls will not be acceptable. Intersections of all floors with walls shall be covered to a radius of not less than 25 millimetres.
[DUR0320]
58. All flooring materials in the food preparation and storage areas are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation. Where tiling is to be used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices.
[DUR0330]

59. Windows and doors opening into food preparation and storage areas are to be fully screened in accordance with Council's adopted code for the construction of food premises.

[DUR0350]

60. The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering Services 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.

[DUR0430]

61. A full width reinforced concrete footpath is to be constructed along the entire road frontage of the development from the property line to the back of the existing kerb. Unless otherwise indicated on the approved drawings, it shall be constructed to the following standards: The concrete slab shall be 100mm thick N25 mPa with one layer of F72 reinforcing mesh (top cover 30mm). The footpath shall be graded towards the street with a crossfall not exceeding (2.5%). The floor of the prepared construction box shall be not less than 150mm below finished surface level and the sub-base pre-compacted for a minimum depth of 75mm to achieve 95% of maximum dry density determined in accordance with AS1289 5.4.1. Not less than 50mm of moist compacted sand shall be placed between the sub-base and the concrete slab. The slab shall be formed in panels not greater than 6.1m x 4m separated by full depth construction joints, such panels to be edged on all sides with a compressive joint filler strip (Jointex, or similar). The surface shall wood float finished with the construction joint edges steel trowelled. The pathway shall be joined smoothly to abut footpaths by gradually easing levels on both sides of the join line if necessary. All existing access points to public utilities shall be adjusted so that access cover plates are flush with the finished surface, and no raised edges shall protrude more than 8mm above finished surface levels within the pedestrian trafficked areas of the path.

A Traffic Safety Plan covering all aspects of the proposed work within the public road reserve shall be submitted to and approved by the Director of Engineering Services prior to commencing work on the footpath. A minimum of twenty four hours notice of intention to place concrete is to be given to the Director of Engineering Services to allow inspection of formwork, bedding and site safety provisions.

[DUR0540]

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

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

[DUR0730]

63. The building 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.

[DUR0830]

64. **A Sewer manhole** is present on this site. This manhole is not to be covered with soil or other material or concealed below ground level.

Should additional fill be proposed in the area of the sewer manhole Council's Engineering Services Division must be consulted and suitable arrangements made for the raising of the manhole to the satisfaction of Council's Manager Public Utilities.

[DUR0840]

65. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.

[DUR0850]

66. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.

[DUR0890]

67. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays.

[DUR0900]

68. 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.

[DUR0910]

69. The use of vibratory compaction equipment (other than hand held devices) is strictly prohibited.

[DUR0920]

70. 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.

[DUR0960]

71. 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.

[DUR0980]

72. 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.

[DUR1020]

73. 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.

[DUR1030]

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

[DUR1040]

75. Where two (2) or more premises are connected by means of a single house service pipe, the owner of each premises must (*unless all the premises are occupied by a single household or firm as a residence or place of business*) ensure that a separate water meter, of a class and size approved by Council, is installed on each of those premises.

[DUR1070]

76. 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.

[DUR1110]

77. Yard 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.

[DUR1130]

78. 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.

[DUR1160]

79. Pre-treatment devices must be serviced by a Council approved waste contractor. The applicant will be required to enter into a service agreement with this waste contractor. Pre-treatment device service frequency will be approved by Councils Manager Water.

[DUR1170]

80. A hose tap shall be provided adjacent to a grease arrester for cleaning purposes and shall be fitted with a RPZD for the purpose of back flow prevention.

[DUR1180]

81. A trade waste agreement will be issued and a permit number allocated once the device has been installed, inspected and Council has received a copy of the Waste Contractor's Service Agreement

[DUR1190]

82. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:

- i. All required erosion and sedimentation control devices have been installed and are operational.
- ii. Required toilet facilities have been provided on the site.
- iii. A sign has been erected on the site identifying:
 - Lot number
 - Builder
 - Phone number of builder or person responsible for site.
- iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
- v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.

[DUR1200]

83. 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 to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings. [DUR1210]
84. Acid sulfate soils shall not be exposed or disturbed during works.
85. Lighting shall not be permitted to impact the amenity of any premises.
86. The site shall not be dewatered without the prior written approval of Council and the Department of Infrastructure Planning and Natural Resources.
87. The rear laneway from the existing driveway to the northern end of the site shall be constructed in accordance with Council's Plan No A1-1327/02 and Plan being Appendix G of the proposed development. [DURNS01]
88. The provision of 20 off street car parking spaces and one car wash bay. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls. Three of the off street car parking spaces are to be made available to visitors for the residential units and provided in common property on the development site. [DUR0050]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

89. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia. [POC0020]
90. A person must not commence occupation or use of the whole or any part of a new building (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). [POC0030]
91. 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. [POC0050]
92. All existing essential fire safety measures are to be certified by a qualified person to the effect that each of the fire safety measures has been assessed

and were found to be performing to a standard not less than that to which it was originally designed.

[CON0020]

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

[POC0150]

94. Prior to occupation of the development the rear laneway shall be dedicated to Council at no cost to Council.

[POCNS01]

USE

95. No items or goods are to be stored or displayed outside the confines of the premises.

[USE0050]

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

[USE0160]

97. All wastes shall be collected, shred and disposed to the satisfaction of the Director of Environment and Community Services. Waste bins shall be placed within the property boundary for collection and that location shall be serviceable to and accessible by the waste collection vehicle.

[USENS01]

1052 RESOLUTION:

Councillor G Davidson
Councillor W M Marshall

RESOLVED that an extension of 3 minutes be granted to Councillor R D Brinsmead.

