

Minutes - Meeting of Tweed Shire Council

IN ATTENDANCE

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

Also present were Dr John Griffin (General Manager), Mr Bob Missingham (Acting Director Engineering Services), Mr David Broyd (Director Development Services), Mr Don Buckley (Director Environment & Community Services), Mr Ian Carpenter (Director Corporate Services), Mr Brian Donaghy (Manager Administration Services/Public Officer) and Mrs Kerrie McConnell (Minutes Secretary).

Crs Brinsmead and Luff were not present at the commencement of the meeting.

The meeting opened with a Prayer by Council's Chaplain, Reverend Ian Hartland:

It is required that those who have been given a trust must prove faithful
(1 Corinthians 4:2)

"Almighty God, we, the elected Councillors of the Tweed Shire, have been entrusted with the affairs of our Shire. We hold that trust under You and so we look to You for wisdom and guidance in the decisions which need to be made.

We thank You, O God, for the natural beauty of our district and for the potential which it holds. Enable us to make wise decisions about development in our community, holding in balance the needs to protect our environment, to provide new opportunities for employment, housing, tourism and commercial expansion, and to bring enrichment to the lives of all our residents.

Loving Father, help us to be open and honest in all that we do. Help us to be free from prejudice, unfair bias and vested self-interest. Help us to be men and women of integrity and grace who will be trusted by those whom we represent and by those who look for development opportunities within our Shire. Help us to respect each other and all people in what we say and in how we act.

Eternal God, let Your blessing be upon us as we meet today. Fill this chamber with Your presence and Your peace; for we ask all this in the Name of Jesus Christ our Lord.

Amen."

CONFIRMATION OF MINUTES

844

Cr Boyd

Cr Youngblutt

RESOLVED that the Minutes of the Ordinary Meeting held 20 March 2002 be confirmed as an accurate record of the proceedings of that Meeting.

Voting - Unanimous

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ABSENT

Councillors G Davidson (Deputy Mayor), B J Carroll, G J Lawrie.

Councillor Davidson was granted Leave of Absence by Council at its Meeting on 20 February 2002 Minute No 726.

Councillors Carroll and Lawrie have advised the General Manager that their absence is due to being out of the area.

845

Cr Boyd

Cr Marshall

RESOLVED that the apology of Crs Carroll and Lawrie be accepted.

Voting - Unanimous

DISCLOSURE OF INTEREST

Cr Beck

Declared an interest in Item No 1 of the Ordinary Agenda.

The nature of the interest is that Cr Beck's mother owns property in the Cudgen area, the subject of the report.

ITEMS TO BE MOVED TO OR FROM CONFIDENTIAL

846

Cr Beck

Cr Youngblutt

RESOLVED that Item 15 of the Ordinary Agenda be moved to the Confidential Agenda.

Voting - Unanimous

SCHEDULE OF OUTSTANDING RESOLUTIONS

847

Cr Boyd

Cr James

RESOLVED that this report be received and noted.

Voting - Unanimous

ATTENDANCE AT MEETING

Cr Brinsmead attended the meeting at 3.05pm.

MAYORAL MINUTE

1. Citizenship Ceremony

This item was received and noted.

GC6/5 Pt5

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2. Doug Moran National Portrait Prize

Art Gallery – Doug Moran Art Prize

This item was received and noted.

3. Lindisfarne Anglican School

Councillor's Invitations

This item was received and noted.

4. Flame Tree Park

DA4/95/5/Pt16

This item was received and noted.

5. Salvation Army 10th Anniversary

Festivals - Other

This item was received and noted.

6. Latitude 28

DA4040/100

This item was received and noted.

7. Citizenship Ceremony

GC6/5 Pt5

This item was received and noted.

8. Land Use Workshop

Land Development - General

This item was received and noted.

Adoption of Mayoral Minute

848

Cr Polglase

RESOLVED that the Mayoral Minute as presented be adopted.

Voting - Unanimous

ATTENDANCE AT MEETING

Cr Luff attended the meeting at 3.06pm.

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ITEMS DEFERRED

- 3a. The Erection of Tourist Accommodation Comprising of 4 Units at Lot 6 DP9453 Section 3 No. 4 Sutherland Street, Kingscliff**

DA5345/280 Pt1

849

Cr Beck

Cr Youngblutt

RESOLVED that this item be deferred.

AMENDMENT

Cr Luff

Cr James

PROPOSED that:

1. Development application 0758/2001DA for the erection of tourist accommodation comprising of 4 units at Lot 6, DP 9453, CA/Section 3, No. 4 Sutherland Street, Kingscliff, be refused for the following reasons:
 - a) Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development exceeds the height limitation of the Tweed Local Environmental Plan 2000,
 - b) Pursuant to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not meet the building type for the site provided under Development Control Plan No.43 – Kingscliff,
 - c) Pursuant to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not meet the building setback requirements provided under development Control Plan No.6 – Multi Dwelling Housing,
 - d) Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, in respect of the built environment impacts through precedence of that development to development of adjoining or other land in the locality,
 - e) Pursuant to Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development is unsuitable for the site and is likely to impact on the existing amenity and character of the locality through the precedence of that development to development in the locality,
 - f) Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development undermines the planning objectives for the locality and precinct and would not be in the public interest.
2. Writes to the applicant advising that Council would consider a reduction in the fees payable should a new application be lodged in which a number of issues have already been assessed by Council officers.

The Amendment was **Not Carried**

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Voting For

Cr Boyd
Cr James
Cr Luff
Cr Marshall

Voting Against

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Youngblutt

The Motion was **Carried**

Voting For

Cr Polglase
Cr Beck
Cr Brinsmead
Cr James
Cr Luff
Cr Youngblutt

Voting Against

Cr Boyd
Cr Marshall

17. Tweed Shire Council Lease from St George Building Society

PF4040/160; DW641143; Leases-Special

This item was dealt with at Item 11 Minute No. 863.

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

DECLARATION OF INTEREST

Cr Beck

Declared an interest in Item No 1, left the Chamber and took no part in the discussion and voting.

The nature of the interest is that Cr Beck's mother owns property in the Cudgen area, the subject of the report.

1. Land East of Old Bogangar Road, Cudgen

GT1/LEP/A113 Pt6

Cr Boyd

Cr Luff

PROPOSED that Council receives and notes this report and further notes that the Director of Development Services will bring forward a further report following finalisation and release of the Rural Viability Study that has been commissioned by the Tweed Economic Development Corporation.

AMENDMENT 1

Cr Brinsmead

Cr Youngblutt

PROPOSED that Council initiates a draft Local Environmental Plan for the land to be considered for rezoning to Rural 1(a) and initiate the Development Control Plan/master planning process suggested by Mr Walsh in the report on the public hearing.

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850

Cr Luff

Cr James

RESOLVED that an extension of 2 minutes be granted to Cr Boyd.

Voting - Unanimous

851

Cr Luff

Cr James

RESOLVED that a further extension of 2 minutes be granted to Cr Boyd.

Voting - Unanimous

Amendment 1 was **Lost**

Voting For

Cr Polglase
Cr Brinsmead
Cr Youngblutt

Voting Against

Cr Boyd
Cr James
Cr Luff
Cr Marshall

AMENDMENT 2

852

Cr Marshall

Cr Boyd

RESOLVED that this matter be deferred pending a report from the Director Development Services after the release of the Rural Land Use Study from the Tweed Economic Development Corporation.

Amendment 2 was **Carried**

Voting - Unanimous

Amendment 2 on becoming the Motion was **Carried**

Voting - Unanimous

RETURN TO MEETING

Cr Beck returned to the meeting.

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2. **Proposed 48 Lot Residential Subdivision of Lot 3 DP 811390 and Lot 6 DP 852589 Scenic Drive, Bilambil Heights**

GS4/98/9 Pt2; GS4/94/164 Pt1

853

Cr Luff

Cr Marshall

RESOLVED that the Deed of Agreement between Council and Greenview Developments Pty Ltd be executed under the Common Seal of Council.

