

Minutes - Meeting of Tweed Shire Council

IN ATTENDANCE

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

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

Cr Carroll, Cr Luff, Cr Polglase were not present at the commencement of the meeting.

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

"The steadfast love of the Lord never ceases,

His mercies never come to an end;

They are new every morning.

Lord, great is your faithfulness!

(Lamentations 3:22-23)

God of never-ending grace and love, we turn to You for wisdom and understanding as we meet in Council today. In the matters before us enable us to make the right decisions which will enrich the life of our Shire and its people. Yes, Lord, we depend upon You; come and guide us!

Gracious God, help us to be men and women of integrity, who are willing to set aside our own personal agendas and the prejudice and bias which so often clouds our thinking and decision making.

Help us to be gracious and patient with one another. We ask Your blessing for each other, both Councillors and Executive Staff. Give wisdom and grace to Lynne, our Mayor, as she chairs our meetings and gives leadership within the Shire.

Loving God, brood over this chamber by Your Holy Spirit and let Your peace fill our lives. Bring us to the end of this day fulfilled in what we have done; for we ask all this in Jesus' Name.

Amen."

CONFIRMATION OF MINUTES

494

Cr Lawrie

Cr Davidson

RESOLVED that the Minutes of the Ordinary Meeting held 1 November 2000 be confirmed as an accurate record of the proceedings of that Meeting.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

ABSENT

Nil

DISCLOSURE OF INTEREST

495

Cr Beck Declared an interest in Item No 6b. The nature of the interest is that Cr Beck's husband has been nominated for a position on the Local Environmental Plan (LEP) Advisory Committee.

ITEMS TO BE MOVED TO OR FROM CONFIDENTIAL

Nil

SCHEDULE OF OUTSTANDING RESOLUTIONS

496

Cr Boyd

Cr Davidson

RESOLVED that this report be received and noted.

Voting - Unanimous

MAYORAL MINUTE

Nil

ITEMS DEFERRED

4. **Extensions to Kingscliff Shopping Centre at Lot 20 DP 771632, Lots A & B DP 396088 and Lot 2 DP 582165 Pearl Street, Kingscliff**

DA4170/100 Pt3

497

Cr James

Cr Boyd

RESOLVED that this item be dealt with at Item 1 of the Agenda.

Voting - Unanimous

9. **Development Application - Proposed Extensions to Kingscliff Shopping Centre**

DA4170/100 Pt3

498

Cr James

Cr Marshall

RESOLVED that this item be dealt with at Item 1 of the Agenda.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

22. Alterations and Additions to an Existing Building – Oyster Point Road, Banora Point

DA4000/670 Pt1

499

Cr Lawrie

Cr Davidson

RESOLVED that:-

1. The application for the three-storey addition on premises described as Lot 16 DP244426 Oyster Point Road, Banora Point not be approved due to the visual impact affect on the amenity of the adjoining sites and the affect on natural light available to the adjoining property.
2. The applicant be invited to submit an amended application for Council's consideration.

Voting For

Cr Boyd
Cr Davidson
Cr Lawrie
Cr Marshall
Cr Youngblutt

Voting Against

Cr Beck
Cr Brinsmead
Cr James

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

1. **Deferred Matter - Extensions to Kingscliff Village Shopping Centre at Lot 20 DP 771632, Lots A & B DP 396088 and Lot 2 DP 582165 Pearl Street, Kingscliff**

DA4170/100 Pt3

500

Cr Boyd

Cr Marshall

RESOLVED that this item be deferred to allow the applicant to have further discussions with Council staff.

Cr Brinsmead

Cr Youngblutt

RESOLVED that an extension of 5 minutes be granted to Cr Lawrie.

Voting - Unanimous

ATTENDANCE AT MEETING

Cr Carroll attended the meeting at 3.20pm.

Cr Polglase attended the meeting at 3.25pm.

Minutes - Meeting of Tweed Shire Council

Voting For

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

Voting Against

Cr Lawrie

2. Draft Development Control Plan No 43 - Kingscliff

GT1/DCP/43 Pt1

501

Cr Boyd

Cr Polglase

RESOLVED that Council:-

1. Prepares a Development Control Plan for Kingscliff in accordance with Section 72 of the Environmental Planning and Assessment Act 1979;
2. Exhibits the draft Development Control Plan attached to this report in accordance with Section 72 of the Environmental Planning and Assessment Act 1979 – the exhibition to also include the Kingscliff Urban Design Plan.

Voting - Unanimous

3. Amended Section 94 Contribution Plan No 16 - Emergency Facilities (Surf Lifesaving)

GT1/S94/16

502

Cr Boyd

Cr Marshall

RESOLVED that Council:

1. Approves the amended Section 94 Contribution Plan No.16 as amended with the changes to the exhibited plan as described in this report; and
2. Gives public notice of its decision in accordance with the Environmental Planning and Assessment Regulations 1994, in the Tweed Link, specifying that the amended Plan comes into effect that date.

ATTENDANCE AT MEETING

Cr Luff attended the meeting at 3.50pm.

Minutes - Meeting of Tweed Shire Council

Voting For

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

Voting Against

Cr Beck
Cr Brinsmead
Cr Lawrie

URGENCY MOTION

503

Cr Luff

Cr Marshall

RESOLVED that the correspondence dated 3 November 2000 received from the Cabarita Beach Surf Lifesaving Club regarding their "Application for a Regional Sports Facility" grant from the Department of Sport and Recreation be dealt with.