Voting For

Cr Polglase
Cr Boyd
Cr Brinsmead
Cr Carroll
Cr Davidson
Cr Lawrie
Cr Marshall
Cr Youngblutt

Voting Against

Cr Beck
Cr James
Cr Luff

PROCEDURAL MOTION

1053 RESOLUTION:

Councillor P C P Youngblutt

RESOLVED that the Motion be put.

Voting For	Voting Against
Cr Polglase	Cr James
Cr Beck	
Cr Boyd	
Cr Brinsmead	
Cr Carroll	
Cr Davidson	
Cr Lawrie	
Cr Luff	
Cr Marshall	
Cr Youngblutt	

The Motion was **Carried**

Voting For	Voting Against
Cr Polglase	Cr Boyd
Cr Beck	Cr Carroll
Cr Brinsmead	Cr James
Cr Davidson	Cr Lawrie
Cr Marshall	Cr Luff
Cr Youngblutt	

A RECISSION MOTION ON THIS ITEM HAS BEEN RECEIVED FROM COUNCILLORS JAMES, LUFF AND BOYD.

14 [DS] Development Application DA03/1172 for the Establishment of a Shop (Aldi) at Lot 1 DP 619868 No. 9-11 Machinery Drive, Tweed Heads South

1054 RESOLUTION:

Councillor G J Lawrie
Councillor P C P Youngblutt

RESOLVED that Development Application DA03/1172 for the establishment of a shop at Lot 1 DP 619868, No. 9-11 Machinery Drive Tweed Heads South be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos DA-001 to DA-010 prepared by Peddle Thorp Architects and dated July 2003, except where varied by these conditions.

[GEN0010]

2. Roadworks in Machinery Drive are to be undertaken in accordance with the plan prepared by Lambert and Rehbein Sketch No. Sk3 dated 4/7/03.
3. One pole sign only is permitted, the location of which is to be approved by the Director of Development Services prior to its erection.
[GENNS01]
4. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428-Design for Access and Mobility.
[GEN0050]
5. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
[GEN0120]
6. The erection of a building in accordance with a development consent must not be commenced until:
 - a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
 - b. the person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority; and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.
[GEN0150]
7. All excavation and construction works shall be carried out in accordance with the provisions of the Acid Sulfate Soils Environmental Management Plan dated 8 August 2003.
8. A copy of the Acid Sulfate Soils Environmental Management Plan dated 8 August 2003 shall be kept on site during the course of carrying out all excavation works.
9. Monitoring test results as required under the provisions of the Acid Sulfate Soils Environmental Management Plan shall be made available to Council's Environmental Health Officer upon request.

10. Trading hours are permitted to be 24 hours a day, 7 days a week for 12 months from commencement of trading. At the completion of the 12 month period trading hours are restricted to 7am to 10pm daily.

In this regard Council is to be notified in writing of the commencement date of trading a minimum of seven days prior to commencement of trading.

11. Access to the car parks located on the western boundary of the site shall be restricted to between the hours of 7am and 10pm Monday to Saturdays and 8am to 8pm Sundays and Public Holidays.
12. All external artificial lighting including all security lighting shall be adequately shielded where required to the satisfaction of Council's Director of Environment and Community Services so as to prevent the spill of light or glare causing a nuisance to the occupants of any neighbouring or adjacent residential premises.
13. The waste storage area and waste storage bins shall be maintained in a clean state at all times. No wastes shall be permitted to overflow from the bins or is to be stored external to the bins on the site at any time. The store manager shall take all necessary measures to ensure that foul odours are not generated as a consequence of the storage of any waste on site.
14. All waste storage bins shall be fitted with lids appropriate for the design and use of the bin and such lids shall under no circumstances be left open or propped open by waste at any time.
15. The premises and equipment must comply with the requirements of the Australian Food Standards Code as called into force by the Food Regulation 2001.
16. The premises is to be operated in accordance with the requirements of the Australian Food Standards Code as called into force by the Food Regulation 2001.
17. All plant motor units, fans and equipment that are capable of emitting offensive noise shall be acoustically treated where required to the satisfaction of Council's Director of Environment and Community Services so as to prevent the emission of offensive or unreasonable levels of noise.
18. The operations associated with the use of the premises are to be carried out so that offensive or unreasonable noise is not emitted from or generated on the premises.
19. All deliveries and removals to and from the store shall be restricted to between the hours of 7am and 10pm Monday to Saturday and 8am to 8pm Sundays and Public Holidays.

20. The operation of the waste compactor shall be restricted to between the hours of 7am and 10pm Monday to Saturday and 8am to 8pm Sundays and Public Holidays.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

21. Section 94 Contributions

- (i) 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.

- a. Tweed Road Contribution Plan: \$47,456.00
S94 Plan No. 4 (Version 4.0)

(Sector 2 - Tweed Heads South)

- b. Extensions to Council Administration Offices
& Technical Support Facilities \$213.61
S94 Plan No. 18

[PCC0050/PSC0005]

22. 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: \$1,377.00

Sewer: \$1,102.00

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.

[PCC0070/PSC0004]

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

[PCC0190]

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

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

[PCC0090]

25. Erosion and Sediment Control During the Construction Phase of Development

- (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "*Tweed Shire Council Aus-Spec D7 - Stormwater Quality*" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond (if required) has been released.
- (b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.

26. Permanent Stormwater Quality Treatment

- (a) Permanent stormwater quality treatment shall comply with "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development" . New development is required to comply with table 5.4 of the plan and demonstrate compliance by minimise in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the "deemed to comply" provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.
- (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, minimising landscaping as an integral part of stormwater quality management, minimising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.

The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.

- (d) Specific requirements:
 - (i) The proposed Permanent Stormwater Quality Treatment Device (Humeceptor STC3) is to be upsized to a minimum STC5 (or approved equivalent), or less runoff from the roof areas must be connected downstream of the device. Council does not accept sizings determined by CSR Humes "Humeceptor Sizing Table".