Voting - Unanimous

TEMPORARY ABSENCE FROM MEETING

Cr Marshall left the meeting.

3. **Tweed Local Environmental Plan 2000 (Amendment No. 22) and Development Application 0717/2001DA to Enable the Use of an Existing Building for Office Accommodation at Lot B, DP 174482 No. 3 Nullum Street, Murwillumbah**

DA3770/20 Pt1 & GT1/LEP/2000/22 Pt1; LEP - 22

854

Cr Boyd

Cr Luff

RESOLVED that:-

1. Council forwards the draft Amendment No. 22 to the Tweed Local Environmental Plan 2000 to the Secretary of the Department of planningNSW and requests that the Minister for Planning approves the draft amendment; and
2. Development Application 0717/2001DA for the use of an existing building for office accommodation at Lot B, DP 174482 No. 3 Nullum Street, Murwillumbah be approved subject to the following conditions:-

PRE-REQUISITES – Conditions that must be complied with prior to the issue of a Construction Certificate

1. (i) Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Clause 79H of the Environmental Planning and Assessment Regulations, 1994, 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.

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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: \$4004.00
S94 Plan No. 4 (Version 4.0)
(Murwillumbah) commercial

GENERAL

2. The development shall be completed in general accordance with Plan No 1 prepared by Garry Fidler Architect and dated June 2001, except where varied by these conditions.
3. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
4. 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 any use or occupation of the buildings.
5. 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 AS1428-1993 Parts 1 to 4 - Design for Access and Mobility.
6. 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.
7. 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.
8. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. frame prior to the erection of brick work or any wall sheeting
 - b. completion of work.
9. 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.
10. All loading/unloading to take place within the boundary of the subject property.

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11. The number "3" on the sign fronting Nullum Street is not to exceed the height of the supporting fence post by more than 200 mm.
12. The opening hours of the office to be restricted to Monday to Friday 8 am to 6 pm and Saturday 9 am to 4 pm. The premises are not to be open on Public Holidays and Sundays.
13. The provision of four off street car parking spaces. The car parking area at the rear of the property is to be sealed, and constructed in accordance with Development Control Plan No. 2. The car park is to be separated from the traffic carriageway by a layback kerb to be constructed in accordance with Council's Access to Property Policy.

PRESCRIBED (BUILDING)

14. 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).
15. 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.
16. 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.
17. 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)
18. 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 essential fire safety measure listed in the schedule below has been designed and installed in accordance with the relevant standards.

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Such certificate shall state as to each essential fire measure installed in the building:

- (a) that the service has been inspected and tested by a person who is competent to carry out such an inspection or test; and
- (b) that the service was (as at the date on which it was inspected and tested) found to have been properly implemented and capable of performing to a standard not less than that required by the most recent fire safety schedule for the building for which the certificate is issued.

Please note that all Essential Services listed on the schedule below must be certified on an annual basis as per the provision of section 177 of the Environmental Planning and Assessment Regulation 2000.

Fire Safety Schedule Essential Fire Safety Measure	Minimum Standard of Design Installation and Maintenance
Emergency Warning and Intercommunication Systems	AS2220-1989 Parts 1 & 2 “Emergency Warning & Intercommunication Systems for Buildings”
Mechanical Ventilation & Air Conditioning Systems	AS1668-1991(Part 2) “The Use of Mechanical Ventilation & Air Conditioning in Buildings.

- 19. A portable fire extinguisher is to be installed in accordance with Part E1.6 of the Building Code of Australia.
- 20. Illuminated exit signs are to be installed in accordance with Part E4.5 of the Building Code of Australia to the front and rear exit.

ROADS/STREETS

- 21. A concrete ribbon footpath 1.2 metres wide and 75 millimetres thick is to be constructed on a compacted base along the entire frontage of the site to Nullum Street. 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.

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22. 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. If the proposed development requires driveway access (or modification of access) onto a public road, prior to the issue of a construction certificate and prior to any works taking place on the public road, a detailed application for access/driveway under Section 138 of the Road Act must be submitted to and consent granted by Council. 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.

ENVIRONMENT PROTECTION

23. 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.
24. 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.
25. 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.
26. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
- A. Short Term Period - 4 weeks.
- L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
- B. Long term period - the duration.
- L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

Voting - Unanimous

4. Planning for Bushfire Protection

DCP; LEP; Bushfire Protection

855

Cr Boyd

Cr Luff

RESOLVED that Council delegates the engagement of a Planning Consultant to review Tweed Local Environmental Plan 2000 and prepare a Development Control Plan in respect of Bushfire Protection to the General Manager.

Voting - Unanimous

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5. **Development Application 1152/2001DA for a Residential Subdivision (57 Allotments) at Lot 65 DP855462, Kellehers Road, Pottsville**
DA2805/35 Pt3; 1152/2001DA

856

Cr Luff

Cr Beck

RESOLVED that Development Application 1152/2001DA for a residential subdivision (57 allotments) at Lot 65 DP 855462, Kellehers Road Pottsville, be approved subject to the following Conditions: -

PRE-REQUISITES

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE

1. 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 for approval by 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.

CONTRIBUTIONS

2. (i) Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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, Tumbulgun Road, Murwillumbah and Brett Street, Tweed Heads.

Stage 8

- | | |
|---------------------------------------------|------------|
| a. Open Space (Structured): 15 lots @ \$519 | \$7,785.00 |
| S94 Plan No. 5 | |
| b. Open Space (Casual): 15 lots @ \$235 | \$3,525.00 |
| S94 Plan No. 5 | |

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c.	Street Trees: 15 lots @ \$42.90	\$643.50
	S94 Plan No. 6	
d.	Shirewide Library Facilities: 15 lots @ \$300	\$4,500.00
	S94 Plan No. 11	
e.	Bus Shelters: 15 lots @ \$23	\$345.00
	S94 Plan No. 12	
f.	Eviron Cemetery/Crematorium Facilities:	
	15 lots @ \$126	\$1,890.00
	S94 Plan No. 13	
g.	Community Facilities (Tweed Coast)	
	(South Coast) 15 lots @ \$584	\$8,760.00
	S94 Plan No. 15	
h.	Emergency Facilities (Surf Lifesaving)	
	15 lots @ \$201	\$3,015.00
	S94 Plan No. 16	
i.	Extensions to Council Administration Offices	
	& Technical Support Facilities 15 lots @ \$344.81	\$5,172.15
	S94 Plan No. 18	
j.	Cycleways 15 lots @ \$160	\$2,400.00
	S94 Plan No. 22	

Stage 9

a.	Open Space (Structured): 21 lots @ \$519	\$10,899.00
	S94 Plan No. 5	
b.	Open Space (Casual): 21 lots @ \$235	\$4,935.00
	S94 Plan No. 5	
c.	Street Trees: 21 lots @ \$42.90	\$900.90
	S94 Plan No. 6	

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- | | | |
|----|----------------------------------------------------------------------------------------------------------------------|-------------|
| d. | Shirewide Library Facilities: 21 lots @ \$300
S94 Plan No. 11 | \$6,300.00 |
| e. | Bus Shelters: 21 lots @ \$23
S94 Plan No. 12 | \$483.00 |
| f. | Eviron Cemetery/Crematorium Facilities:
21 lots @ \$126
S94 Plan No. 13 | \$2,646.00 |
| g. | Community Facilities (Tweed Coast)
(South Coast) 21 lots @ \$584
S94 Plan No. 15 | \$12,264.00 |
| h. | Emergency Facilities (Surf Lifesaving)
21 lots @ \$201
S94 Plan No. 16 | \$4,221.00 |
| i. | Extensions to Council Administration Offices
& Technical Support Facilities 21 lots @ \$344.81
S94 Plan No. 18 | \$7,241.15 |
| j. | Cycleways 21 lots @ \$160
S94 Plan No. 22 | \$3,360.00 |

