

Minutes - Ordinary Meeting of Tweed Shire Council

IN ATTENDANCE

Councillors LF Beck (Mayor), MR Boyd, RD Brinsmead, BJ Carroll, GDavidson (Deputy Mayor), H James, G J Lawrie, B M Luff, W M Marshall, W J Polglase, P C P Youngblutt.

Also present were Dr John Griffin (General Manager), Mr Mike Rayner (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 Ms Janine Boyd (Minutes Secretary).

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.*

Great is Thy Faithfulness!

Lamentations 3:22-23

O Lord our God, we thank You that we are embraced in Your never-failing love. Even when you stumble and fall, still You gather us in Your love. We come seeking Your leading and guiding as we meet in Council today. Grant us wisdom as we consider the matters before us; and give us the grace to make decisions which will enrich our Shire and its people.

Father God, help us to see the beauty and potential in the rich resources of the Tweed Valley, with its rugged mountain ranges to the West and its impressive coastline to the East. Give us a fresh vision for our Shire and give us the courage to pursue that vision in such a way that will bring a new prosperity to our communities and our people.

Lord, we pause to pray for each other as we begin today. Help us to listen to each other and to be gracious with one another. Grant to our Mayor, Lynne, wisdom, patience and grace as she fulfils the duties of her office and gives leadership within the Shire.

Father, grant us Your peace today as the Holy Spirit broods over this chamber; for we ask it in the Name of Jesus Christ our Lord. ...Amen

CONFIRMATION OF MINUTES

GC6/13 Pt4

1197

Cr Luff

Cr Lawrie

RESOLVED that the Minutes of the Ordinary Meeting held 19 January 2000 be confirmed as an accurate record of the proceedings of that Meeting.

Voting - Unanimous

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1198

Cr Luff

Cr Lawrie

RESOLVED that the Minutes of the Extraordinary Meeting held 24 January 2000 be confirmed as an accurate record of the proceedings of that Meeting.

Voting - Unanimous

ABSENT

GC6/1/2 Pt1

Nil.

DISCLOSURE OF INTEREST

GC6/1/4 Pt1

Cr Beck

Declared an interest in Item No 18. The nature of the interest is that the owner of the property which is the subject of the report is a relative.

Cr Luff

Declared an interest in Item No 18. The nature of the interest is that Cr Luff owns property in the immediate area.

ITEMS TO BE MOVED TO OR FROM CONFIDENTIAL

Cr Luff

Cr James

PROPOSED that Item 1 of the Confidential agenda be dealt with in open Council with the exception of pages 8, 9, & 10 of the report.

The Motion was **Lost**

Voting For

Voting Against

Cr Beck

Cr Brinsmead

Cr Boyd

Cr Carroll

Cr James

Cr Davidson

Cr Luff

Cr Lawrie

Cr Marshall

Cr Polglase

Cr Youngblutt

SCHEDULE OF OUTSTANDING RESOLUTIONS

1199

Cr James

Cr Luff

RESOLVED that this report be received and noted.

Voting - Unanimous

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MAYORAL MINUTE

GC6/18 Pt5

1. Mayoral Assistant

Employment-Job Creation

This item was received and noted.

2. Olympic Torch

Olympic Games

This item was received and noted.

3. Publications and Circulars

Councillors

This item was received and noted.

Adoption of Mayoral Minute

GC6/18 Pt5

1200

Cr Beck

RESOLVED that the Mayoral Minute as presented be adopted.

The Mayor thanked all staff that were involved in the recent Prime Minister's visit for a job well done.

Voting - Unanimous

ITEMS DEFERRED

5. Modification of Development Consent S93/76 - Lot 1 and 2 DP 828298 Crescent Street, Cudgen - Cudgen Heights Estate Stage 3

GS4/93/76 Pt3

1201

Cr Boyd

Cr Marshall **RESOLVED** that this matter be deferred.