Stormwater Discharge

- (a) All stormwater runoff from the site is to be discharged via a new manhole connected into the existing 900mm diameter stormwater line in Machinery Drive, as shown in Qantec Engineering/Consultants drawing 03B146-SW5 (Stage 2). No discharge is permitted to adjacent land. The connection to Council's drainage system shall be constructed in accordance with design calculations, plans and specifications to be submitted with the Construction Certificate application and approved by the Director of Engineering Services.

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

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

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

[PCC0240]

PRIOR TO COMMENCEMENT OF WORK

28. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by Council prior to any discharge to sewer being commenced.

[PCW0220]

29. 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 required that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.

[PCW0010]

30. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) 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, or
 - (c) if that is not practicable, any other sewage management facility approved by the council.

[PCW0060]

31. A sign must be erected on the site in a prominent, visible position stating:
- a. that unauthorised entry to the work site is prohibited; and
 - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
 - c. Lot number.

[PCW0070]

32. 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.

[PCW0090]

33. An application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.

[PCW0210]

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

[PCW0230]

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

[PCW0180]

DURING CONSTRUCTION

36. 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.

[DUR0080]

37. All flooring materials in the food preparation and storage areas are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation. Where tiling is to be used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices.

[DUR0330]

38. Windows and doors opening into food preparation and storage areas are to be fully screened in accordance with Council's adopted code for the construction of food premises.

[DUR0350]

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

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

[DUR0730]

40. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.

[DUR0850]

41. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution. [DUR0870]
42. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays. [DUR0900]
43. 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. [DUR0910]
44. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited. [DUR0920]
45. The burning of builders waste on site by open fire is prohibited. [DUR0940]
46. 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. [DUR1110]
47. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- * 43.5⁰C 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. [DUR1160]

48. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made). [DUR0010]
49. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council. [DUR0130]
50. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- a. footings, prior to pouring of concrete
 - b. slab, prior to pouring of concrete
 - c. frame prior to the erection of brick work or any wall sheeting
 - d. final inspection prior to occupation of the building
- [DUR0170]
51. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied. [DUR0200]
52. Access to the building for disabled persons shall be provided and constructed in accordance with the requirements of Part D3 of the Building Code of Australia and Australian Standard AS 1428.1. [DUR0260]
53. Prominently displayed signs and symbols must be provided to identify for disabled persons all routes and areas where architectural barriers do not exist. Such access must comply with the requirements of Australian Standard AS 1428 Parts 1 and 2. [DUR0270]
54. Tactile ground surface indicators for orientation of people with vision impairment are to be provided in accordance with Australian Standard AS1428.4 [DUR0290]
55. Any premises used for the storage, preparation or sale of food are to comply with the relevant provisions of the Food Act, 1989 and Council's adopted Code for the construction of Food Premises. Details of fittings and equipment are to be submitted to the Principal Certifying Authority prior to installation. [DUR0310]
56. All walls in the food preparation and food storage areas shall be of solid construction, easily washable, lightly coloured and tiled to a height of at least 2 metres above floor level, or where not tiled, cement rendered to provide a smooth even finish to ceiling. **Note:** Stud framed walls will not be acceptable.

Intersections of all floors with walls shall be covered to a radius of not less than 25 millimetres.

[DUR0320]

57. Any proposed cooling tower installation must also include details on the proposed means of back flow prevention to the water supply prior to installation.

[DUR0970]

58. 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.

[DUR1020]

59. 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.

[DUR1030]

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

[DUR1090]

61. Yard 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.

[DUR1130]

62. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:

- i. All required erosion and sedimentation control devices have been installed and are operational.
- ii. Required toilet facilities have been provided on the site.
- iii. A sign has been erected on the site identifying:
 - Lot number
 - Builder
 - Phone number of builder or person responsible for site.

- iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.

[DUR1200]

63. 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 to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1210]

64. The building 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.

[DUR0830]

65. **A Sewer manhole** is present on this site. This manhole is not to be covered with soil or other material or concealed below ground level.

Should additional fill be proposed in the area of the sewer manhole Council's Engineering Services Division must be consulted and suitable arrangements made for the raising of the manhole to the satisfaction of Council's Manager Public Utilities.

[DUR0840]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

66. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.

[POC0020]

67. A person must not commence occupation or use of the whole or any part of a new building (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).

[POC0030]

68. 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.

[POC0050]

USE

69. No items or goods are to be stored or displayed outside the confines of the premises.

[USE0050]

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

[USE0160]

71. Owners of buildings served by plant involving the operation of "cooling towers", "evaporative condensers" or "tepid water systems" must submit to Council, half yearly, a report detailing the maintenance, cleansing and chemical treatment of such plant every three (3) months in accordance with Part 6 of the NSW Public Health Act.

[USE0180]

Voting For

Cr Polglase
Cr Beck
Cr Boyd
Cr Brinsmead
Cr Davidson
Cr Lawrie
Cr Marshall
Cr Youngblutt

Voting Against

Cr Carroll
Cr James
Cr Luff

1055 RESOLUTION:

Councillor W J Polglase
Councillor P C P Youngblutt

RESOLVED that Standing Orders be resumed.

Voting - Unanimous

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.25 pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.30pm

7 [DS] Development Application DA03/1241 for a Four (4) Lot Residential Subdivision at Lot 28 DP 1052380 and Lot 29 DP 1052380, No. 7 The Foreshore, Bogangar

1056 RESOLUTION:

Councillor P C P Youngblutt
Councillor G J Lawrie

RESOLVED that Development Application DA03/1241 for a four (4) lot residential subdivision at Lot 28 DP 1052380 & Lot 29 DP 1052380, No. 7 The Foreshore, Bogangar be refused for the following reasons: -

1. The proposed development is not consistent with the 2(c) zone objectives in that the application has not adequately considered the environmental constraints of the land. The 2(c) zone objectives read as follows;

"to identify land for urban expansion (which will comprise mainly residential development focused on multi-use neighbourhood centres) and to ensure its optimum utilisation consistent with environmental constraints and the need to minimise residential landtake".