Voting - Unanimous

Cr James

Cr Luff

PROPOSED that:

1. The Acting General Manager prepares a letter of support stating how important and essential it is to build a new surf life saving facility at Cabarita Beach.
2. The Cabarita Beach Surf Lifesaving Club be provided with a copy of the adopted Section 94 Plan for Surf Lifesaving facilities and a covering letter, which explains provisions therein for a new clubhouse for the Cabarita/South Kingscliff area.
3. Council indicates that it intends, in its Management Plan 2001/2002, to borrow \$200,000 in advance of income from Section 94 Plan No. 16 and pay the interest from the General Fund.

AMENDMENT

504

Cr Davidson

Cr Polglase

RESOLVED that:

1. The Acting General Manager prepares a letter of support stating how important and essential it is to build a new surf life saving facility at Cabarita Beach.
2. The Cabarita Beach Surf Lifesaving Club be provided with a copy of the adopted Section 94 Plan for Surf Lifesaving facilities and a covering letter, which explains provisions therein for a new clubhouse for the Cabarita/South Kingscliff area.

Minutes - Meeting of Tweed Shire Council

3. Council intends to place in its Management Plan 2001/2002 to borrow \$500,000 to assist in funding a Surf Lifesaving Club at Cabarita Beach.

The Amendment was **Carried**

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

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

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

SUSPENSION OF STANDING ORDERS

505

Cr Marshall

Cr Brinsmead

RESOLVED that standing orders be suspended to deal with Item 6a of the Agenda.

Voting - Unanimous

6a. Realignment of Coast Road within Seaside City Subdivision

R0990

506

Cr Brinsmead

Cr Lawrie

RESOLVED that:

1. Council supports approval of the development application, Part V application and construction certificate application for the construction of Catherine Street and associated works including water mains, batters and roadworks through Casuarina Beach. Such work shall be generally in accordance with plans and other documents submitted on behalf of the applicant by Cardno MBK and subject to consent conditions as are normally applicable in similar applications.

Minutes - Meeting of Tweed Shire Council

2. The General Manager or the Director Development Services determines the consent conditions mentioned in 1. above under delegated authority on or before 17 November 2000.

AMENDMENT 1

Cr James

Cr Luff

PROPOSED that:-

1. Council supports the issue of a deferred commencement approval for the relocation of the Coast Road to the Catherine Street road reserve, adjacent privately owned lots in Seaside City (for batters and drainage) and the connection to Casuarina Beach subject to the relevant approvals being obtained under Parts IV and V of the Environmental Planning and Assessment Act 1979 and the Schedule A being that the operational consent not commence until such time as any Construction Certificate has been issued for the road within the development immediately to the north of Seaside City or for the section connecting the northern end of Catherine Street and the existing Coast Road within the Kingsheath site.
2. The Director Development Services determines the current development applications and Part V application under delegated authority.

Amendment 1 was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

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

AMENDMENT 2

Cr Boyd

Cr Luff

PROPOSED that this item be deferred to allow Council staff to assess the Development Application which reputedly has been submitted today, 15 November 2000 to construct the link between Catherine Street and the existing Coast Road on the northern end of Seaside City and bring forward a recommendation to the next Council meeting.

507

Cr Brinsmead

Cr Lawrie

RESOLVED that Council registers its vote of censure for the disorderly conduct of Cr Luff.

Minutes - Meeting of Tweed Shire Council

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

508

Cr Brinsmead

Cr Lawrie

RESOLVED that the Councillors who do not wish to hold up proceedings by calling for the file regarding the application for the road shall indicate their wish by show of hands.

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

MOTION OF DISSENT

Cr Luff

Cr James

PROPOSED that a motion of dissent of the ruling by the Chairman of the last vote.

The Motion was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

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

509

Cr Youngblutt

Cr Marshall

RESOLVED that the motion be put.

Minutes - Meeting of Tweed Shire Council

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Amendment 2 was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

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

The Motion was **Carried**

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

RESUMPTION OF STANDING ORDERS

510

Cr Lawrie

Cr Marshall

RESOLVED that Standing Orders be resumed.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

4. Development Application 0960/2000DA - Erection of a Seven (7) Storey Residential Flat Building Comprising 33 x 2 Bedroom Units at Lot 301 DP 866495 Corner Frances and Enid Streets, Tweed Heads

DA2131/455 Pt1

Cr Marshall

Cr Boyd

PROPOSED that Development Application 0960/2000DA for the erection of a 7 storey residential flat building comprising 33 x 2 bedroom units at Lot 301 DP 866495 Cnr Frances and Enid Streets, Tweed Heads be approved subject to the following conditions:-

PRE-REQUISITES - conditions that must be complied with prior to commencement of construction

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

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter shall be recalculated in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment, on the basis of the assumptions adopted in the letter of Jim Glazebrook and Associates dated 12 September 2000.

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: \$12,951

S94 Plan No. 4 (Version 4.0)

(Tweed Heads - Residential)

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 commencement of work. The contribution shall be based on the following formula:-

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

where:

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

and:

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

Dist. average haulage distance of product on Shire roads

Minutes - Meeting of Tweed Shire Council

(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

Notes:

(a) Council has adopted the following resolutions in relation to waiving the requirement to pay the heavy haulage levy where materials are obtained from a designated source:

“i. Council waives the Tweed Road Contribution requirements on destination developments arising from heavy haulage on materials obtained from quarries (designated sources) that have paid the agreed annual lump sum.

ii. A schedule of Lump Sum Payments for the designated sources is available from the Financial Services Unit.”