Voting - Unanimous

7. Proposal to Increase the Output at the CSR Readymix Quarry at Lot 1 DP 792256 Terranora Road, Terranora

PF5430/1443 Pt2

1202

Cr Boyd

Cr Marshall

RESOLVED that this item be dealt with at Item 2 of the agenda.

Voting - Unanimous

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4. CSR Quarry - Terranora

PF5430/1443 Pt2

1203

Cr James

Cr Luff

RESOLVED that this item be dealt with at Item 2 of the Agenda.

Voting - Unanimous

12. Proposed Erection of a Detached Dual Occupancy at Lot 319 DP 853944 Federation Drive, Terranora

DA2035/335 Pt1

1204

Cr Boyd

Cr Marshall

RESOLVED that this matter be dealt with in conjunction with Item 3 Orders of the Day of this agenda.

Voting - Unanimous

26. Murwillumbah Main Streets Program Progress Report

Street Scaping - Murwillumbah

1205

Cr Boyd

Cr Davidson

RESOLVED that Council proceeds with construction of Murwillumbah Main street improvements as set out in the most recent John Deverson & Associates drawings, except that the pedestrian crossing near the cab rank be relocated to the Courthouse, and native frangipanis be used in proximity to pedestrian crossings.

AMENDMENT

Cr Luff

Cr James

PROPOSED that Council staff prepare drawings in accordance with Butterworth & Assoc Master Plan for Murwillumbah Main Street improvements; the drawings to be fully checked by Butterworth & Assoc before Council proceeds to tender.

The Amendment was **Lost**

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Voting For

Cr Beck
Cr Luff
Cr Marshall

Voting Against

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

The Motion was **Carried**

Voting For

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

Voting Against

Cr Beck
Cr Brinsmead
Cr Luff
Cr Marshall

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

1. Proposed Detached Dual Occupancy at Lot 17 Section 18 DP 28390 Lakeview Parade, Tweed Heads South

DA2990/430 Pt1

Cr Polglase
Cr Davidson

PROPOSED that the development application submitted by Greg Grinter to erect a detached dual occupancy at Lot 17 Section 18 DP 28390 Lakeview Parade, Tweed Heads South be subject to a deferred commencement consent subject to the following conditions:

“Deferred Commencement”

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

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

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SCHEDULE "A"

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

1. A plan showing all site works, site drainage and footing design is to be prepared and certified by a suitably qualified structural/geotechnical engineer as being structurally stable having due consideration to the conditions of the site and submitted to Council.

SCHEDULE B

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

PRE-REQUISITE - Conditions that need to be satisfied before a construction certificate can be issued

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.
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.
- (ii) GST
 - 1.1 In this Clause 1:
"GST means any tax, impost or duty, including any goods and services, consumption, value added or similar tax applying on goods, services or other things introduced by the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)* and associated legislation (as amended), or under legislation passed by a State or Territory Parliament which is charged or levied on goods, services or other things.
 - 1.2 Any monetary contributions and levies payable or imposed as a condition of this contributions plan pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979 (NSW)* (as amended), and all other moneys payable by and on behalf of the applicant are exclusive of GST.
 - 1.3 Any non-monetary contribution or levy payable or imposed as a condition of this contributions plan pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979 (NSW)* (as amended), including, but not limited to, the dedication or transfer of land to the Council or the

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transfer of some other asset to the Council, whether in tangible or intangible form, and all other non-monetary contributions payable by and on behalf of the applicant are also exclusive of GST.

1.4 Liability for GST (payable in respect of any taxable supply under this contributions plan whether monetary or non-monetary) is additional. It is payable by the applicant to the Council at the same time as all and any contributions, levies and other moneys are payable under this contributions plan and development consent.

1.5 In respect of any non-monetary contribution or levy referred to in clause 1.3 above, the GST payable shall be calculated as follows:

GST payable = The GST inclusive market price of the asset x $\frac{1}{11}$.