2. The proposed development does not adequately satisfy Clause 43 of North Coast Regional Environmental Plan 1988 as the proposed density is considered to be excessive having regard to the site constraints, the approved low density nature of the subdivision and the approved land use character of the area;
3. The proposed development does not adequately satisfy Clause 8 of State Environmental Planning Policy No. 71 - Coastal Protection. The potential cumulative impact is unacceptable having regard to the site constraints;
4. The application is not considered to be consistent with the aims and purposes of Development Control Plan No. 16 - Subdivisions, specifically (but not limited to) as follows:

"to achieve the highest quality and 'best practice' of subdivision development in the Shire"

5. The application is not considered to be consistent with the desired future character of the approved low-density estate;
6. The subject site is not considered to be suitable having regard to the approved low density housing character which carefully balances residential amenity with lot dimensions and size, road layout, road widths, on street parking, property frontages, and yield;

7. The application could potentially set an unwarranted precedent; and
8. The application is not considered to be in the public interest due to the constraints of the land and the cumulative impact of density increases.

Voting For

Cr Polglase
Cr Boyd
Cr Carroll
Cr Davidson
Cr Lawrie
Cr Luff
Cr Marshall
Cr Youngblutt

Voting Against

Cr Beck
Cr Brinsmead
Cr James

- 8 **[DS] Development Application DA03/1406 for a 3 Lot Re-subdivision at Lot 12 DP 1052380 & Lot 13 DP 1052380, No. 11 Reef Water Circuit, Bogangar**

1057 RESOLUTION:

Councillor B M Luff
Councillor H James

RESOLVED that Development Application DA03/1406 for a 3 lot re-subdivision at Lot 12 DP 1052380 & Lot 13 DP 1052380, No. 11 Reef Water Circuit Bogangar be refused for the following reasons: -

1. The proposed development is not consistent with the 2(c) zone objectives in that the application has not adequately considered the environmental constraints of the land. The 2(c) zone objectives read as follows;

“to identify land for urban expansion (which will comprise mainly residential development focused on multi-use neighbourhood centres) and to ensure its optimum utilisation consistent with environmental constraints and the need to minimise residential landtake”.
2. The proposed development does not adequately satisfy Clause 43 of North Coast Regional Environmental Plan 1988 as the proposed density is considered to be excessive having regard to the site constraints, the approved low density nature of the subdivision and the approved land use character of the area;
3. The proposed development does not adequately satisfy Clause 8 of State Environmental Planning Policy No. 71 - Coastal Protection. The potential cumulative impact is unacceptable having regard to the site constraints;

4. The application does not comply with Development Control Plan No. 16 - Subdivision Design Specification One which specifies as follows:

“a minimum of 9 metres of kerb frontage is required for each lot in a cul-de-sac unless alternative provision for parking is made”

5. The application is not considered to be consistent with the aims and purposes of Development Control Plan No. 16 - Subdivisions, specifically (but not limited to) as follows:

"to achieve the highest quality and 'best practice' of subdivision development in the Shire"

6. The application is not considered to be consistent with the desired future character of the approved low-density estate.
7. The subject site is not considered to be suitable having regard to the approved low density housing character which carefully balances residential amenity with lot dimensions and size, road layout, road widths, on street parking, property frontages, and yield;
8. The application could potentially set an unwarranted precedent.
9. The application is not considered to be in the public interest due to the constraints of the land and the cumulative impact of density increases.

Voting For

Cr Polglase
Cr Boyd
Cr Brinsmead
Cr Carroll
Cr Davidson
Cr James
Cr Lawrie
Cr Luff
Cr Marshall
Cr Youngblutt

Voting Against

Cr Beck

9 [DS] Development Application DA03/1300 for the Erection of a Dual Occupancy at Lot 34 DP 1052380, No. 1 Reef Water Circuit, Bogangar

1058 RESOLUTION:

Councillor M R Boyd
Councillor P C P Youngblutt

RESOLVED that Development Application DA03/1300 for the erection of a dual occupancy at Lot 34 DP 1052380, No. 1 Reef Water Circuit, Bogangar be refused for the following reasons: -

1. The proposed development is not consistent with the 2(c) zone objectives in that the application has not adequately considered the environmental constraints of the land. The 2(c) zone objectives read as follows;

“to identify land for urban expansion (which will comprise mainly residential development focused on multi-use neighbourhood centres) and to ensure its optimum utilisation consistent with environmental constraints and the need to minimise residential landtake”.
2. The proposed development does not adequately satisfy Clause 43 of North Coast Regional Environmental Plan 1988 as the proposed density is considered to be excessive having regard to the site constraints, the approved low density nature of the subdivision and the approved land use character of the area;
3. The proposed development does not adequately satisfy Clause 8 of State Environmental Planning Policy No. 71 - Coastal Protection. The potential cumulative impact is unacceptable having regard to the site constraints;
4. The application is not considered to be consistent with the aims and purposes of Development Control Plan No. 6 - Multi-Dwelling Housing, specifically (but not limited to) as follows:

Clause 3.1.3 *"the scale of new development is compatible with and sympathetic to the scale and bulk of existing development in the locality"*.
5. The application is not considered to comply with Clause 2.2 of Development Control Plan No. 44 - Dual Occupancy.
6. The application is not considered to be consistent with the desired future character of the approved low-density estate.
7. The subject site is not considered to be suitable having regard to the approved low density housing character which carefully balances residential amenity

with lot dimensions and size, road layout, road widths, on street parking, property frontages, and yield;

8. The application could potentially set an unwarranted precedent;
9. The application is not considered to be in the public interest.