- b. Open Space (Structured): \$2286.00
S94 Plan No. 5
- c. Open Space (Casual): \$5998.50
S94 Plan No. 5
- d. Shirewide Library Facilities: \$4188.00
S94 Plan No. 11
- e. Bus Shelters: \$327.00
S94 Plan No. 12
- f. Eviron Cemetery/Crematorium Facilities: \$2046.00
S94 Plan No. 13
- g. Emergency Facilities (Surf Lifesaving) \$1125.70
S94 Plan No. 16
- h. Extensions to Council Administration Offices
& Technical Support Facilities \$4851.12
S94 Plan No. 18
- i. Cycleways \$2574.15
S94 Plan No. 22

Minutes - Meeting of Tweed Shire Council

2. A certificate of compliance (CC) under Part 3 Division 2 of the Water Supply Authorities Act 1987 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council prior to commencement of work.

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

Water:	\$48,465
Sewer:	\$40,095

These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter shall be recalculated in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment, on the basis of the assumptions adopted in the letter of Jim Glazebrook and Associates dated 12 September 2000.

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.

GENERAL

3. The development shall be completed in general accordance with Plan Nos DA00A to DA23A prepared by Burns Design Architecture and dated August 2000 and amendments by letter from Jim Glazebrook and Associates dated 23 October 2000, except where varied by these conditions.
4. 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.
5. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in consultation with the Director of Engineering Services prior to any use or occupation of the buildings.
6. 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.
7. Landscaping of the site shall be carried out in accordance with the submitted landscaping plans. The landscaping to be completed prior to occupation of the building, in consultation with the Director, Development Services.
8. The provision of forty eight (48) off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.

Minutes - Meeting of Tweed Shire Council

9. The premises shall be suitably identified by Unit No. (where appropriate) and Street Number displayed in a prominent position on the facade of the building facing the primary street frontage, and is to be of sufficient size to be clearly identifiable from the street.
10. Any car parking floodlighting shall not spill beyond the boundaries of the site.
11. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.
12. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:
 - a. A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.
 - b. A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.
13. 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.
14. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".
15. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead"..
16. 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.
17. Demolition of building existing on site is to be carried out in accordance with the provisions of Australian Standard AS 2601-1991 "The Demolition of Structures".
18. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base or otherwise retained in consultation with Council. All retaining works shall be completed prior to start of work.
19. This consent authorises the importing of approximately 900m³ of extractive material to the site. Prior to commencement of work the source(s) of material and haulage route is to be provided to Council.
20. Spoil excavated from the site is to be disposed of at an approved waste management facility.
21. The exterior colours and materials used in the construction of the building are to be generally in accordance with details provided by Burns Architecture in a letter dated 18 September 2000.

Minutes - Meeting of Tweed Shire Council

22. Bicycle parking to be provided in accordance with the Statement of Environmental Effects.

ROADS/STREETS

23. All disused layback gutter crossings in Enid and Frances Streets are to be removed and re-instated with kerb and gutter in accordance with Council specification.
24. The provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet, including the provision of an invert crossing at the kerb and gutter and paving of the driveway across the footpath to the front alignment. Twenty four (24) hours notice is to be given to Council's Engineering Services Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction.
25. The concrete driveway across the footpath is to be 150 millimetres thick minimum and reinforced with F72 mesh with 40mm cover.
26. The driveway is to be constructed 6 metres wide at the property boundary and 9 metres wide at the kerb line with a uniform taper if a splay is specified.
27. 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.
28. Pram ramps are to be constructed at road intersections in accordance with Council's Plan No. A4-96 in consultation with the Director of Engineering Services.
29. 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 Enid Street frontage. The compacted base is to achieve a 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. An inspection of the formwork is to be arranged with Council's Engineering Services Division prior to concrete being placed.

DRAINAGE/FLOODING

30. Erosion and Sediment Control During the Construction Phase of Development is to be carried out in accordance with the Erosion and Sediment Control Plan submitted with the development application.
31. Permanent Stormwater Quality Treatment is to be provided in accordance with the Stormwater Management Plan submitted with the development application.

Minutes - Meeting of Tweed Shire Council

32. 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.

33. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2-1998. Note All roof water must be connected to an interallotment drainage system where available.
34. Provision to be made for the designation of a (or "n") durable and pervious car wash-down area/s. The area/s must be identified for that specific purpose and be supplied with an adequate water supply for use within the area/s. Any surface run-off from the area must not discharge directly to the stormwater system.

ENVIRONMENT PROTECTION

35. 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.
36. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
37. 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.
38. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
39. 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.
40. 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.
41. 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.

Minutes - Meeting of Tweed Shire Council

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.

42. 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.
43. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
44. 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 in consultation with the Director of Engineering Services.
45. The burning of builders waste on site by open fire is prohibited.
46. Prior to commencement of works all required sedimentation and siltation control measures are to be installed. Sedimentation and siltation control measures are to be installed in accordance with the Erosion and Sedimentation Plan prepared by Weathered Howe (August 2000) and submitted with the development application.
47. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be developed in consultation with the Director of Environment and Community Services.

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

48. All water resulting from site dewatering processes are to be appropriately treated where required to conform to the following prior to any off site discharge of such waters:-
Dissolved oxygen $6.5 < DO \leq 9.0$
49. Monitoring of all discharge water is to be undertaken and results recorded on a daily basis and made available to Council officers on request.
50. All external lighting for security, circulation, carparking and the like is to be appropriately shielded where necessary to prevent the spillage of light onto adjacent residences and to prevent such light becoming a source of nuisance to the occupiers of neighbouring residential premises.
51. All practical measures (eg. installation of hay bales around diesel pump motors) shall be taken on site to mitigate adverse or offensive noise levels associated with on site dewatering operations. Particularly where operations are to extend for long periods of time or in the early hours of the morning and late at night.