1.6 The Council will issue to the applicant, within twenty one (21) days of a request from the applicant, a tax invoice for the monies paid or the assets transferred by the applicant adjusted by the rate of the GST in accordance with the requirements of the relevant legislation.

a.	Tweed Road Contribution Plan: S94 Plan No. 4 (Version 4.0) (Tweed Heads South - Residential)	\$1684.00
b.	Open Space (Casual): S94 Plan No. 5	\$21.00
c.	Open Space (Structured): S94 Plan No. 5	\$220.00
d.	Shirewide Library Facilities: S94 Plan No. 11	\$150.00
e.	Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$44.00
f.	Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$41.40
g.	Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$178.35
h.	Cycleways S94 Plan No. 22	\$50.00

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.

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 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

GST

1.1 In this Clause 1:

“GST means any tax, impost or duty, including any goods and services, consumption, value added or similar tax applying on goods, services or other things introduced by the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)* and associated legislation (as amended), or under legislation passed by a State or Territory Parliament which is charged or levied on goods, services or other things.

1.2 Any monetary contributions and levies payable or imposed as a condition of this contributions plan pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979 (NSW)* (as amended), and all other moneys payable by and on behalf of the applicant are exclusive of GST.

1.3 Any non-monetary contribution or levy payable or imposed as a condition of this contributions plan pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979 (NSW)* (as amended), including, but not limited to, the dedication or transfer of land to the Council or the transfer of some other asset to the Council, whether in tangible or intangible form, and all other non-monetary contributions payable by and on behalf of the applicant are also exclusive of GST.

1.4 Liability for GST (payable in respect of any taxable supply under this contributions plan whether monetary or non-monetary) is additional. It is payable by the applicant to the Council at the same time as all and any contributions, levies and other moneys are payable under this contributions plan and development consent.

1.5 In respect of any non-monetary contribution or levy referred to in clause 1.3 above, the GST payable shall be calculated as follows:

GST payable = The GST inclusive market price of the asset x $\frac{1}{11}$.

1.6 The Council will issue to the applicant, within twenty one (21) days of a request from the applicant, a tax invoice for the monies paid or the assets transferred by the applicant adjusted by the rate of the GST in accordance with the requirements of the relevant legislation.

Water: \$3420

Sewer: \$2820

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

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

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GENERAL

3. The development shall be completed in general accordance with Plan No 201A Sheets 1-8 prepared by GHD and dated 15/1/99, except where varied by these conditions.
4.
 - i. All site works, site drainage and footing designs are to be carried out strictly in accordance with the plans referred to in Schedule A.
 - ii. Prior to occupation of the buildings an engineering certificate from a suitably qualified structural/geotechnical engineer is to be submitted to Council certifying that all works covered in the plans referred to in Schedule A have been completed in accordance with those plans.
5. 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.
6. No soil, sand, gravel, clay or other material shall be disposed of off the site, unless to a location approved by Council.
7. 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.
8. 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, to the satisfaction of the Director, Development Services.
9. The provision of four (4) off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.
10. The door to a fully enclosed sanitary compartment must:-
 - i. open outwards; or
 - ii. slide; or
 - iii. be readily removable from the outside of the sanitary compartment; unless there is a clear space of at least 1.2m between the closet pan within the sanitary compartment and the nearest part of the doorway.
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. 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.
13. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve.
14. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. footings, prior to pouring of concrete
 - b. frame prior to the erection of brick work or any wall sheeting
 - c. final inspection prior to occupation of the building

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15. All necessary on site boundary retaining shall be carried out prior to start of works upon the building proper, with details of retaining walls being submitted to Council for approval prior to start of works.
Please note: Timber retaining walls will not be accepted.
16. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
 - (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
 - (ii) Certification of the works performed by the person carrying out the works is to be submitted to Council prior to occupation of the building; and
 - (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (A) the method of protection; and
 - (B) the date of installation of the system; and
 - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (D) the need to maintain and inspect the system on a regular basis.