Stage 10

- | | | |
|----|------------------------------------------------------------------------------------------------------------|------------|
| a. | Tweed Road Contribution Plan: 5 lots @ \$3370
S94 Plan No. 4 (Version 4.0)
(Pottsville, Residential) | \$16850.00 |
|----|------------------------------------------------------------------------------------------------------------|------------|

Heavy Haulage Component

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

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

where:

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\$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): 21 lots @ \$519 | \$10,899.00 |
| | S94 Plan No. 5 | |
| c. | Open Space (Casual): 21 lots @ \$235 | \$4,935.00 |
| | S94 Plan No. 5 | |
| d. | Street Trees: 21 lots @ \$42.90 | \$900.90 |
| | S94 Plan No. 6 | |
| e. | Shirewide Library Facilities: 21 lots @ \$300 | \$6,300.00 |
| | S94 Plan No. 11 | |
| f. | Bus Shelters: 21 lots @ \$23 | \$483.00 |
| | S94 Plan No. 12 | |
| g. | Eviron Cemetery/Crematorium Facilities: | |
| | 21 lots @ \$126 | \$2,646.00 |
| | S94 Plan No. 13 | |
| h. | Community Facilities (Tweed Coast) | |
| | (South Coast) 21 lots @ \$584 | \$12,264.00 |
| | S94 Plan No. 15 | |
| i. | Emergency Facilities (Surf Lifesaving) | |
| | 22 lots @ \$201 | \$4,221.00 |
| | S94 Plan No. 16 | |

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

FURTHER APPROVALS

4. Prior to commencement of work pursuant to this consent a Construction Certificate shall be obtained for the works proposed and required by this consent.

The following information must accompany applications for a construction certificate for subdivision work.

(i) Subdivision Work

In the case of an application for a construction certificate for subdivision work required by this consent:

- a) copies of compliance certificates relied upon
- b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
 - earthworks
 - roadworks, including bush fire access track
 - road pavement
 - road furnishings
 - stormwater drainage
 - water supply works
 - sewerage works
 - landscaping works
 - sedimentation and erosion management plans
 - location of all service conduits (water, sewer, Northpower and Telstra)
 - the approved Traffic Control Plan
 - the relevant maintenance manuals (eg. G.P.T's, water pump station)

Where the proposed subdivision work involves a modification to previously approved plans the plans must be coloured or otherwise marked to the satisfaction of the certifying authority to adequately distinguish the modification.

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

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5. Subdivision work in accordance with a development consent must not be commenced until:-
 - (a) a construction certificate for the subdivision work has been issued 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 subdivision work.
6. **Prior** to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works (minimum \$1,000).

The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the Director, Development Services.

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

DRAINAGE/FLOODING

7. All fill is to be graded at 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 with the Construction Certificate application. Drainage must be installed and operational prior to commencement of any work.
8. The site is to be filled to a minimum of RL 3.0m AHD with habitable floors 300mm above this i.e. RL3.3m AHD. The filling is to be retained by perimeter structural walls with concrete lined perimeter drainage, or other approved treatment, to a design submitted to and approved by the Director of Engineering Services prior to the release of the Construction Certificate. The filling plan of the site is to address the drainage on the site as well as any existing stormwater flows onto or through the site and the likely impact on stormwater drainage in the locality from the proposed filling.

GENERAL

9. The development shall be completed in general accordance with the DA Submission Stages 8, 9, 10 Black Rocks Estate prepared by Ardill Payne Pty Ltd and dated 26 October 2001, except where varied by these conditions.

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10. Filling of areas in proposed Stages 8, 9 and 10 in general accordance with the plan titled Development Application Proposed Filling Plan No. DA.15 dated October 2001 by Ardill Payne and Partners may be carried out prior to the approval of the full suite of engineering plans required by Condition Nos. 39 and 40 of this consent subject to compliance with conditions 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, 20, 22, 28, 30, 37, 40, 50, 53, 54, 55, 57, 59, 64 to 77, 79, 89 and 90.

In particular, the Soil and Water Management Plan required by Condition No. 53 of the consent shall be submitted and approved prior to the commencement of any filling works within Stages 8, 9 and 10.

11. Only vegetation required to be removed for the construction roads and the installation of infrastructure is permitted to be removed during the construction of Stage 10.
12. In the event of any archaeological or Aboriginal relic or item of cultural history being discovered during construction, all work to stop immediately within 50 metres of the site, and Tweed Byron Local Aboriginal Land Council and National Parks and Wildlife Service (Alstonville) to be notified. Work is not to recommence in the vicinity of such site unless authorised by the Land Council and National Parks and Wildlife Service.
13. Any permit required under the Fisheries Management Act 1994 to be obtained from NSW Fisheries prior to the commencement of work.
14. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
15. No soil, sand, gravel, clay or other material shall be disposed of off the site.
16. 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.
17. The subdivision is to be carried out in accordance with Development Control Plan No 16. Subdivisions Manual.
18. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No 1152/2001DA have been complied with.
19. 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:
 1. Easements for sewer, water supply and drainage over ALL services on private property.
 2. Rights of Way

Pursuant to Section 88B 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

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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.

20. Imposition of a Section 88B Instrument in accordance with the Conveyancing Act limiting development on all lots within Stages 8, 9 and 10 to a single dwelling house only. The wording is to be submitted to Council for approval, and shall contain provisions to enable the restriction to be revoked, varied or modified by Council and to enable the approval of "Granny Flats" with a gross floor area not exceeding 50 m² or one third of the floor area of the larger dwelling, whichever is the lesser. Such Granny Flats shall only be permissible on lots which satisfy the relevant lot size requirements under the applicable Environmental Planning Instrument or Development Control Plan affecting the land at that time.
21. Imposition of a Section 88B Instrument in accordance with the Conveyancing Act shall prohibit the keeping of cats on all lots within Stages 8, 9 and 10. The wording is to be submitted to Council for approval, and shall contain provisions to enable the restriction to be revoked, varied or modified by Council
22. 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.
23. Prior to the issue of a Subdivision Certificate, Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council.
24. 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.
25. Where new state survey marks and/or permanent marks are placed, a copy of the locality sketch relating to the marks shall be submitted with the final subdivision certificate application.
26. All retaining walls in excess of 1.0 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.
27. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the Director, Development Services PRIOR to the issue of a Subdivision Certificate. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to

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remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.

28. All traffic control devices, where proposed, shall be accurately notated on a plan, which shall be lodged with the Roads and Traffic Authority for official approval and recording.
29. No retaining walls or similar structures are to be constructed over Council's sewer main.
30. In accordance with Section 109F(i) of the Environmental Planning & Assessment Act, 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by installments, the first installment of the levy) has been paid. Council is authorised to accept payment.
31. Prior to the commencement of work the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-
 - a. Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
 - b. AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.

FURTHER APPROVALS

32. Prior to registration of the plan of subdivision, a Subdivision Certificate shall be obtained.
 - (i) The following information must accompany an application:
 - original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and relevant application fees.
 - relevant development consent or complying development certificate
 - detailed subdivision engineering plans endorsed with a construction certificate (where applicable)
 - for a deferred commencement consent evidence that the applicant has satisfied the consent authority on all matters which must be satisfied before the consent can operate
 - evidence that the applicant has complied with all conditions of consent, that it is required to comply with before a subdivision certificate can be issued (where applicable)
 - a certificate of compliance from the relevant water supply authority (where applicable)

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- if a subdivision is the subject of an order of the Land and Environment Court under section 40 of the Land and Environment Court Act 1979 evidence that required drainage easements have been acquired by the relevant council
 - for subdivision involving subdivision works evidence that:
 - the work has been completed, or
 - agreement reached with the relevant consent authority regarding payment of the cost of work or as to the time for carrying out the work, or
 - security given to the consent authority with respect to the completion of the work
 - Work as Executed Plans for ALL works
- (ii) Documentary evidence that all matters contained in Section 109J of the Act have been complied with.
- (iii) Written evidence from Council that the proposed road/street names have been approved.