Minutes - Meeting of Tweed Shire Council

52. The site supervisor is to ensure that all trucks engaged in carrying soil enter and leave the site with loads covered.

PRESCRIBED (BUILDING)

53. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
- (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council, or
 - (c) if that is not practicable, any other sewage management facility approved by the council.
54. A sign must be erected on the site in a prominent, visible position stating:
- a. that unauthorised entry to the work site is prohibited; and
 - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
55. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
56. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:
- i. The person must, at the person's own expense:
 - a. preserve and protect the building from damage; and
 - b. if necessary, underpin and support the building in an approved manner.
 - ii. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.
57. 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.
58. a. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

Minutes - Meeting of Tweed Shire Council

- b. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
59. Note: Sewer manhole is present on this site. This manhole is not to be covered with soil or other material or concealed below ground level.
- Should additional fill be proposed in the area of the sewer manhole Council's Engineering Services Division must be consulted and suitable arrangements made for the raising of the manhole in consultation with Council's Manager Public Utilities.
60. Sewer main within site is to be accurately located prior to start of any building works.
61. The building is to be sited at least one metre horizontally clear of sewer main on site. All footings and slabs within the area of influence of the sewer main are to be designed by a practising Structural Engineer. The engineer is to certify that the design of such footings and slabs will ensure that all building loads will be transferred to the foundation material and will not effect or be affected by the sewer main.

PLUMBING AND DRAINAGE

62. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- a. internal drainage, prior to slab preparation;
 - b. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting (Note: All water plumbing is to be under test at time of inspection);
 - c. external drainage prior to backfilling.
 - d. completion of work
63. A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.
64. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
65. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.
66. Temperature and pressure relief lines from hot water systems shall discharge in the open as prescribed in Australian Standard AS 3500.4.1990 Section 4.12.3.
67. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.

Minutes - Meeting of Tweed Shire Council

68. Back flow prevention devices shall be installed where ever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.
69. Yard gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
70. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
 - * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.
71. Where two (2) ore more premises are connected by means of a single house service pipe, the owner of each premises must (*unless all the premises are occupied by a single household or firm as a residence or place of business*) ensure that a separate water meter, of a class and size approved by Council, is installed on each of those premises.
72. Prior to commencement of building works a plumbing inspection fee of \$585 is to be submitted to Council.

AMENDMENT

511

Cr Beck

Cr Davidson

RESOLVED that Council supports for approval Development Application 0960/2000DA for the erection of a 7 storey residential flat building comprising 33 x 2 bedroom units at Lot 301 DP 866495 Cnr Frances and Enid Streets, Tweed Heads subject to the following conditions, with the exception that the Minister for Housing be requested to agree to additional car parking to comply with Council's DCP No. 2:-

PRE-REQUISITES - conditions that must be complied with prior to commencement of construction

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

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter shall be recalculated in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment, on the basis of the assumptions adopted in the letter of Jim Glazebrook and Associates dated 12 September 2000.

Minutes - Meeting of Tweed Shire Council

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: \$12,951

S94 Plan No. 4 (Version 4.0)

(Tweed Heads - Residential)

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 commencement of work. The contribution shall be based on the following formula:-

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

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

Notes:

- (a) Council has adopted the following resolutions in relation to waiving the requirement to pay the heavy haulage levy where materials are obtained from a designated source:

“i. Council waives the Tweed Road Contribution requirements on destination developments arising from heavy haulage on materials obtained from quarries (designated sources) that have paid the agreed annual lump sum.

ii. A schedule of Lump Sum Payments for the designated sources is available from the Financial Services Unit.”

- b. Open Space (Structured): \$2286.00

Minutes - Meeting of Tweed Shire Council

- S94 Plan No. 5
- c. Open Space (Casual): \$5998.50
- S94 Plan No. 5
- d. Shirewide Library Facilities: \$4188.00
- S94 Plan No. 11
- e. Bus Shelters: \$327.00
- S94 Plan No. 12
- f. Eviron Cemetery/Crematorium Facilities: \$2046.00
- S94 Plan No. 13
- g. Emergency Facilities (Surf Lifesaving) \$1125.70
- S94 Plan No. 16
- h. Extensions to Council Administration Offices
& Technical Support Facilities \$4851.12
- S94 Plan No. 18
- i. Cycleways \$2574.15
- S94 Plan No. 22
2. A certificate of compliance (CC) under Part 3 Division 2 of the Water Supply Authorities Act 1987 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council prior to commencement of work.

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

Water: \$48,465

Sewer: \$40,095

These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter shall be recalculated in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment, on the basis of the assumptions adopted in the letter of Jim Glazebrook and Associates dated 12 September 2000.

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.

Minutes - Meeting of Tweed Shire Council

GENERAL

3. The development shall be completed in general accordance with Plan Nos DA00A to DA23A prepared by Burns Design Architecture and dated August 2000 and amendments by letter from Jim Glazebrook and Associates dated 23 October 2000, except where varied by these conditions.
4. 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.
5. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in consultation with the Director of Engineering Services prior to any use or occupation of the buildings.
6. 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.
7. Landscaping of the site shall be carried out in accordance with the submitted landscaping plans. The landscaping to be completed prior to occupation of the building, in consultation with the Director, Development Services.
8. The provision of forty eight (48) off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.
9. The premises shall be suitably identified by Unit No. (where appropriate) and Street Number displayed in a prominent position on the facade of the building facing the primary street frontage, and is to be of sufficient size to be clearly identifiable from the street.
10. Any car parking floodlighting shall not spill beyond the boundaries of the site.
11. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.
12. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:
 - a. A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.
 - b. A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.
13. 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.