Note: Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.
17. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
 - i. All required erosion and sedimentation control devices have been installed and are operational.
 - ii. Required toilet facilities have been provided on the site in accordance with Section 78i of the Environmental Planning & Assessment Amendment Regulations 1998.
 - iii. A sign has been erected on the site in accordance with Section 78H of the Environmental Planning & Assessment Amendment Regulations 1998.
 - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
 - v. That the licensee has complied with the provisions of Section 78c of the Environmental Planning and Assessment Amendment Regulations 1998.
18. A mechanical exhaust fan wired to operate in phase with the lightswitch must be installed in the upper floor toilet to Unit 1 in accordance with Part 3.8.5 of the Building Code of Australia.
19. The glazier is to supply the PCA with certification that all glazing complies with AS 1288-1994 of the Building Code of Australia.
20. Manufacturers certification is to be provided to the PCA from the Roof Truss manufacturer to certify the roof truss design.

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21. 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.

PRESCRIBED (BUILDING)

22. 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.
23. 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.
24. 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).
25. A. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
1. in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number; and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
 2. in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner-builder work* in Section 29 of that Act,
- and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of work are changed in such

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- a manner as to render out of date any information or declaration previously given under either of those paragraphs.
- B. A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
26. 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.
27. 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.

FIRE (BUILDING)

28. An automatic fire detection and alarm system, designed to ensure the occupants are given adequate warning so they can evacuate the building in an emergency, must be installed in Class 1a building, or dwelling or dual occupancy and within sole occupancy units in a townhouse.
- Smoke detection and alarm systems must be installed in accordance with Part 3.7.2.3 of the Building Code of Australia and must comply with Australian Standard AS 3786.
- Smoke alarms must be connected to the consumer mains power where consumer power is supplied to the building.
- Smoke alarms must be installed on or near the ceiling in -
- (a) any storey containing bedrooms -
 - (i) between each part of the dwelling containing bedrooms and the remainder of the dwelling; and
 - (ii) where bedrooms are served by a hallway, in that hallway; and
 - (b) any other storey not containing a bedroom.
- A Certificate of Compliance is to be submitted to Council prepared by the licensed Electrical Contractor certifying that the installation complies with the above, prior to occupation of the building.

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ROADS/STREETS

29. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the Director, Engineering Services. 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. Paving bricks are not acceptable unless laid on a 100mm thick concrete base.

DRAINAGE/FLOODING

30. All roof waters and water from open car park areas to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. 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.
31. All surface and seepage waters liable to be a nuisance are to be collected and diverted clear of the building site by an approved drainage system separate to the roof water system.

PLUMBING AND DRAINAGE

32. 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, prior to the erection of brick work or any wall sheeting;
 - c external drainage prior to backfilling.
 - d. completion of work.
33. A permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
34. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
35. 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.
36. The Council approved wet area flashing installer is to supply to the Principal Certifying Authority certification that all wet area flashings have been installed in accordance with the Manufacturer's Specifications, detailing the rooms or areas involved and the date of installation. Note: Only Council approved installers may carry out this work and reference must be made to Council to confirm that such installers are Council approved.
37. Impervious floors, properly graded and drained are to be provided to all wet areas.

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38. 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.
39. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.

ENVIRONMENT PROTECTION

40. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.
41. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
42. 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.
43. 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.
44. Prior to commencement of building works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority. Erosion and sedimentation control devices should be installed in accordance with the publication "Managing Urban Stormwater Soils and Construction" prepared by the NSW Department of Housing. All erosion and sedimentation control shall be maintained throughout the period of construction.
45. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed.

AMENDMENT

Cr Luff
Cr James

PROPOSED that Council defers making a decision on this matter until Councillors have the opportunity to read the legal opinion attached to the previous report.