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

33. Prior to the application for a Subdivision Certificate a Compliance Certificate or Certificates shall be obtained from Council OR an accredited certifier for the following:-
- (i) Compliance Certificate - Roads
 - (ii) Compliance Certificate - Water Reticulation
 - (iii) Compliance Certificate - Sewerage Reticulation
 - (iv) Compliance Certificate - Sewerage Pump Station
 - (v) Compliance Certificate - Drainage

Note:

1. Where Council is requested to issue compliance certificates, applications for such certificates must be accompanied by documentary evidence from the Developers Supervising Consulting Engineer certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, DCP16 - Subdivision Manual and good Engineering Practice.
2. Where Council is requested to issue the construction certificate all compliance certificates and a Subdivision Certificate, Council will carry out

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the following inspections as deemed necessary by Council based on the rates contained in Council's current Fees and Charges:-

Roadworks

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

Water Reticulation, Sewer Reticulation, Drainage

- a. Excavation
- b. Bedding
- c. Laying/jointing
- d. Manholes/pits
- e. Backfilling
- f. Permanent erosion and sedimentation control measures
- g. Drainage channels
- h. Final inspection - on maintenance
- i. Off maintenance

Sewer Pump Station

- a. Excavation
- b. Formwork/reinforcement
- c. Hydraulics
- d. Mechanical/electrical

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- e. Commissioning - on maintenance
- f. Off maintenance

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

- 3. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Supply Authorities Act, 1987 to be certified by an "accredited certifier".

- 34. Prior to the issue of a Subdivision Certificate, Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual.

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

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

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

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

The bond shall be based on 5% of the value of the works which will be held by Council for a period of 6 months from the date on which the Subdivision Certificate is issued and will be refunded following the remedying of any defects arising within the 6 month period.

- 36. (i) **PRIOR** to lodging an application for a Subdivision Certificate, the applicant shall obtain the written approval of Council to the proposed road/street names. Approved names are to be in accordance with Council's Road Naming Policy adopted on 7 August 1996 and are to be shown on the Plan of Subdivision accompanying the application for a Subdivision Certificate.
- (ii) To avoid confusion resulting from duplication of private driveway/accessway name and public road/street names, the applicant shall submit to Council for approval the proposed name(s) of any private driveway/accessways.

The names shall be approved PRIOR to lodgement of any plan of subdivision in respect of the development.

Names which duplicate existing and approved street names will not be approved.

- 37. Before the commencement of the relevant stages of road construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.

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- a. That the pavement has been designed and constructed in accordance with subgrade analysis as per Austroads Pavement Design, A Guide to the Structural Design of Road Pavements.
 - b. That the pavement materials used comply with the specifications in RTA Form Q3051 (June 1998)
 - c. That the pavement layers have been compacted to RTA specifications.
 - d. That site fill areas have been compacted to the specified standard.
 - e. That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
 - f. That pavement testing has been completed in accordance with Table 8.1 of AS 3798-1996.
38. The Construction Certificate application shall include a provision for pavement design. The final design shall be approved by Council OR an accredited certifier prior to the placement of any road pavement material.

ROADS/STREETS

39. All proposed road/streets, drainage and associated works within the subdivision shall be designed and constructed in accordance with the development consent plans referred to in Condition 9 AND the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.
40. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-
- i. The roads in the subdivision shall generally be in accordance with Drawings DA.01 to DA.11 prepared by Ardill Payne and Partners and dated October 2001.
 - ii. Construction of Road 6 pavement to a width of 13m between Overall Drive and Lot 264. From Lot 264 the pavement width can taper back to 11m.
 - iii. Safe Intersection Sight Distance of Road 9/Road 6 intersection to comply with Austroads Pt 5 Table 5.2 for 60kph.
 - iv. Construct road from the western bridge abutment to Overall Drive, prior to the issue of a Subdivision Certificate for Stage 9, in accordance with Council's Drawing A1-1166 such works to include connection of the cycleway to the bridge.
 - v. The construction of a roundabout at the intersection of Overall Drive, Road 6 and the bridge access road, in accordance with Austroads Part 6 'Roundabouts'. The roundabout shall have an outside diameter of 28m and incorporate pedestrian refuges in the splitter islands on the northern leg of Overall Drive and Road 6,

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providing 2m wide refuges. Cycleways and footpaths shall be designed to link to the refuges.

vi. Construction of the following:

- a 2.5m wide cycleway constructed of concrete shall be provided from the existing cycleway behind proposed Lot 219 extending south to the proposed new bridge including any required drainage structures. A fence to be constructed along the eastern side of the cycleway. Details to be submitted to the Manager of Recreation Services for approval.
- a 1.2m wide footpath constructed of concrete shall be provided on the western side of Overall Drive.
- a 2.5m wide cycleway/footpath constructed of concrete shall be provided along the north/eastern side of Road 6 from the join to Kellehers Road to the western bridge abutment.
- a 1.2m wide footpath constructed of concrete shall be provided along the southern side of Road 6 from the roundabout to proposed Lot 264.
- a 1.2m wide concrete footpath on the western side of Road 8 between Road 9 and the walkway between proposed Lots 256/229 and 255/230.
- a full width concrete path from Overall Drive to Road 8 in the walkway between proposed Lots 256/229 and 255/230, with access control rails provided at each end. Street light to be designed so that lights are provided at each end of the footpath.

vii. Construction of a slow point/refuge on Overall Drive adjacent to the boundary of proposed Lots 230 and 231. Footpaths and cycleways shall be linked to the refuge.

viii. (a) Western Catchment

An open drain, suitable sized and graded, shall be constructed between the outlet of the western catchment and the point of discharge into the 900mm pipe in the existing subdivision to the north. The maintenance access and turnaround area for the inlet of the above 900mm pipe shall be relocated/modified as required to accommodate the open drain. The culvert under Kellehers Road shall be replaced with a culvert to match the grade and flows in the open drain and shall be provided with a litter collection device (07.11.2-11) which shall be located within the Kellehers Roads Reserve.

(b) North Eastern Catchment

- The outlet drain from the subdivision to Mooball Creek shall be designed to ensure no excavation below natural surface.

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- The outlet drain shall be contained by embankments, constructed from fill material on both sides of the drain.
 - An all weather maintenance track, connected to a public road, shall be provided along one side of the outlet drain.
 - The drain and maintenance track shall be contained within the Kellehers Road reserve.
 - The applicant shall obtain all necessary approvals for this work from statutory authorities.
- (c) South Eastern Catchment
- The outlet drain from the subdivision to Mooball Creek shall be designed to ensure no excavation below natural surface.
 - The outlet drain shall be contained by embankments, constructed from fill material on both sides of the drain.
 - An all weather maintenance track, connected to a public road, shall be provided along one side of the outlet drain.
 - An easement benefiting Council shall be dedicated over the outlet drain and maintenance access track.
 - The applicant shall obtain all necessary approvals for this work from statutory authorities.
- ix. Catch drains designed to capture Q100 runoff shall be constructed:
- Along the rear boundaries and within Lots 276 - 284 and Lots 263 and 246.
 - Low points in the catch drains shall be provided with outlet drains traversing through the lots to discharge into the public drainage system.
 - The catch drains and outlet drains shall be located in easements burdening the lots in which they are located and benefiting all upstream lots.
- x. Construction of a stormwater drainage system that will convey all waters through the site to a legal point of discharge. The sub-surface and overland drainage systems shall convey the respective flows from the minor and major storm events. Clearly defined upstream catchment areas and supporting stormwater calculations shall accompany the engineering design plans. Headwalls shall terminate at proposed lot boundaries and shall not extend into areas zoned 7(1).
- xi. Provision of a bus route through the site with designated bus stops and shelters to the satisfaction of the Director of Development Services. Consultation with all relevant bus operators is required.