Voting For

Cr Polglase
Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Lawrie
Cr Luff
Cr Marshall
Cr Youngblutt

Voting Against

Cr Beck
Cr Brinsmead

10 [DS] Development Application DA03/1018 for the Establishment of a War Memorial at Lot 7061 DP 755740 Coral Street, Tweed Heads

Councillor Lynne Beck
Councillor B M Luff

PROPOSED that this item be deferred to allow for a more detailed report, including whether the memorial could be located in the vicinity of the Jack Evans Boatharbour.

1059 AMENDMENT

Councillor M R Boyd
Councillor W M Marshall

RESOLVED that Council accedes to the request as put by the Gold Coast branch of the Rats of Tobruk Association.

The Amendment was **Carried**

Voting For	Voting Against
Cr Boyd	Cr Polglase
Cr Brinsmead	Cr Beck
Cr Carroll	Cr James
Cr Davidson	Cr Luff
Cr Lawrie	
Cr Marshall	
Cr Youngblutt	

The Amendment on becoming the Motion was **Carried**

Voting For	Voting Against
Cr Polglase	Cr James
Cr Beck	
Cr Boyd	
Cr Brinsmead	
Cr Carroll	
Cr Davidson	
Cr Lawrie	
Cr Luff	
Cr Marshall	
Cr Youngblutt	

- 11 **[DS] Development Application DA03/0273 for Multi-Dwelling Housing Comprising of 127 Units at Lot 119 DP 29195, Lot 142 DP 29195, No. 35 Panorama Drive, Tweed Heads West**

This item was dealt with earlier in the meeting at Minute No. 1050.

- 12 **[DS] Development Application DA03/0962 for the Erection of a Mixed commercial/Retail and Residential Building at Lot 24 DP 31208, No. 47 Tweed Coast Road, Bogangar**

This item was dealt with earlier in the meeting at Minute No 1051.

- 13 **[DS] Development Application D95/0224.01 for an Amendment to Development Consent D95/0224 for a Hotel Resort Development at Lot 4 DP 1007168, Lot 17 Sec 1 DP 759009, Lot 8 Sec 1 DP 759009 & Lot 1 DP 796876, Boundary Street Tweed Heads**

Councillor G Davidson
Councillor P C P Youngblutt

PROPOSED that: -

- A. Development Application D95/0224.01 for an amendment to Development Consent D95/0224 for a hotel resort development at Lot 4 DP 1007168, Lot 17 Sec 1 DP 759009, Lot 8 Sec 1 DP 759009, Lot 1 DP 796876, Boundary

Street, Tweed Heads be approved subject to the following amended conditions: -

Schedule B

1. Condition 1 to be amended as follows: -

1. The development to be completed generally in accordance with Plan No's A1-DA dated 29th May 1995; A5-A11 dated 5th June 1995; A13-Da dated 30 June 1995; A17-A23-DA dated 18 July 1995; A24 (A-A25(A) dated 28 September 1995; A29-A30 received 16 October 1995, amended plans submitted with the Section 102 application dated 23 January 1996 and Plans Q275-A-202 issue (7) dated 13 November 1996, Q275-A-203 issue (5) dated 4 November 1996 and Q275-A-205 issue (5) dated 22 October 1996 prepared by Michael Dysart and Partners International Architects and Stage 2(b) for the second tower is to be carried out in accordance with the plans prepared by Bayden Goddard Design dated September 2003 and Numbered SK01 to SK10, except where amended by the following conditions:

2. Condition 27 be amended as follows: -

27. A certificate of compliance (cc) under Part 3 Division 2 of the Water Supply Authorities Act 1987 is to be obtained to verify the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Council before subdivision survey plans (or approved building plans) are released. Annexed hereto is an information sheet indicating the procedures to following to obtain a certificate of compliance.

Stage 1(a)	Water: \$1324.30 Sewer: \$1033.20
Stage 1(b)	Water: \$209,234.40 Sewer: \$166,245.60
Stage 2(b)	Water: \$356,707.00 Sewer: 285,539.00

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

3. Condition 28 be amended as follows: -

28. The payment of the following amount is a contribution towards the upgrading of distributor roads within the locality in accordance with

the Lower Tweed Transportation Study (Version 3.1). This is to be paid prior to release of the approved Line/Building Plans.

Stage 1(a), -\$3530.10

Stage 1(b), - \$71414.40

Stage 2(b), - \$77662.21

This charge remains fixed for a period of 12 months from the date of this consent and thereafter in accordance in with rates adopted by Council.

4. The addition of two new conditions as follows: -

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

The application is to include a construction traffic management plan.

43. A separate development application is required to be lodged for use of the podium level for a restaurant.

B. The Section 96 application for Development Application K00/0258 for alterations and additions to the Twin Towns Services Club be determined under delegated authority.

1060 AMENDMENT

Councillor B M Luff
Councillor H James

RESOLVED that Council defers this item and invites the applicant to have further discussions with Council as to how it might decrease the shortfall in peak period parking.

The Amendment was **Carried**

Voting For

Cr Beck
Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Lawrie
Cr Luff
Cr Marshall
Cr Youngblutt

Voting Against

Cr Polglase
Cr Brinsmead

The Amendment on becoming the Motion was **Carried**

Voting For

Cr Beck
Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Lawrie
Cr Luff
Cr Marshall
Cr Youngblutt

Voting Against

Cr Polglase
Cr Brinsmead

14 [DS] Development Application DA03/1172 for the Establishment of a Shop (Aldi) at Lot 1 DP 619868 No 9-11 Machinery Drive, Tweed Heads South

This item was dealt with earlier in the Meeting at Minute No 1054.

TEMPORARY ABSENCE FROM MEETING

Councillor R D Brinsmead left the meeting.