The Amendment was **Lost**

Voting For

Cr Boyd
Cr Luff

Voting Against

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

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The Motion was **Lost**

Voting For

Cr Brinsmead
Cr Davidson
Cr Lawrie
Cr Polglase
Cr Youngblutt

Voting Against

Cr Beck
Cr Boyd
Cr Carroll
Cr James
Cr Luff
Cr Marshall

1206

**Cr Boyd
Cr James**

RESOLVED that the development application submitted by Greg Grinter to erect a detached dual occupancy at Lot 17 Section 18 DP 28390 Lakeview Parade, Tweed Heads South be refused for the following reasons:-

1. Due to the history of instability of the site it is considered that Council could be liable in negligence if there is a slope failure in the future for approving the development as it is aware that the site has a history of slope failure.
2. The conclusions reached in the Geotechnical report are considered not to be satisfactory and the applicant has failed to further investigate the conclusions and provide further evidence supporting the conclusions.

Voting For

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

Voting Against

Cr Brinsmead
Cr Lawrie
Cr Polglase
Cr Youngblutt

2. **Proposal to Increase the Output at the CSR Readymix Quarry at Lot 1 DP 792256 Terranora Road, Terranora**

PF5430/1443 Pt2

1207

**Cr Marshall
Cr Lawrie**

RESOLVED that :-

- A. In respect of the breach of development consent 88/372 Council seeks to rectify the breach through Consent Orders in the Land and Environment Court and the Director of Development Services and the Director of Engineering Services negotiates a proposed settlement including the provisions for the payment of a

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road maintenance contribution based upon the total volume of extracted material from 1995.

- B. The applicant be advised that it is Council's intention to determine the application 96/322 by way of a Deferred Commencement consent as outlined in "B" below including the conditions and subject to CSR Limited entering into a "Deed of Agreement" with Council requiring payment of the following contributions:-
- i. The payment of \$13,355 towards the provision of passing lanes.
 - ii. Payment of a road maintenance levy of 1.5 cents per tonne of material removed from the site by road transport per kilometre travelled from the quarry to the Pacific Highway. This levy only applies to material removed in excess of 200,000 tonnes per annum.
- C. Subject to "A" above, the development application for the increase in output from the quarry at Lot 1 DP 792256 Terranora Road, Terranora be approved by way of a "Deferred Commencement" consent subject to the following conditions.

Deferred Commencement Consent

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "A". Such evidence is to be provided within 3 months of the date of this notification.

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "A" the consent shall become operable and take effect from the date of notification under Section 92 of the Environmental Planning and Assessment Act, 1979 subject to the conditions set out as Schedule "B".

Schedule "A"

Conditions imposed pursuant to Section 91AA of the Environmental Planning and Assessment Act, 1979 (unamended):-

1. A detailed quarry "plan of management" is to be submitted and approved by the Director Development Services and the Director Environment & Community Services including but not limited to the following:-
 - (a) The matters contained in Chapter 10 and Section 7.3.2 of the Environmental Impact Statement.
 - (b) Measures to notify residents in the locality before blasting. A list of residents potentially affected by blasting is to be submitted to the Director of Environment and Community Services. These residents are notified by telephone by the quarry operators at least 24 hours prior to each blast. Notification can cease at the request of the resident.
 - (c) An acoustic report is to be submitted to the Director of Environment and Community Services demonstrating that the recommended extreme limit as contained in the Environment Protection Authority guidelines, will not be exceeded, or written concurrence from the Environment Protection Authority (EPA) be submitted approving exceedance of recommended acceptable noise levels. Monitoring of noise levels is to be continued to be carried out at 3 month intervals and results are to be reported to Council and the EPA.

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- (d) Methods of monitoring of noise, dust, vibration and blast overpressure. An additional gauge to measure dust is to be provided at Residence 1 if agreed by the owner.
- (e) A requirement that ground vibration, blast overpressure and dust emissions are to meet the Environment Protection Authority guidelines. Results are to be reported to Council and the Environment Protection Authority every six months.
- (f) A requirement that any complaints are reported to the Environment Protection Authority.
- (g) A detailed rehabilitation plan.
- (h) Methods of self compliance with speed limits and what will be done if drivers/contractors do not comply.
- (i) A requirement that the operators of the quarry are to cease operations during times of high wind speed as quantified by calculations using the results of dust deposition monitoring during varying wind speeds and directions.