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- xii. Construction of the Water Quality Control Pond as shown on Drawing DA.12 Rev B by Ardill Payne & Partners and dated October 2001 as part of the works for Stage 8. The Water Quality Control Pond shall be dedicated to Council as drainage reserve, free of cost, in association with the registration of the Stage 8 linen plan. An accurate plan of the proposed drainage reserve shall be submitted to Council 60 days prior to lodgement of the Subdivision Certificate Application to allow the land to be classified.
- xiii. Any filling of Lots 273 to 276 to be contained within the proposed lot boundaries and shall not extend into areas zoned 7(1).
- 41. The design and construction standard for footpaths and cycleways shall comply with AUSPEC (TSC Version).
- 42. Provision of a turning area for refuse vehicles adjacent to Lots 266 and 267 where the new formation meets Kellehers Road.
- 43. The submission of the preferred name(s) for the proposed streets/roads in the subdivision for approval. Approved street names are to be shown on the final plan of subdivision.
- 44. 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.
- 45. The provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet.
- 46. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.
- 47. Pram ramps are to be constructed at road intersections in accordance with Council's Plan No. A4-96 to the satisfaction of the Director of Engineering Services and in accordance with Council's Standard Plan No. A4-96. Mountable or roll top kerb does not meet pram ramp requirements, and therefore requires a pram ramp to be constructed as above.
- 48. 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. If the proposed development requires driveway access (or modification of access) onto a public road, prior to the issue of a construction certificate and prior to any works taking place on the public road, a detailed application for access/driveway under Section 138 of the Road Act must be submitted to and consent granted by Council. 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.

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DRAINAGE/FLOODING

49. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped.
50. No filling to be placed hydraulically within twenty metres (20m) of any boundary that abutts private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.

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

51. Inter allotment drainage shall be provided to ALL lots where roof water from dwellings, driveways and paved accesses cannot be conveyed to the street gutter by gravitational means. Where inter-allotment drainage has not been provided, Certification by a duly qualified Engineer is to be provided stating that roof water from the building envelope can be conveyed to the street gutter by gravitational means or that all Q20 24 hour runoff from impervious areas of the site can be disposed of, on site, by means of infiltration.
52.
 - i. Dedication of the proposed drainage reserve at no cost to Council.
 - ii. An accurate plan of the proposed drainage reserve (including the water quality control pond and overflow channel) shall be submitted to Council 60 days prior to lodgement of Application for Subdivision Certificate (form 13) for Stage 8 to allow the land to be classified.

Failure to comply with this condition may result in delays in the issue of the Subdivision Certificate.

53. 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*.

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(c) Catch drains are required to intercept and divert clean runoff around all disturbed areas (including Road No. 7).

54. The earthworks shall be carried out in accordance with AS 3798-1996, "Guidelines on Earthworks for Commercial and Residential Developments". In general, material shall be placed in layers not exceeding 300mm in depth, watered and compacted to achieve the specified density ratio as monitored in Table 5.1 - Guidelines for Minimum Relative Compaction.

55. The earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with Appendix B, AS 3798-1996. In addition, the frequency of field density testing shall be to a Type 1 standard in accordance with Table 8.1 of AS 3798-1996. The geotechnical report shall be accompanied by a certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798-1996.

56. Prior to the issue of a Subdivision Certificate and also prior to the end of defects liability period, CCTV inspections of the stormwater pipes will be required to demonstrate that the standard of the stormwater system is acceptable to Council.

Any defects identified by the inspection are to be repaired using any one of the following repair techniques or such other technique as may be approved by the Director of Engineering Services.

- Tiger Patch patch liner;
- Econoliner;
- PL Quick Sleeve System;
- Flexi-Bond method.

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

57. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of fill shall be submitted to the satisfaction of the Director Development Services.

The approved haul route for the transportation of filling to the site is Kellehers Road. The Applicant shall be responsible for satisfactory maintenance and dust suppression along the proposed haul route. No realignment of the haul road shall be carried out. Work shall be limited to routine maintenance of the existing alignment.

58. 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.

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59. 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.

60. 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) Water Quality Control Pond, South Eastern Catchment
- The pond shall be designed as a "constructed wetland" in accordance with Tweed Shire Council Aus-Spec D7 and in particular the criteria in sections D7.9.6, D7.9.7, D7.9.8, D7.11-2.2 and Table 7.11-WS.

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- The levels of the pond shall be such that there is no excavation below natural ground surface.
- The pond shall be located off stream and treat all subdivision runoff of up to Q3 months flow. Flows in excess of Q3 months are to be bypassed.
- The pond shall be provided with an all weather access from a public road and the perimeter provided with an all weather maintenance access. The pond, inlet/outlet works and perimeter access shall be enclosed by a person proof fence. The fenced area, outside the pond, is to be filled to a minimum RL 2.7m.
- Litter racks (see D7.11-2.21) are to be provided upstream of the pond to prevent litter and gross pollutants entering the pond.
- The pond, surrounding enclosed area and access are to be located in a drainage reserve dedicated to Council.
- The subdivision filling shall be extended south at the same general level to fully enclose the water quality control pond.

61. Section 68 Local Government Act 1993 approval for stormwater drainage works.

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.

SERVICES

Sewer

62. Prior to issuing a Subdivision Certificate, outfall sewerage reticulation shall be provided to all lots within the subdivision including a minimum 150mm diameter sewer junction terminated at least 1.0m inside the property boundary of each lot in accordance with engineering plans to accompany the Construction Certificate application. The reticulation shall be designed and constructed in accordance with DCP16 - Subdivisions Manual.

Council does not permit the building over Council's sewers. When buildings are located in close proximity to the sewer, detailed plans of footing types, location and depth

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relative to the sewer are required to be included with the Construction Certificate Application.

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

63. i. The site of the sewage pumping station shall be transferred to Council in fee simple, at no cost to Council within 28 days of the date of registration of the plan of subdivision.
- ii. An accurate plan of the sewage pumping station site shall be submitted to Council 60 days prior to lodgement of the Application for Subdivision Certificate (form 13) to allow the land to be classified.

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

64. Lots 272 and 282 are to be serviced by a gravity sewer main designed and constructed in accordance with DCP No. 16 - Subdivision Manual, in accordance with engineering plans provided with the Construction Certificate Application. All trees and shrubs which will be removed to construct the pipeline are to be identified in the Construction Certificate documentation, which must include a report by a qualified flora/fauna specialist, demonstrating that no koala food/habitat, significant, rare or endangered species will be removed.
65. Prior to the issue of a Construction Certificate, the proposed route of the sewer pipeline servicing Lots 272 to 282 where it passes through areas zoned 7(1), shall be marked on the ground with survey pegs to the satisfaction of Council's Director Development Services, to demonstrate compliance with Condition 64.

Water

66. Prior to issuing a Subdivision Certificate, Town Water shall be provided to each lot including a minimum size 25mm outside diameter water service terminated 1.0m inside the property boundary of each lot in accordance engineering with plans to accompany the Construction Certificate application. The reticulation shall be designed and constructed in accordance with DCP16 - Subdivisions Manual.

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

Telephone

67. The production of written evidence from Telstra Australia certifying that satisfactory arrangements have been made for the provision of underground telephone supply.

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Electricity

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

ENVIRONMENT PROTECTION

69. 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.
70. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
71. 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.
72. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
73. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17⁰ or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.

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

- i) Contours and terraces where the height exceeds 1m.
- ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
- iii) Densely plant with native species endemic to the area to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
- iv) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.
- v) The landscaping shall be completed to the satisfaction of the Director Development Services **PRIOR** to the issue of a Subdivision Certificate.
- vi) A bond shall be lodged prior to the issue of the subdivision certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.