15 [DS] Development Application DA03/1368 for a Johnny O'Keefe Statue at Wharf Street, Tweed Heads

1061 RESOLUTION:

Councillor L F Beck
Councillor W J Polglase

RESOLVED that Development Application DA03/1368 for a Johnny O'Keefe sculpture at Wharf Street, Tweed Heads be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by these conditions of consent.

[GEN0020]
2. The base be 1m high.
3. The erection of the statue in accordance with a development consent must not be commenced until:
 - a. detailed plans and specifications of the structure, including foundations have been endorsed with a construction certificate by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
 - b. the person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority; and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the statue.

[GEN0150]

PRIOR TO COMMENCEMENT OF WORK

4. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "*Tweed Shire Council Aus-Spec D7 - Stormwater Quality*" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond has been released.

[PCW0190]

5. 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.

[PCW0090]

6. Details regarding the type of materials used for construction of the statue and the thickness and weight of the statue is to be submitted to Council prior to commencement of work.
7. A maintenance plan for the statue incorporating requirements for maintenance and budget requirements is to be submitted to and endorsed by Council prior to commencement of work.

DURING CONSTRUCTION

8. Council's acid sulphate soil management plan for minor works is to be complied with. [DURNS01]
9. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution. [DUR0870]
10. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays. [DUR0900]
11. The certifying authority is to be given 24 hours notice prior to completion of work. [DUR0170]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

12. On completion of work a certificate signed by a practising structural engineer is to be submitted to the PCA to certify the structural adequacy of the structure. [POC0060]

The Motion was **Carried** on the casting vote of Mayor

Voting For

Cr Polglase
Cr Beck
Cr Davidson
Cr Lawrie
Cr Youngblutt

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff
Cr Marshall

16 [DS] Role of Local Government in Natural Resource Management

1062 RESOLUTION:

Councillor B M Luff
Councillor G J Lawrie

RESOLVED that this report be received and noted.

Voting - Unanimous

17 [DS] Section 94 Contributions and Development Levies Taskforce

1063 RESOLUTION:

Councillor H James
Councillor B M Luff

RESOLVED that Council endorses the comments in this report to be provided to the Taskforce investigating the Section 94 developer contributions scheme.

Voting - Unanimous

18 [DS] Amendment to Development Control Plan No 40 - Exempt and Complying Development, and Draft Tweed Local Environmental Plan 2000, Amendment No 26 - Housekeeping Stage 2

1064 RESOLUTION:

Councillor B M Luff
Councillor W M Marshall

RESOLVED that Council:

1. Adopts the amended exhibited Development Control Plan No 40 – Exempt and Complying Development.
2. Gives public notice in the Tweed Link of its decision in accordance with the Environmental Planning and Assessment Regulations 2000, specifying that the amended Development Control Plan comes into effect on the date of the notice.

3. Adopts the amendment to Tweed LEP 2000 (Amendment No 26), with the Amendment referring only to the date of adoption of the amended exhibited DCP 40 by Council;
4. Forwards the draft Local Environmental Plan 2000, Amendment No 26, to the Department of Infrastructure, Planning and Natural Resources and requests the Minister to make the Plan in accordance with Section 70 of the Environmental Planning and Assessment Act 1979;
5. Exhibits an amended draft DCP No 40 and draft LEP in accordance with the Environmental Planning and Assessment Act to reflect the new additional changes outlined in this report that have not yet been exhibited.

Voting - Unanimous

19 [DS] Strategic Planning Work Programme

1065 RESOLUTION:

Councillor P C P Youngblutt
Councillor B M Luff

RESOLVED that:

1. The Strategic Planning Work Programme remain as agreed by Council on 20 August 2003, namely:
 - "A. *“the following projects be endorsed as the Strategic Planning Work Program priorities for the period until the first quarterly review of the 2003/2004 Management Plan:*
- *Tweed Shire Strategic Plan*
 - *Tweed Coast Strategy and District Centre Strategy*
 - *West Kingscliff planning – draft DCP9*
 - *Rural Settlement Strategy and Rural Land Use Study*
 - *Local Environmental Studies and draft Local Environmental Plans for:*
 - a) *Kings Forest*
 - b) *Black Rocks*
 - c) *Chinderah*
 - d) *South Pottsville; and*
 - e) *“Area E”, Terranora*
 - f) *Tanglewood*
 - *DCP Koala Beach*
 - *Various draft LEP Housekeeping and other amendments*
 - *Economic Development Projects:*

- o *Kingscliff Sewage Treatment Plant rezoning*
 - o *Industrial lands*
 - o *Coolangatta Airport*
 - *Human Services Delivery Plan*
 - *Banora Point Community Centre*
 - *Public Transport Plan*
 - *Flood Management*
 - *Residential Development and Housing Affordability Strategies*
 - *Bushfire Hazard DCP*
 - *South Kingscliff Tourism site*
 - *Vegetation Management Plan and accompanying LEP*
 - *Crime Prevention Plan*
 - *Community Facilities Policy and Program*
 - *Coastal Hazard Policy*
 - *Draft LEP preparation for Leisure Gardens, Pottsville (including possible school site)*
 - *Development Control Plan for Cabarita*
 - *Draft LEP preparation for reclassification of Council land"*
- B. *The following two projects be added to the Strategic Planning Works Program as a subsequent priority at the moment:-*
- a. *DCP/Master Plan for part of Terranora/Bungalora outside of Area E*
 - b. *A Development Control Plan for rural villages."*
2. The preparation of a DCP for Uki be commenced following the exhibition of a draft DCP for Cabarita.
3. The preparation of a Rural Settlement Strategy be commenced following the engagement of planning consultants to prepare a DCP for Uki.
4. The Acting Director, Development Services bring forward minor LEP Amendments as resources may permit.