“Schedule B”

1. The development is to be completed generally in accordance with the Environmental Impact Statement prepared by Kinhill Cameron McNamara and dated July 1996 and the Plan of Management except where varied by these conditions.
2. All items in the Plan of Management are to be implemented immediately.
3. Compliance with all requirements of development consent 88/372 except where varied by these conditions.
4. The maximum annual extraction rate of material to be removed from the site is 350,000 tonnes per annum. Details of the amount of material extracted is to be submitted to Council every 3 months.
5. Compliance with all requirements of Council’s Environment & Community Services Division, specifically including the following:-
 - (i) The Plan of Management is to be implemented by the operators of the quarry and the procedures set out in the Plan are to be followed accordingly.
6. Compliance with all requirements of Council’s Engineering Services Division, specifically including the following:-
 - (i) Truck warning signs on Terranora Road either side of the access are to be displayed.
 - (ii) Upgrading of the existing intersection generally in accordance with Plan No. 97569 prepared by Bornhorst and Ward. The plan is to be amended and resubmitted to Council prior to commencing work including:-
 - * guard rails being installed with RTA specifications;
 - * all linemarking, including pavement arrows, are to be marked in accordance with RTA requirements;

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- * the "Trucks Entering" warning signs are to be erected 100m on both sides of the intersection.
 - (iii) Where the construction work is on or adjacent to public roads, parks and drainage reserves and 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.
 - (iv) 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.
 - (v) 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 release of any linen plan of subdivision and/or prior to occupation of the buildings.
7. Compliance with all soil conservation and rehabilitation works contained in the Plan of Management.
 8. All amendments or modifications to the Plan of Management for the site are to be approved by the Director Development Services.
 9. Compliance with all requirements of the Environment Protection Authority.
 10. The operating hours of the quarry may only exceed the hours recommended in the EPA Noise Control Manual if written concurrence from the EPA is obtained and submitted to Council.

AMENDMENT

Cr Boyd
Cr Polglase

PROPOSED that

- A. In respect of the breach of development consent 88/372 Council seeks to rectify the breach through Consent Orders in the Land and Environment Court and the Director Development Services be given delegation to negotiate the settlement and the settlement is to include provisions for the payment of a road maintenance contribution as follows:-
 - (i) Payment of a road maintenance contribution of 2.5 cents/tonne/km of material removed in excess of 200,000 tonnes from 1995 until 31/12/98; and
 - (ii) Payment of a road maintenance contribution of 1.5 cents/tonne/km of material removed in excess of 200,000 tonnes from 1/1/99 until the development consent for the increase in output from the quarry becomes operable.

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- B. The applicant be advised that it is Council's intention to determine the application 96/322 by way of a Deferred Commencement consent as outlined in "B" below including the conditions and subject to CSR Limited entering into a "Deed of Agreement" with Council requiring payment of the following contributions:-
- i. The payment of \$13,355 towards the provision of passing lanes.
 - ii. Payment of a road maintenance levy of 1.5 cents per tonne of material removed from the site by road transport per kilometre travelled from the quarry to the Pacific Highway. This levy only applies to material removed in excess of 200,000 tonnes per annum.
- C. Subject to "A" above, the development application for the increase in output from the quarry at Lot 1 DP 792256 Terranora Road, Terranora be approved by way of a "Deferred Commencement" consent subject to the following conditions.

Deferred Commencement Consent

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "A". Such evidence is to be provided within 3 months of the date of this notification.

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "A" the consent shall become operable and take effect from the date of notification under Section 92 of the Environmental Planning and Assessment Act, 1979 subject to the conditions set out as Schedule "B".