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74. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
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.
76. 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.
77. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
 - A. Short Term Period - 4 weeks.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
 - B. Long term period - the duration.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.
78. All stormwater gully lintels shall have the following notice **cast** into the top of the lintel: '**DUMP NO RUBBISH, FLOWS INTO CREEK**' or similar wording to the satisfaction of the Director of Development Services.
79. 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.
80. The burning of Builders waste on site by open fire is prohibited.
81. All activities associated with the development are to comply with the Protection of the Environment Operations Act 1997.
82. Except as may be expressly provided in the approval, the approval holder must comply with Section 120 of the Protection of the Environment Operations Act 1997 prohibiting the pollution of waters.
83. Activities occurring at the development must be carried out to minimise dust.
84. All practicable measures must be taken to prevent and minimise harm to the environment as a result of construction activities associated with the development.
85. The use of vibratory compaction equipment (other than hand held devices) within 100 meters of any dwelling house is strictly prohibited.

Minutes - Meeting of Tweed Shire Council

86. All works shall comply with the ameliorations measures in the Flora and Fauna Assessment prepared by James Warren and Associates dated October 2001 and are to be implemented to the satisfaction of the Director of Development Services.
87. A Statutory Declaration from a suitably qualified person confirming that sixty Coastal Banksias and forty Forest Redgums have been planted in the Koala Exclusion Zone prior to the release of the linen plan for Stage 8.
88. Koala Food Trees on proposed Lots 276, 283 and 272 shall not be disturbed, damaged or removed without the prior approval of Council.
89. Noise from the loading or transport of fill material to and from the development site shall not be permitted to detrimentally impact upon the amenity of any residential premises.
90. All works shall be completed in accordance with the Acid Sulphate Soils Assessment and Management Plan by Gilbert and Sutherland dated August 2001. The removal of any topsoil shall be treated immediately for Acid Sulphate Soils, and if stockpiled, a bunded area to be constructed to prevent loss into the surrounding environment.

KOALA MANAGEMENT

91. The measures and recommendations outlined in the Koala Management Plan prepared by James Warren and Associates are to be implemented to the satisfaction of the Director of Development Services, prior to the issue of the subdivision certificate for Stage 8, including:
 - a) The Koala Management Plan to be amended to include preventative measures to prevent domestic animals from entering the koala habitat areas from the Black Rocks Estate via Kelleher's Road, to protect Koalas from vehicles, and to prevent Koalas from entering the estate via Kelleher's Road. Details to be submitted to the Director of Development Services for Approval; and
 - b) The Koala Fence to be designed to enable koalas to climb from the Urban Side back into the habitat area. Details to be submitted to the Director of Development Services for Approval.

SPORTSFIELDS

92. Four (4) Hectares of land to be dedicated to Council in accordance with the Deed of Agreement signed between Council and the Pottsville Development Corporation Pty Ltd on 28 April 1994 prior to the release of the Subdivision Certificate for Stage 10. In addition to the measures required under that deed for the embellishment of those sportsfield the sportsfield shall incorporate the following features.
 - The 4 hectare area should be shaped to accommodate at least 2, 150 x 80 m fields and 1 1.5 hectare cricket oval (64 m radius). (combined)
 - The slope of the land should not be any greater than 1:70 over a distance of 100m and above the 1:5 year flood level

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- The 4 hectare are is not to include water quality control ponds, drains and the like
 - The area to be dedicated should consider future amenities such as clubhouses, parking, access, movement, lighting, and irrigation.
93. A plan of the sportsfields to be so dedicated to be submitted to the Director of Development Services for approval prior to the release of the Subdivision Certificate for Stage 10. Details to be provided on:
- topsoil
 - irrigation
 - turfing
 - dimension & levels

BUSHFIRE MANAGEMENT

94. Bushfire Hazard reduction measures to be carried out to the satisfaction of Council's Bushfire Control Officer and in general accordance with the Bushfire Management Plan No. 5017 Fig. 2.3 dated October 2001 and prepared by Ardill Payne and Partners. The siting of the access track/fire trail, inner protection and outer protection zones are to be surveyed for any mature Koala Food Trees by a qualified professional. Should such trees be located, they are to be retained.
95. Provision of emergency vehicle access to the Asset Protection Zones from Kellehers Road to Road 6 in accordance with the requirements of "Planning for Bush Fire Protection" dated December 2001 by the NSW Rural Fire Service
96. Dedication of the proposed Asset Protection Zone and access track/fire trail at no cost to Council.
97. Prior to the issue of a Subdivision Certificate a maintenance plan for the Asset Protection Zones must be submitted to and approved by the Manager Recreation Services. The plan shall include (as a minimum) the following sections:-
- (i) Introduction - location, subdivision details
 - (ii) Description - zone boundaries and locations
 - (iii) Bush Fire Management - objectives, issues, options
 - (iv) Recommendations
 - (v) Maintenance Plan - to explain what maintenance is required, when and where it is required and how it is to be undertaken, including machinery, methods, manpower and equipment. The Maintenance Plan is to incorporate the following:
 - (a) The Inner Protection Zone (or fuel free zone) is to be able to be easily maintained by a slasher. The Inner Protection Zone is to be of a manageable slope $<25^{\circ}$ and the surface is to be free of rocks, logs, etc that may impede

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access, damage machinery or pose safety issues to the operator or the public.

- (b) Maintenance measures are to achieve a maximum fuel loading of 8 tonnes per hectare within the Outer Protection Zone (or fuel reduced zone). Details of proposed manual/brush cutter clearing of fuel so as not to impact on significant trees are to be provided.

- 98 An inspection of the above Bush Fire Management works is to be carried out by Council officers prior to release of the Subdivision Certificate (i.e. prior to the final civil works inspection).

RETURN TO MEETING

Cr Marshall returned to the meeting.

Voting - Unanimous

6. **Exemption from State Environmental Planning Policy No 5 - Housing for Older People or People with a Disability**
SEPP; DW660865; Aged Services; Handicapped/Disabled Matters

857

Cr Beck

Cr Luff

RESOLVED that Council does not seek an exemption to State Environmental Planning Policy No 5 - Housing for Older People and People with a Disability.

Voting - Unanimous

7. **Development Application 1098/2001DA for a Residential Subdivision Creating 11 Allotments at Lot 1 DP 1027531, Casuarina Way, Kingscliff**
DA0989/5 Pt4; 1098/2001DA

Cr James

Cr Boyd

PROPOSED that Development Application 1098/2001DA for a residential subdivision creating 11 allotments at Lot 1 DP 1027531, Casuarina Way Kingscliff, be refused for the following reasons: -

1. The proposed subdivision does not provide adequate bushfire asset protection zones within the subdivision (79C(i)(b)); and
2. The proposed subdivision is not in the general public interest (79C(i)(e)).

858

Cr James

Cr Luff

RESOLVED that an extension of 2 minutes be granted to Cr Boyd.

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Voting For

Cr Polglase
Cr Boyd
Cr James
Cr Luff
Cr Marshall
Cr Youngblutt

Voting Against

Cr Beck
Cr Brinsmead

The Motion was **Lost**

Voting For

Cr Boyd
Cr James
Cr Luff

Voting Against

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Marshall
Cr Youngblutt

859

Cr Beck

Cr Youngblutt

RESOLVED that Council expresses its general support for the Development Application and requests the Director Development Services to bring forward a report, including all conditions in the event that Council determines to issue a Deferred Commencement Approval, by the next meeting.