Voting - Unanimous

20 [DS] Review of Determination of Application DA03/0651 for a Detached Dual Occupancy at Lot 101 DP 1049552 No. 34 Franklin Street, Banora Point

Councillor B M Luff
Councillor H James

PROPOSED that Council reaffirms the determination for refusal of Development Application DA03/0651 for a detached dual occupancy at Lot 101 DP 1049552 No. 34 Franklin Street, Banora Point.

The Motion was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Davidson
Cr Lawrie
Cr Marshall
Cr Youngblutt

1066 RESOLUTION:

Councillor W M Marshall
Councillor P C P Youngblutt

RESOLVED that Council supports Development Application DA03/0651 for a detached dual occupancy at Lot 101 DP 1049552 No. 34 Franklin Street, Banora Point and that staff bring forward conditions of approval for consideration.

Voting For

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Davidson
Cr Lawrie
Cr Marshall
Cr Youngblutt

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER

21 [OGM] Monthly Investment Report for Period Ending 30 November 2003

1067 RESOLUTION:

Councillor B M Luff
Councillor W M Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

22 [OGM] Section 64 and Section 94 Developer Contribution Comparison with Land Sale Prices

1068 RESOLUTION:

Councillor R D Brinsmead
Councillor G J Lawrie

RESOLVED that further to this report on Section 64 and Section 94 Contributions (17/12/2003), that Council be provided further information, namely:

1. What are the additions and increases to these contributions over the last four years?
2. What has been the effect of developer contributions to the Council budget? Does it mean that ratepayers are contributing less - around 40% of the budget - while developers are currently contributing more?
3. How does Council compare with the performance of other comparable Councils in NSW in the matter of these developer contributions and ratepayers' share of the budget?

1069 RESOLUTION:

Councillor G Davidson
Councillor W M Marshall

RESOLVED that an extension of 1 minutes be granted to Councillor R D Brinsmead.

Voting For

Cr Polglase
Cr Boyd
Cr Brinsmead
Cr Carroll
Cr Davidson
Cr Lawrie
Cr Luff
Cr Marshall
Cr Youngblutt

Voting Against

Cr Beck
Cr James

TEMPORARY ABSENCE FROM MEETING

Councillor B J Carroll left the meeting.

The Motion was **Carried**

Voting For

Cr Polglase
Cr Beck
Cr Boyd
Cr Brinsmead
Cr Davidson
Cr Lawrie
Cr Luff
Cr Marshall
Cr Youngblutt

Voting Against

Cr James

23 [OGM] Rural Village Development (RVD) Program 2003-2004

1070 RESOLUTION:

Councillor B M Luff
Councillor M R Boyd

RESOLVED that this report be received and noted.

Voting - Unanimous

24 [OGM] Tweed & Coolangatta Tourism Inc (TACTIC) Monthly Performance Reports - October and November 2003

1071 RESOLUTION:

Councillor B M Luff
Councillor M R Boyd

RESOLVED that this report be received and noted.

RETURN TO MEETING

Councillor B J Carroll returned to the meeting.

The Motion was **Carried**

Voting - Unanimous

REPORTS FROM DIRECTOR ENGINEERING SERVICES

25 [ES] Naming - Wharf

1072 RESOLUTION:

Councillor P C P Youngblutt
Councillor W M Marshall

RESOLVED that Council approves an application being made to the Geographical Names Board for the gazettal of the name "Skinner Lowes Wharf" for the wharf located beside the Tweed River Regional Gallery.

Voting - Unanimous

26 [ES] Upgrade of the Terranora Creek Sewer Rising Main Submarine Crossing

1073 RESOLUTION:

Councillor W M Marshall
Councillor B M Luff

RESOLVED that this report be received and noted.

Voting - Unanimous

27 [ES] Lease from State Rail Authority at Mooball - Streetscaping

1074 RESOLUTION:

Councillor P C P Youngblutt
Councillor B M Luff

RESOLVED that:-

1. Council approves to be bound by the terms, conditions and provisions of a Lease with State Rail Authority for a term of 4 years over the land adjacent to Tweed Valley Way at Mooball;
2. An amount of \$17,000.00 for fencing be considered in the December 2003 Quarterly Budget Review; and
3. All necessary documentation be endorsed under Common Seal of Council.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

28 [EC] Banora Point Community Centre - Proposal for Preschool

1075 RESOLUTION:

Councillor W M Marshall
Councillor B M Luff

RESOLVED that:-

1. Council consents to the submission of a development application for use of the eastern end of the Banora Point Community Centre site for the purpose of the construction of a 40 place preschool.
2. Subject to 1 above, Council calls for expressions of interest for community preschools to use the eastern part of the Banora Point Community Centre for the purpose of a preschool and advises that any agreement to submit a development application does not necessarily mean that consent will be granted.

Voting - Unanimous

29 [EC] Murwillumbah Memorial Pool Redevelopment - Thereapeutic Pool

1076 RESOLUTION:

Councillor M R Boyd
Councillor L F Beck

RESOLVED that Council confirms that the planning and design of the Murwillumbah Memorial Pool Complex will include the provision of a heated therapeutic pool.

Voting - Unanimous

30 [EC] Bushfire Prone Land Map - Tweed Shire

1077 RESOLUTION:

Councillor W M Marshall
Councillor B M Luff

RESOLVED that Council:

1. Endorses the report and Bushfire Prone Land Map dated November 2003 prepared for Council by Ecograph and forwards them to the Commissioner of the NSW Rural Fire Service;
2. Requests the Commissioner of the NSW Rural Fire Service to certify the Bushfire Prone Land Map in accordance with Clause 146(2) of the Environmental Planning and Assessment Act 1979.

Voting - Unanimous

31 [EC] Museum Grant for Thematic Study

1078 RESOLUTION:

Councillor M R Boyd
Councillor G Davidson

RESOLVED that Council accepts the funds and votes the expenditure accordingly.