Schedule "A"

Conditions imposed pursuant to Section 91AA of the Environmental Planning and Assessment Act, 1979 (unamended):-

1. A detailed quarry "plan of management" is to be submitted and approved by the Director Development Services and the Director Environment & Community Services including but not limited to the following:-
 - (a) The matters contained in Chapter 10 and Section 7.3.2 of the Environmental Impact Statement.
 - (b) Measures to notify residents in the locality before blasting. A list of residents potentially affected by blasting is to be submitted to the Director of Environment and Community Services. These residents are notified by telephone by the quarry operators at least 24 hours prior to each blast. Notification can cease at the request of the resident.
 - (c) An acoustic report is to be submitted to the Director of Environment and Community Services demonstrating that the recommended extreme limit as contained in the Environment Protection Authority guidelines, will not be exceeded, or written concurrence from the Environment Protection Authority (EPA) be submitted approving exceedance of recommended acceptable noise levels. Monitoring of noise levels is to be continued to be carried out at 3 month intervals and results are to be reported to Council and the EPA.

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- (d) Methods of monitoring of noise, dust, vibration and blast overpressure. An additional gauge to measure dust is to be provided at Residence 1 if agreed by the owner.
- (e) A requirement that ground vibration, blast overpressure and dust emissions are to meet the Environment Protection Authority guidelines. Results are to be reported to Council and the Environment Protection Authority every six months.
- (f) A requirement that any complaints are reported to the Environment Protection Authority.
- (g) A detailed rehabilitation plan.
- (h) Methods of self compliance with speed limits and what will be done if drivers/contractors do not comply.
- (i) A requirement that the operators of the quarry are to cease operations during times of high wind speed as quantified by calculations using the results of dust deposition monitoring during varying wind speeds and directions.

“Schedule B”

1. The development is to be completed generally in accordance with the Environmental Impact Statement prepared by Kinhill Cameron McNamara and dated July 1996 and the Plan of Management except where varied by these conditions.
2. All items in the Plan of Management are to be implemented immediately.
3. Compliance with all requirements of development consent 88/372 except where varied by these conditions.
4. The maximum annual extraction rate of material to be removed from the site is 350,000 tonnes per annum. Details of the amount of material extracted is to be submitted to Council every 3 months.
5. Compliance with all requirements of Council’s Environment & Community Services Division, specifically including the following:-
 - (i) The Plan of Management is to be implemented by the operators of the quarry and the procedures set out in the Plan are to be followed accordingly.
6. Compliance with all requirements of Council’s Engineering Services Division, specifically including the following:-
 - (i) Truck warning signs on Terranora Road either side of the access are to be displayed.
 - (ii) Upgrading of the existing intersection generally in accordance with Plan No. 97569 prepared by Bornhorst and Ward. The plan is to be amended and resubmitted to Council prior to commencing work including:-
 - * guard rails being installed with RTA specifications;
 - * all linemarking, including pavement arrows, are to be marked in accordance with RTA requirements;

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- * the "Trucks Entering" warning signs are to be erected 100m on both sides of the intersection.
 - (iii) Where the construction work is on or adjacent to public roads, parks and drainage reserves and 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.
 - (iv) 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.
 - (v) 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 release of any linen plan of subdivision and/or prior to occupation of the buildings.
7. Compliance with all soil conservation and rehabilitation works contained in the Plan of Management.
 8. All amendments or modifications to the Plan of Management for the site are to be approved by the Director Development Services.
 9. Compliance with all requirements of the Environment Protection Authority.
 10. The operating hours of the quarry may only exceed the hours recommended in the EPA Noise Control Manual if written concurrence from the EPA is obtained and submitted to Council.

Amendment 1 was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr Davidson
Cr Polglase

Voting Against

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

AMENDMENT 2

Cr James

Cr Luff

PROPOSED that Council:-

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- A. Seeks legal advice with regard to the prosecution of the alleged breach under Section 124 of the Environmental Planning and Assessment Act as well as Section 123
- B. Defers consideration of the application.