The Motion was **Carried**

Voting For

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Marshall
Cr Youngblutt

Voting Against

Cr Boyd
Cr James
Cr Luff

8. Local Environmental Study and Draft Local Environmental Plan - Seaside City, South Kingscliff

LEP - Seaside City; GT1/LEP/2000/3 Pt5

860

Cr Beck

Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

REPORTS FROM DIRECTOR CORPORATE SERVICES

9. Donations Policy - 2001/2002

Donations

861

Cr Luff

Cr James

RESOLVED that Council:

1. Refunds the development application fee of \$215.00 to the Murwillumbah High School.
2. Donates a computer to the Caldera Environment Centre.

Voting For

Voting Against

Cr Polglase
Cr Boyd
Cr Brinsmead
Cr James
Cr Luff
Cr Marshall
Cr Youngblutt

Cr Beck

10. Shires Association of NSW 2001 Annual Conference - 4 & 5 June 2002 and the Local Government Managers Australia (LGMA) 2002 Forum Councillors - Conferences, Shires Assn of NSW - Conferences

862

Cr Boyd

Cr Marshall

RESOLVED that:

1. The Mayor attends the Shires Association of NSW 2002 Annual Conference to be held Tuesday, 4 and Wednesday, 5 June 2002 and the LGMA Forum on Monday, 3 June 2002 in Sydney.
2. The Mayor's Secretary arranges the necessary registration.

Voting - Unanimous

11. Tweed Shire Council Lease from St George Building Society PF4040/160; DW641143; Leases - Special

863

Cr Boyd

Cr Marshall

RESOLVED that Council advises the Department of State and Regional Development that Council will not be continuing with the head lease for the St George Building Society property at Wharf Street, Tweed Heads.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

REPORTS FROM DIRECTOR ENGINEERING SERVICES

12. Roadside Tributes

Road Safety Project

864

Cr Luff

Cr Marshall

RESOLVED that the draft "Roadside Tributes" policy be advertised for public comment.

Voting For

Cr Polglase
Cr James
Cr Luff
Cr Marshall
Cr Youngblutt

Voting Against

Cr Beck
Cr Boyd
Cr Brinsmead

13. Application for Public Gate Across Road Reserve - Kyogle Road Terragon

DA2970/2490 Pt1

865

Cr Luff

Cr Marshall

RESOLVED that Council advertises in the Tweed Link, the proposal for a public gate across the road reserve on Kyogle Road, inviting written submissions for a period of 28 days from the date of the advertisement.

Voting - Unanimous

14. Tree Removal - Pacific Highway, Burringbar

R4031 Pt15; 4030.220; Pacific Hwy M'bah; Tree - Removal/Lopping

866

Cr Marshall

Cr Luff

RESOLVED that Council declines the request for compensation from Mr French for the removal of the tree on the Pacific Highway, Burringbar

Voting - Unanimous

15. Tweed Laboratory Centre - Proposed Extension Contract EC2001-91 & EQ2001-98

GC12/5-2001-91

This item was dealt with in the Confidential Agenda at Minute No C206.

16. State Highway Handover

R4031 Pt15; Street Naming; Pacific Hwy; Pacific Motorway

867

Cr Luff

Cr Marshall

RESOLVED that this report be received and noted.

Minutes - Meeting of Tweed Shire Council

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

17. **Budget Provision Country Hall, Museums etc
Museums; Rural Hall - General; Notice of Motion**

868

Cr Beck

Cr Luff

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM SUB-COMMITTEES

1. **Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 February 2002** **Aboriginal Matters**
2. **Australia Day** **Aboriginal Matters**

869

Cr Boyd

Cr Luff

RESOLVED that Council writes to the Australia Day Committee to inform them that at the last Australia Day celebrations in Murwillumbah, the people responsible for raising the flags confused the South Sea Island flag with the Torres Strait Island flag. It is recommended that Council provides the Australia Day Committee with both flags and a clear definition of how they should be placed, and flown, so this situation doesn't occur again. It is further recommended that a portable flag-pole be provided to the Australia Day Committee for all future celebrations.

Voting For

Cr Polglase
Cr Boyd
Cr Brinsmead
Cr James
Cr Luff
Cr Marshall
Cr Youngblutt

Voting Against

Cr Beck

870

Cr Boyd

Cr Luff

RESOLVED that the balance of the Minutes of the Aboriginal Advisory Committee Meeting be adopted.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

2. **Minutes of the Pottsville Environmental Park Committee Meeting held Friday
1 February 2002**

Pottsville Environment Park Committee

2. **Park Hire Fees**

Fees/Charges

871

Cr Luff

Cr James

RESOLVED that Council includes in the 2002/03 Management Plan, Fees and Charges the following hire fee structure for Pottsville Environment Park:

1. Restricted to use by community groups, educational groups and other non profit organizations as approved by the Director Environment and Community Services:
 - Daily \$41.80 (includes tea making facilities)
 - Half Daily \$23.10 (includes tea making facilities)
 - Full use of kitchen \$14.30
 - Overnight \$4.00 per person per night (min \$62.80, full use of kitchen)
2. Available for use for meetings, training etc to approved applicants:
 - Available for use between 7 am and 4 pm Monday to Friday.
 - Not available for private functions such as 21st birthdays, weddings, anniversaries etc. No alcohol allowed.
 - Schools and community groups have priority of use.
 - Use at the discretion of Director Environment and Community Services:
 - \$40.00 per hour
 - \$10.00 each additional hour

Voting - Unanimous

3. **Pottsville Environment Park Committee**

Pottsville Environment Park

872

Cr Luff

Cr James

RESOLVED that Council removes R Marks from the committee and the position not be filled.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

873

Cr Luff

Cr James

RESOLVED that the balance of the Minutes of the Pottsville Environmental Park Committee Meeting be adopted.

Voting - Unanimous

3. **Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 March 2002**
Aboriginal Matters

4. **Jack Evans Boat Harbour**
Aboriginal Matters

874

Cr Boyd

Cr James

RESOLVED that this item be deferred until further information is received by Council.

Voting - Unanimous

1. **Aboriginal Heritage Study**
Aboriginal Matters

875

Cr James

Cr Luff

RESOLVED that a report be prepared on:

1. The need for an Aboriginal Heritage Study and
2. Options for the form and scope of such a study.

Voting - Unanimous

2. **Richmond Tweed River Library**
Aboriginal Matters

876

Cr James

Cr Boyd

RESOLVED that Council refers the request to the Richmond Tweed River Library for their comment and suggestions.

Voting - Unanimous

3. **Local Government Week**
Aboriginal Matters

877

Cr Boyd

Cr James

RESOLVED that Council refers the matter of liaison for Local Government Week to the Director Corporate Services.

Minutes - Meeting of Tweed Shire Council

Voting - Unanimous

878

Cr Boyd

Cr James

RESOLVED that the balance of the Minutes of the Aboriginal Advisory Committee Meeting be adopted.

Voting - Unanimous

4. **Minutes of the Local Traffic Committee Meeting held Thursday 14 March 2002**
Traffic Committee
11. **Heffron Street, Tweed Heads South**
Heffron St; R2430 Pt2

879

Cr James

Cr Luff

RESOLVED that the bus signs on Heffron Street be moved to make a larger bus zone as well as changing the bus zone times to 7.30-8.30am and 2.30-3.00pm.

Voting - Unanimous

3. **Cudgen Creek Bridge – Coast Road Kingscliff**
Coast Rd; R1181 Pt12; DW654681

880

Cr James

Cr Luff

RESOLVED that pedestrian and cyclist warning signs be installed on the Cudgen Creek Bridge at each approach.

Voting – Unanimous

6. **Henry Lawson Drive, Terranora**
Henry Lawson Dr; R2435

881

Cr James

Cr Luff

RESOLVED that the school bus zone signage at Terranora Primary School be changed to read as follows:-

7.45am – 9.00am

3.00pm – 4.30pm

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

882

Cr James

Cr Luff

RESOLVED that the balance of the Minutes of the Local Traffic Committee Meeting be adopted.