Minutes - Meeting of Tweed Shire Council

14. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".
15. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead"..
16. 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.
17. Demolition of building existing on site is to be carried out in accordance with the provisions of Australian Standard AS 2601-1991 "The Demolition of Structures".
18. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base or otherwise retained in consultation with Council. All retaining works shall be completed prior to start of work.
19. This consent authorises the importing of approximately 900m³ of extractive material to the site. Prior to commencement of work the source(s) of material and haulage route is to be provided to Council.
20. Spoil excavated from the site is to be disposed of at an approved waste management facility.
21. The exterior colours and materials used in the construction of the building are to be generally in accordance with details provided by Burns Architecture in a letter dated 18 September 2000.
22. Bicycle parking to be provided in accordance with the Statement of Environmental Effects.

ROADS/STREETS

23. All disused layback gutter crossings in Enid and Frances Streets are to be removed and re-instated with kerb and gutter in accordance with Council specification.
24. The provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet, including the provision of an invert crossing at the kerb and gutter and paving of the driveway across the footpath to the front alignment. Twenty four (24) hours notice is to be given to Council's Engineering Services Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction.
25. The concrete driveway across the footpath is to be 150 millimetres thick minimum and reinforced with F72 mesh with 40mm cover.
26. The driveway is to be constructed 6 metres wide at the property boundary and 9 metres wide at the kerb line with a uniform taper if a splay is specified.

Minutes - Meeting of Tweed Shire Council

27. 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.
28. Pram ramps are to be constructed at road intersections in accordance with Council's Plan No. A4-96 in consultation with the Director of Engineering Services.
29. 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 Enid Street frontage. The compacted base is to achieve a 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. An inspection of the formwork is to be arranged with Council's Engineering Services Division prior to concrete being placed.

DRAINAGE/FLOODING

30. Erosion and Sediment Control During the Construction Phase of Development is to be carried out in accordance with the Erosion and Sediment Control Plan submitted with the development application.
31. Permanent Stormwater Quality Treatment is to be provided in accordance with the Stormwater Management Plan submitted with the development application.
32. 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.

33. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2-1998. Note All roof water must be connected to an interallotment drainage system where available.
34. Provision to be made for the designation of a (or "n") durable and pervious car wash-down area/s. The area/s must be identified for that specific purpose and be supplied with an adequate water supply for use within the area/s. Any surface run-off from the area must not discharge directly to the stormwater system.

ENVIRONMENT PROTECTION

Minutes - Meeting of Tweed Shire Council

35. 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.
36. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
37. 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.
38. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
39. 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.
40. 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.
41. 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.
42. 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.
43. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
44. 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 in consultation with the Director of Engineering Services.
45. The burning of builders waste on site by open fire is prohibited.
46. Prior to commencement of works all required sedimentation and siltation control measures are to be installed. Sedimentation and siltation control measures are to be

Minutes - Meeting of Tweed Shire Council

installed in accordance with the Erosion and Sedimentation Plan prepared by Weathered Howe (August 2000) and submitted with the development application.

47. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be developed in consultation with the Director of Environment and Community Services.

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

48. All water resulting from site dewatering processes are to be appropriately treated where required to conform to the following prior to any off site discharge of such waters:-

Dissolved oxygen $6.5 < DO \leq 9.0$

49. Monitoring of all discharge water is to be undertaken and results recorded on a daily basis and made available to Council officers on request.
50. All external lighting for security, circulation, carparking and the like is to be appropriately shielded where necessary to prevent the spillage of light onto adjacent residences and to prevent such light becoming a source of nuisance to the occupiers of neighbouring residential premises.
51. All practical measures (eg. installation of hay bales around diesel pump motors) shall be taken on site to mitigate adverse or offensive noise levels associated with on site dewatering operations. Particularly where operations are to extend for long periods of time or in the early hours of the morning and late at night.
52. The site supervisor is to ensure that all trucks engaged in carrying soil enter and leave the site with loads covered.

PRESCRIBED (BUILDING)

53. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
- (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council, or
 - (c) if that is not practicable, any other sewage management facility approved by the council.
54. A sign must be erected on the site in a prominent, visible position stating:
- a. that unauthorised entry to the work site is prohibited; and

Minutes - Meeting of Tweed Shire Council

- b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
55. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
56. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:
- i. The person must, at the person's own expense:
 - a. preserve and protect the building from damage; and
 - b. if necessary , underpin and support the building in an approved manner.
 - ii. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.
57. 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.
58. a. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- b. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
59. Note: Sewer manhole is present on this site. This manhole is not to be covered with soil or other material or concealed below ground level.
- Should additional fill be proposed in the area of the sewer manhole Council's Engineering Services Division must be consulted and suitable arrangements made for the raising of the manhole in consultation with Council's Manager Public Utilities.
60. Sewer main within site is to be accurately located prior to start of any building works.
61. The building is to be sited at least one metre horizontally clear of sewer main on site. All footings and slabs within the area of influence of the sewer main are to be designed by a practising Structural Engineer. The engineer is to certify that the design of such footings and slabs will ensure that all building loads will be transferred to the foundation material and will not effect or be affected by the sewer main.