Voting - Unanimous

32 [EC] Waste Collection & Disposal Strategy

1079 RESOLUTION:

Councillor B M Luff
Councillor W M Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

Minutes of the Clarrie Hall Dam Fishery Management Committee Meeting held Tuesday 18 October 2003

1080 RESOLUTION:

Councillor M R Boyd
Councillor B M Luff

RESOLVED that the Minutes of the Clarrie Hall Dam Fishery Management Committee be adopted with the exception of those items which were considered individually hereunder.

Voting - Unanimous

6. Fish Movements: Clarrie Hall Dam - Tweed River

1081 RESOLUTION:

Councillor M R Boyd
Councillor B M Luff

RESOLVED that the area from the first pool below the spillway downstream to the dam wall entrance be made a catch and release area during the seasonal (August-October) fish migration period. Further that NSW Fisheries be formally contacted and requested to instigate the change in classification.

Voting - Unanimous

Minutes of the Sports Advisory Committee Meeting held Tuesday 18 November 2003

1082 RESOLUTION:

Councillor B M Luff
Councillor G Davidson

RESOLVED that the Minutes of the Sports Advisory Committee be adopted with the exception of those items which were considered individually hereunder.

Voting - Unanimous

3. Cudgen Junior Cricket Club

1083 RESOLUTION:

Councillor B M Luff
Councillor G Davidson

RESOLVED that Council contributes \$1915 from the Sports Field Asset's Reserve Trust Fund to Cudgen Junior Cricket Club for the recovering of the practice cricket pitch carpet at the Cudgen Oval.

Voting - Unanimous

4. Bilambil Touch Association

1084 RESOLUTION:

Councillor B M Luff
Councillor G Davidson

RESOLVED that the request for funding assistance through the Sports Field Assets Reserve Fund for Bilambil touch Association for a PA system be declined.

Voting - Unanimous

6. South Tweed Heads Senior Rugby League Football Club Inc (STHSRLFC)

1085 RESOLUTION:

Councillor B M Luff
Councillor G Davidson

RESOLVED that discussions be held with TTSC in regard to site fencing for both the Club and the sports field prior to an investment decision being made.

Voting - Unanimous

Minutes of the New Art Gallery Construction Committee Meeting held Thursday 4 December 2003

1086 RESOLUTION:

Councillor M R Boyd
Councillor B M Luff

RESOLVED that the Minutes of the New Art Gallery Construction Committee be adopted with the exception of those items which were considered individually hereunder.

Voting - Unanimous

1. Art Gallery Director's Report - Cafe Tender

1087 RESOLUTION:

Councillor M R Boyd
Councillor B M Luff

RESOLVED that Council endorses the Committee's recommendation that it accepts the proposal by Ms Chereyne Hamlin (trading as Butler's on the Run) for the lease of the Gallery Café dated 28 November 2003 and that the Chair of the Committee and the Art Gallery Director proceed to negotiate with the successful proponent regarding the terms of lease.

Voting - Unanimous

2. Art Gallery Director's Report - Naming Rights

1088 RESOLUTION:

Councillor M R Boyd
Councillor B M Luff

RESOLVED that as the Naming Rights are in line with the guidelines of the Gallery Foundation Donation Committee, Council endorses the recommendations contained in the Report on Naming Rights in the various areas of the new Art Gallery.

Voting - Unanimous

Minutes Circulated with this Agenda not requiring Council Resolution

This item was received and noted.

DELEGATES REPORTS

Nil.

OUTSTANDING INSPECTIONS

Nil.

ITEMS OF INFORMATION AND INTEREST

Nil.

ORDERS OF THE DAY

[NOM] Section 64 and 94 Contributions

This item was dealt with at Item 22 (Minute No 1068 refers)

WORKSHOPS

Nil.

QUESTION TIME

Material from Murwillumbah Garbage Dump

Councillor M R Boyd

Asked where is the material currently being excavated from the top of the hill above the Murwillumbah Garbage dump being used/

The Manager Works responded that the material was being hauled to Koala Beach by Brims Earthmoving and a charge is being applied to the material being removed.

Designers Toolkit Green Technology Guide

Cr W Marshall

Asked could the Acting Director Development Services please advise that the brochures "Sustainable Designers Toolkit Green Technology Guide" distributed by the Northern Rivers Regional Strategy in recent weeks have been received and are available at the Planning Information Counters for use of the public?

The Acting Director Development Services responded that the brochures have been received and are being distributed.

COMMITTEE OF THE WHOLE

1089 RESOLUTION:

Councillor G Davidson
Councillor B M Luff

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

Voting - 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 THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES IN COMMITTEE

- 1 [DS] Settlement of Legal Action - Unauthorised Doof Rave Party at Lot 5 DP785565 Kirby's Road, Limpinwood**

C 223 RESOLUTION:

That Mr Opit be advised that Council is prepared to accept the oil painting titled "The Strippers" in lieu of payment of the legal costs.

Voting For	Voting Against
Cr Beck	Cr Polglase
Cr Boyd	Cr James
Cr Brinsmead	Cr Luff
Cr Carroll	Cr Marshall
Cr Davidson	
Cr Lawrie	
Cr Youngblutt	

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

- 2 [EC] Enclosure of Buildings Contrary to the Provisions of Development Control Plan No 5 - Development of Flood Liable Land**

This item was dealt with earlier in the Ordinary Meeting at Items Deferred (Minute No 1068 refers).

1090 RESOLUTION:

Councillor M R Boyd
Councillor B M Luff

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

Voting - Unanimous

There being no further business the Meeting terminated at 9.58pm



Minutes of Meeting Confirmed by Council

at Meeting held

I hereby certify that I have authorised the affixing of my electronic signature to the previous pages numbered 1 to 119 of these Minutes

Chairman