Voting - Unanimous

5. **Minutes of the Sports Advisory Committee Meeting held Tuesday 19 March 2002**
Sports Advisory Committee

1. **Sporting Club Sign-Ups signs**
Sports Advisory Committee

883

Cr Youngblutt

Cr Boyd

RESOLVED that the matter of Club Sign Ups being formally included in the Tweed Link be referred to the Director Corporate Services.

Voting - Unanimous

2. **Casuarina Sports Fields**
Casuarina Sports Fields

884

Cr Youngblutt

Cr Boyd

RESOLVED that Council sends a letter to the Casuarina Town Hall Pty Ltd advising that Council supports all endeavours of financial assistance by sponsors for clubs and that the grounds will be available for the clubs to utilise in 2003.

Voting - Unanimous

885

Cr Youngblutt

Cr Boyd

RESOLVED that the balance of the Minutes of the Sports Advisory Committee Meeting be adopted.

Voting - Unanimous

OUTSTANDING INSPECTIONS

Nil

ORDERS OF THE DAY

1. **Tourist Resort and Residential Allotments at Lot 1 DP 1027531 Casuarina Way,
South Kingscliff**
Notice of Rescission; DA0989/5 Pt4

This item was withdrawn.

Minutes - Meeting of Tweed Shire Council

2. Development Applications to Council

Notice of Rescission; Development - Approvals

This item was withdrawn.

3. Code of Dress - Council Chambers

Notice of Motion; Council Meetings; Code of Conduct

Cr Beck

Cr Marshall

PROPOSED that a code of dress in the Council Chambers and gallery be compiled, the General Manager to be the arbitrator of that code. Wearing of shoes to be mandatory.

The Motion was **Not Carried**

Voting For

Cr Beck
Cr Brinsmead
Cr Marshall
Cr Youngblutt

Voting Against

Cr Polglase
Cr Boyd
Cr James
Cr Luff

4. Tourist Accommodation - Section 149 Certificates

Notice of Motion; Land Development - General; Section 149 Certificates

Cr Luff

Cr James

PROPOSED that where a property was created under a consent which did limit the use of the property to tourist accommodation, and provided that the property is in a zone in which both tourist accommodation and residential use are allowable, Council place an appropriately worded notice on Section 149 Certificates issued for such property, which notice will show the use of the property is limited to tourist accommodation.

The Motion was **Lost**

Voting For

Cr Boyd
Cr James
Cr Luff

Voting Against

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Marshall
Cr Youngblutt

4a. Tweed Road Contribution Plan

Notice of Motion; Section 94 Plans

886

Cr James

Cr Marshall

RESOLVED that a report be prepared on the need to adjust the Tweed Road Contribution Plan in light of the significant reduction in trips assumed for resort tourist development

Minutes - Meeting of Tweed Shire Council

approvals at Casuarina Beach. The report should include an outline of options available to adjust the Plan so that there is no adverse effect on overall contributions collected for the program of works proposed in the plan.

Voting - Unanimous

WORKSHOPS PREVIEW

1. Budget, Management Plan, Rate Increase Workshop

This item was received and noted.

2. Strategic Plan Review Workshop

This workshop has been cancelled.

QUESTION TIME

Nil

COMMITTEE OF THE WHOLE

887

Cr Marshall

Cr Youngblutt

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:-

ITEMS DEFERRED IN COMMITTEE

1. Illegal Clearing - Lot 156 DP 628026, Creek Street, Hastings Point

PF1431/190 Pt 4

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

C200

That this item be dealt with at Item 1.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES IN COMMITTEE

1. **Illegal Clearing - Lot 156 DP 628026, Creek Street, Hastings Point**

PF1431/190 Pt 4

*Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)
(g) advice concerning litigation, or advice that would otherwise be privileged from
production in legal proceedings on the ground of legal professional privilege*

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.40pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.35pm.

C201

That no legal proceedings be taken as subsequent photographs showing a history of land clearing back into the 1980s by the previous owner of the land that show that Walter Elliott Holdings Pty Ltd were not doing illegal clearing but maintenance of the property.

Voting For

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Marshall
Cr Youngblutt

Voting Against

Cr Boyd
Cr James
Cr Luff

REPORTS FROM DIRECTOR CORPORATE SERVICES IN COMMITTEE

2. **Legal Action**

GT1/LEP/2000/20 Pt4; LEP - Kings Forest

*Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)
(g) advice concerning litigation, or advice that would otherwise be privileged from
production in legal proceedings on the ground of legal professional privilege*

C202

That this report be received and noted.

Voting For

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Marshall
Cr Youngblutt

Voting Against

Cr Boyd
Cr James
Cr Luff

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3. Public Liability Insurance Claims

Insurances - Public Liability

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)

(f) matters affecting the security of the council, councillors, council staff or council property

C203

That this report be received and noted.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

4. Canvas and Kettle Restaurant Lease

M'bah - Civic Centre; Leases - Council Property

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)

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

C204

That Council calls for expressions of interest from persons interested in any of the following options:

1. For the ongoing lease of the restaurant only and as a separate matter the caretaking/management of the auditorium.
2. For a new lease for both the restaurant and auditorium caretaking/management.
3. For the caretaking/management of the auditorium, convert the restaurant dining areas into a meeting room and include its management with the auditorium and abandon the "restaurant" use and use the kitchen as part of the hiring options for the auditorium.

Voting For

Cr Polglase
Cr Beck
Cr Boyd
Cr Brinsmead
Cr James
Cr Marshall
Cr Youngblutt

Voting Against

Cr Luff

5. Banora Point Caravan Park - Illegal Activities

PF4030/2635 Pt3; Caravan Parks - Banora Pt

Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)

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

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C205

That Council seeks resolution of the following by instituting legal action under Section 124 of the Environmental Planning and Assessment Act in the Land & Environment Court:-

1. Failure by the proprietors of the Banora Point Caravan Park to obtain consent of the Tweed Shire Council to use Roads & Traffic Authority (RTA)/DLWC land for the placing or siting of caravans thereon and their subsequent use for accommodation purposes.
2. Failure by the proprietors of the Banora Point Caravan Park to obtain consent of the Tweed Shire Council to fill portion of Caravan Park land owned by Blackington Pty Ltd.
3. Failure by the proprietors of the Banora Point Caravan Park to obtain consent from Tweed Shire Council to fill portion of land owned by the RTA/DLWC in association with unlawful use of RTA owned land being used for the siting of caravans thereon and their subsequent use for accommodation purposes.
4. Failure by the proprietors of the Banora Point Caravan Park to obtain consent of the Tweed Shire Council to fill portions of the banks of the Tweed River.

Voting - Unanimous

ITEM MOVED FROM ORDINARY TO CONFIDENTIAL

REPORTS FROM DIRECTOR ENGINEERING SERVICES

15. **Tweed Laboratory Centre - Proposed Extension Contract EC2001-91 & EQ2001-98**

GC12/5-2001-91

C206

That:

1. This report be received and noted.
2. Council awards Contract EQ2001-98 for the Supply & Installation of three (3) fume cupboards to the tender submitted by Crown Scientific Pty Ltd for the Lump Sum amount of \$56,112.00 (excl.GST).
3. Council awards Contract EC2001-91 for the Construction of the Laboratory extensions to the tender submitted by Haighs Constructions Pty Ltd for the Lump Sum amount of \$148,519.00 (excl. GST).
4. An amount of \$100,000 be voted from the Sewer Working Fund to complete the works.
5. The Director of Engineering Services be given delegated authority to approve variations to the total value of \$25,000.
6. All necessary documentation be completed under the Common Seal of Council.

Voting – Unanimous

Minutes - Meeting of Tweed Shire Council

LEAVE OF ABSENCE

C207

That Cr Beck be granted leave of absence as per verbal report given.

Voting - Unanimous

888

Cr Marshall

Cr Youngblutt

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 8.20pm.



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 52 of these Minutes**

Chairman