PLUMBING AND DRAINAGE

Minutes - Meeting of Tweed Shire Council

62. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- a. internal drainage, prior to slab preparation;
 - b. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting (Note: All water plumbing is to be under test at time of inspection);
 - c. external drainage prior to backfilling.
 - d. completion of work
63. A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.
64. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
65. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.
66. Temperature and pressure relief lines from hot water systems shall discharge in the open as prescribed in Australian Standard AS 3500.4.1990 Section 4.12.3.
67. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
68. Back flow prevention devices shall be installed where ever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.
69. Yard gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
70. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.
- A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.
71. Where two (2) ore more premises are connected by means of a single house service pipe, the owner of each premises must (*unless all the premises are occupied by a single*

Minutes - Meeting of Tweed Shire Council

household or firm as a residence or place of business) ensure that a separate water meter, of a class and size approved by Council, is installed on each of those premises.

72. Prior to commencement of building works a plumbing inspection fee of \$585 is to be submitted to Council.

The Amendment was **Carried**

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Lawrie
Cr Luff

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

Voting For

Cr Beck
Cr Brinsmead
Cr Davidson
Cr James
Cr Luff
Cr Marshall
Cr Polglase
Cr Youngblutt

Voting Against

Cr Boyd
Cr Carroll
Cr Lawrie

5. Draft Rural Settlement Strategy

Rural Settlement Strategy

Cr Polglase

Cr James

PROPOSED that the draft Rural Settlement Strategy be referred to the Tweed Local Environmental Plan Advisory Committee and, subject to the comments of that Committee, be placed on public exhibition for 56 days.

AMENDMENT

512

Cr Marshall

Cr Youngblutt

RESOLVED that this item be deferred to allow for discussion with the Strategic Planning Committee in a workshop.

The Amendment was **Carried**

Minutes - Meeting of Tweed Shire Council

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

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

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

6. Local Environmental Plan (LEP) Advisory Committee

GT1/LEP/2000 Pt1

This item was dealt with at Minute No. 514.

LATE ITEM

513

Cr Polglase

Cr Marshall

RESOLVED that Item 6b being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

Voting - Unanimous

DECLARATIONS OF INTEREST

GT1/LEP/2000 Pt1

Cr Beck

Declared an interest in Item No 6b and took no part in the discussion and voting.

The nature of the interest is that Cr Beck's husband has been nominated for a position on the Local Environmental Plan (LEP) Advisory Committee.

Cr Boyd

Declared an interest in Item No 6b, left the Chamber and took no part in the discussion and voting.

The nature of the interest is that a relative of Cr Boyd has been nominated for a position on the Local Environmental Plan (LEP) Advisory Committee.

Minutes - Meeting of Tweed Shire Council

6b. Local Environmental Plan (LEP) Advisory Committee

GT1/LEP/2000 Pt1

514

Cr Polglase

Cr James

RESOLVED a further report be prepared on the Local Environment Plan Committee on nominations received up until 15 November 2000.

AMENDMENT

Cr Brinsmead

Cr Marshall

PROPOSED that Council nominates Trevor Stephenson, Bruce Graham, Robert Quirk, Don Beck, Craig Venner, Allan McIntosh, Athol Dobson, Col Brooks, and two professional consultants – Mike Allan and Darren Gibson.

The Amendment was **Lost**

Voting For

Cr Brinsmead
Cr Lawrie
Cr Marshall
Cr Youngblutt

Voting Against

Cr Carroll
Cr Davidson
Cr James
Cr Luff
Cr Polglase

The Motion was **Carried**

Voting For

Cr Carroll
Cr Davidson
Cr James
Cr Luff
Cr Polglase

Voting Against

Cr Brinsmead
Cr Lawrie
Cr Marshall
Cr Youngblutt

RETURN TO MEETING

Crs Beck and Boyd returned to the meeting.

Minutes - Meeting of Tweed Shire Council

REPORTS FROM DIRECTOR CORPORATE SERVICES

7. **Northern Rivers Tropical NSW Tourism Futures Project - "Spreading the Benefits"**

Tourism - General

515

Cr Luff

Cr Marshall

RESOLVED that Council endorses the CSIRO and Southern Cross University (SCU) initiative to apply for further funding of the Northern Rivers Tropical NSW Tourism Futures Project.

Voting - Unanimous

8. **Financial Management Report**

Budget

516

Cr Luff

Cr Boyd

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM DIRECTOR ENGINEERING SERVICES

9. **Lease - Tweed Heads Depot**

Depot – Tweed Heads, Leases – Council Property

517

Cr Boyd

Cr Youngblutt

RESOLVED that Council enters into a lease with Collex Pty Ltd for part of the Tweed Heads Depot under the following conditions:

1. An annual fee of \$2,200, increased by CPI each year.
2. Only empty bins are to be stored with the area remaining clean and tidy.
3. The lease to be for three years with either party to terminate for any reason with three months notice.
4. All necessary documentation be completed under the Common Seal of Council.

Voting - Unanimous

10. **Revisions/Naming of Localities**

Geographical Names Board

Cr Boyd

Cr James

PROPOSED that Council:-

Minutes - Meeting of Tweed Shire Council

1. Approves the revision of boundaries to Map GNB3810 and that the amended plan be displayed for public comment; and
2. Adopts, as an interim measure, the creation of two new localities (as embodied in this report) as “*Cudgen Beach*” and “*Kings Forest*” for display and public comment.

AMENDMENT

518

Cr Marshall

Cr Youngblutt

RESOLVED that this item be deferred to allow the Director Development Services and Director Engineering Services to negotiate with Consolidated Properties.

The Amendment was **Carried**

Voting For

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

Voting Against

Cr Boyd
Cr Luff

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

Voting For

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

Voting Against

Cr Boyd

Minutes - Meeting of Tweed Shire Council

11. Main Road 399 - Bridge over the Rous River at Boatharbour

R3780 Pt2 Bridges, Boat Harbour

519

Cr Boyd

Cr Marshall

RESOLVED that the plans and concept report on the preferred concept and siting for a new Boatharbour Bridge be advertised and exhibited inviting public comment on the acceptability of option 3 in the Cardno MBK Report on Boatharbour Bridge, consistent with the Cardno MBK Community Involvement Plan, to permit adoption of a firm option prior to preparation of the Statement of Environmental Effects.

Voting - Unanimous

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.30pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.45pm.

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

12. "No Ball Games Signs" - Council Parks

Regulatory Signs 4490.550

520

Cr Boyd

Cr Marshall

RESOLVED that Council:-

1. Erects a "No Ball Games" sign in Council Reserve being Lot 217 DP 249155, The Quarterdeck, Tweed Heads.
2. Delegates authority to the Director Environment & Community Services to erect "No Ball Games" signs in Council owned/controlled parks under 2000m² where circumstances warrant.

Voting - Unanimous

13. Registered Clubs Community Development and Support Expenditure (CDSE) Scheme

Licences – Poker Machines

521

Cr Boyd

Cr Luff

RESOLVED that Council:

1. Nominates the Director Environment and Community Services or his representative as a member on the Tweed Community Development and Support Expenditure (CDSE) Scheme Committee.

Minutes - Meeting of Tweed Shire Council

2. Convenes a meeting of all other agency representatives to establish such a Committee.
3. Enquires to the possibility of Councillor membership on the Committee.

Voting - Unanimous

14. Funding Level - Public Libraries

Library - Subsidy

522

Cr Boyd

Cr Luff

RESOLVED that the reply to the Premier be noted and a copy forwarded to the General Manager, Richmond-Tweed Regional Library.

Voting - Unanimous

15. Entomological Control Report - August/October

Noxious - Insects

523

Cr Boyd

Cr Luff

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM SUB-COMMITTEES

1. **Minutes of the Tweed River Management Plan Advisory Committee Meeting held Wednesday 11 October 2000**

File Ref: River Management

5. **Interim Water Quality Management Plan**

Total Catchment Management

524

Cr Boyd

Cr Marshall

RESOLVED that Council adopts the Interim Water Quality Management Plan.

Voting - Unanimous

7. **Chinderah Foreshore Rock Revetment**

Riverbank Erosion

525

Cr Boyd

Cr Marshall

RESOLVED that Council makes strong representation to the Roads and Traffic Authority for the long lasting repair of bank erosion sites which may impact on the road along the Pacific Highway prior to it being handed over to Council at the completion of the Chinderah to Yelgun Motorway.

Minutes - Meeting of Tweed Shire Council

Voting - Unanimous

526

Cr Boyd

Cr Marshall

RESOLVED that the balance of the Minutes of the Tweed River Management Plan Advisory Committee Meeting be adopted.

Voting - Unanimous

OUTSTANDING INSPECTIONS

Nil

ORDERS OF THE DAY

1. Road Contribution - Arkinda Garden Centre

DA5940/460 Pt1, Notice of Motion

527

Cr Polglase

Cr Lawrie

RESOLVED that Council:-

1. Defers any current legal action in relation to the Arkinda Garden Centre and Cafe.
2. Reconsiders the requirement for road contribution for this development once the review of the Tweed Road contribution Plan No 4 (TRCP) has been completed and determined.

Voting For

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

Voting Against

Cr Davidson
 Cr Marshall

528

Cr Boyd

Cr Carroll

RESOLVED that officers bring forward a detailed report on the background to the Arkinda Garden Centre and Café application, together with a report that covers those examples of businesses in Murwillumbah which have paid the road development contribution, and those examples indicated by Councillors of businesses which haven't paid road development contributions.

Minutes - Meeting of Tweed Shire Council

Voting For

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

Voting Against

Cr Marshall

ITEMS NOT ON THE AGENDA

Development Consent - Lot 5 Section 3 DP 11045, Marshall Street, Uki

DA3350/80 Pt1

529

Cr Beck

Cr Brinsmead

RESOLVED that the occupiers of Lot 5 Section 3 DP 11045 Marshall Street, Uki not be restricted in the use of their second bathroom and toilet facilities, located downstairs of the residence.

AMENDMENT

Cr Luff

Cr James

PROPOSED that the occupiers of Lot 5 Section 3 DP 11045 Marshall Street, Uki be requested to submit a written request for a variation to Condition 47 of the Development Consent.

The Amendment was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

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

Minutes - Meeting of Tweed Shire Council

The Motion was **Carried**

Voting For

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

Voting Against

Cr Boyd
Cr Davidson
Cr James
Cr Luff

LEAVE OF ABSENCE

530

Cr Luff

Cr Lawrie

RESOLVED that Cr Beck be granted a leave of absence for Council's meeting of 6 December 2000 due to her attendance at the National General Assembly of Local Government in Canberra.

Voting - Unanimous

QUESTION TIME

1. Employee Assistance Program

Occupational Health & Safety

Cr Marshall Asked could the General Manger bring forward a report on the impact of the deletion of the employee assistance program from this year's budget and the possible reinstatement of the program using funds saved by the work of the Friends of the Pound.

The Acting General Manager responded that a report would be brought forward for consideration at the December quarterly budget review.

2. Council Sub-Committees

Committees of Council

Cr Beck Do Council sub-committees make decisions, or should they make recommendations to Council to ratify?

The Acting General Manager advised that Committee makes recommendations for endorsement by Council.

Minutes - Meeting of Tweed Shire Council

3. Agenda 21 Committee

Agenda 21, Committees of Council

Cr Beck Could committees such as the Agenda 21 Committee be reminded that Committees make recommendations for endorsement by Council and that Councillors and staff in attendance advise members that they must have Council to make the final decisions.

The Acting General Manager advised that Council officers do have a level of delegation so they can apply allocated funds and make decisions.

4. Kynnumboon Bridge

Bridge - Kynnumboon

Cr Boyd What is the latest situation with regard to the Kynnumboon Bridge?

The Director Engineering Services stated that the Roads and Traffic Authority have engaged consultants to restart the process and concept reports are being prepared on the favoured options.

5. Access to Council Records

Councillors-General, Freedom of Information

Cr Boyd What is Council's policy in relation to Councillors access to Council records at and during a Council meeting.

The Acting General Manager quoted clause 2.10 from Council's Code of Meeting Practice:-

"A Council and a Committee of which all the members are Councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

This section does not apply if the correspondence or reports:

- a. relate to a matter that was received or discussed; or*
- b. were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public.*

This section does not apply if the Council or Committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in Section 10A(2), are to be treated as confidential."

Minutes - Meeting of Tweed Shire Council

6. Certification of Contaminated Land

Contaminated Soils

Cr Lawrie Can a supplementary report be brought forward regarding certification of contaminated land.

The Director Environment & Community Services advised that a supplementary report would be brought forward.

COMMITTEE OF THE WHOLE

531

Cr Luff

Cr Marshall

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

Voting - Unanimous

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

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES IN COMMITTEE

1. **Illegal Dumping of Waste Material on Lot 1 DP 735658, No. 477 Urliup Road, Bilambil**

PF5720/1341

*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*

C92

That should the waste material deposited on Lot 1 DP 735658 No. 477 Urliup Road, Bilambil not have been removed by 6 December 2000, the matter be referred to Council's Solicitors for appropriate legal action to ensure the material is removed.

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Minutes - Meeting of Tweed Shire Council

LATE ITEMS

C93

That Items 1a and 1b being Addendum items be dealt with and they be ruled by the Chairman to be of great urgency.

Voting - Unanimous

1a. Robson v Tweed Shire Council

DA0860/370 Pt1

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

C94

That decision by the Land and Environment Court in relation to an appeal by Mr Robson against Council's refusal of a development application for the erection of a dwelling house on Lot 1 DP 391120 Burringbar Road, Burringbar, **not** be appealed to the Court of Appeal.

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

1b. Development Application K99/957 for Earthworks at Lot 9 and 10 DP 822280 Kirkwood Road, Tweed Heads South

DA2920/121 Pt5

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

C95

That the Class 4 application in the Land and Environment Court in relation to Development Application K99/957 be defended by Council.

Voting For

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

Voting Against

Cr Carroll
Cr James
Cr Luff
Cr Marshall

Minutes - Meeting of Tweed Shire Council

REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

2. Tender EC 2000107 - Supply and Delivery of Bitumen Emulsion

GC12/9 - 2000107

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

(d) commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or*
- (ii) confer a commercial advantage on a competitor of the council, or*
- (iii) reveal a trade secret*

C96

That Council accepts the tender from Pioneer Road Services for the supply and delivery of bitumen emulsion to 30 June 2003 at the alternate price of \$0.50 per litre fixed for 12 months and subsequent rise and fall based on the General Market Price for bitumen currently at \$495/tonne.

Voting - Unanimous

3. Lots 63 and 64 Carraboi Terrace, Tyalgum

PF1330/310

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

(d) commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or*
- (ii) confer a commercial advantage on a competitor of the council, or*
- (iii) reveal a trade secret*

C97

That:--

1. Council purchases Lot 63 in DP 755748 from Mr J Butler at a price to be negotiated.
2. All necessary documentation be completed under the Common Seal of Council.
3. The land be classified as operational land upon acquisition.

The Amendment was **Carried**

Voting For

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

Voting Against

Cr Boyd
 Cr James
 Cr Luff
 Cr Polglase

Minutes - Meeting of Tweed Shire Council

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

4. Commencement of Building Work Prior to Issue of a Construction Certificate – 32 Federation Drive, Terranora

DA2035/265 Pt1

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

C98

That Council:-

1. Institutes legal proceedings against the landowner Mr Mehmed Saric under the provisions of Section 125 of the Environmental Planning and Assessment Act for carrying out building work at Lot 286 DP 853744 No 32 Federation Drive, Terranora prior to the issuing of a Construction Certificate.
2. Upon application and payment of the relevant fee from Mr Mehmed Saric for a Building Certificate upon the ground floor structure at Lot 286 DP 853944 No 32 Federation Drive, Terranora, consideration be given to the issue of a Building Certificate under delegated authority under Section 149D of the Environmental Planning and Assessment Act.
3. Advises Mr Mehmed Saric, upon receipt of a Building Certificate, to make application for a Construction Certificate for the completion of the dwelling at Lot 286 DP 853944 No 32 Federation Drive, Terranora.

Voting For

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

Voting Against

Cr Beck
Cr Brinsmead

5. Proposed New Gallery Site

PF4040/5165 Pt1

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

(d) commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or*
- (ii) confer a commercial advantage on a competitor of the council, or*
- (iii) reveal a trade secret*

C99

That Council:-

Minutes - Meeting of Tweed Shire Council

1. Proceeds to purchase part of Lot 124 DP 915277 Pacific Highway, consisting of 1700m² for \$1,600.00.
2. Agrees to pay State Rail costs associated with the purchase.
3. Completes all necessary documentation under the Common Seal of Council.

Voting For

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

Voting Against

Cr Beck

532

Cr Polglase

Cr Marshall

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 10.06pm.



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 44 of these Minutes

Chairman