Amendment 2 was **Lost**

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

The Motion was **Carried**

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

3. Proposed Erection of an Attached Dual Occupancy at Lot 920 DP 877658 Brighton Street, Banora Point

DA0743/15 Pt1

1208

**Cr Polglase
Cr Marshall**

RESOLVED that the development application submitted by Cavalier Homes Australia Pty Ltd for an attached dual occupancy at Lot 920 DP 877658 Brighton Street, Banora Point be approved subject to the following conditions:-

PRE-REQUISITES

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

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Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

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

(ii) GST

1.1 In this Clause 1:

"GST means any tax, impost or duty, including any goods and services, consumption, value added or similar tax applying on goods, services or other things introduced by the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)* and associated legislation (as amended), or under legislation passed by a State or Territory Parliament which is charged or levied on goods, services or other things.

1.2 Any monetary contributions and levies payable or imposed as a condition of this contributions plan pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979 (NSW)* (as amended), and all other moneys payable by and on behalf of the applicant are exclusive of GST.

1.3 Any non-monetary contribution or levy payable or imposed as a condition of this contributions plan pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979 (NSW)* (as amended), including, but not limited to, the dedication or transfer of land to the Council or the transfer of some other asset to the Council, whether in tangible or intangible form, and all other non-monetary contributions payable by and on behalf of the applicant are also exclusive of GST.

1.4 Liability for GST (payable in respect of any taxable supply under this contributions plan whether monetary or non-monetary) is additional. It is payable by the applicant to the Council at the same time as all and any contributions, levies and other moneys are payable under this contributions plan and development consent.

1.5 In respect of any non-monetary contribution or levy referred to in clause 1.3 above, the GST payable shall be calculated as follows:

GST payable = The GST inclusive market price of the asset x $\frac{1}{11}$.

1.6 The Council will issue to the applicant, within twenty one (21) days of a request from the applicant, a tax invoice for the monies paid or the assets transferred by the applicant adjusted by the rate of the GST in accordance with the requirements of the relevant legislation.

a. Tweed Road Contribution Plan:

S94 Plan No. 4 (Version 4.0)

(Tweed Heads South Sector 2 - Residential)

b. Banora Point West/Tweed Heads South (DCP3)

Open Space (Casual):

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- S94 Plan No. 1
 - c. Banora Point West/Tweed Heads South (DCP3)
Open Space (Structured):
S94 Plan No. 1
 - d. Community Facilities (DCP3 area): \$265.00
S94 Plan No. 3
 - e. Shirewide Library Facilities:
S94 Plan No. 11
 - f. Eviron Cemetery/Crematorium Facilities: \$44.00
S94 Plan No. 13
 - g. Emergency Facilities (Surf Lifesaving)
S94 Plan No. 16
 - h. Extensions to Council Administration Offices
& Technical Support Facilities \$178.30
S94 Plan No. 18
 - i. Cycleways
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.

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 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

GST

- 1.1 In this Clause 1:
"GST means any tax, impost or duty, including any goods and services, consumption, value added or similar tax applying on goods, services or other things introduced by the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)* and associated legislation (as amended), or under legislation passed by a State or Territory Parliament which is charged or levied on goods, services or other things.
- 1.2 Any monetary contributions and levies payable or imposed as a condition of this contributions plan pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979 (NSW)* (as amended), and all other moneys payable by and on behalf of the applicant are exclusive of GST.
- 1.3 Any non-monetary contribution or levy payable or imposed as a condition of this contributions plan pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979 (NSW)* (as amended), including, but not limited to, the

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dedication or transfer of land to the Council or the transfer of some other asset to the Council, whether in tangible or intangible form, and all other non-monetary contributions payable by and on behalf of the applicant are also exclusive of GST.

- 1.4 Liability for GST (payable in respect of any taxable supply under this contributions plan whether monetary or non-monetary) is additional. It is payable by the applicant to the Council at the same time as all and any contributions, levies and other moneys are payable under this contributions plan and development consent.
- 1.5 In respect of any non-monetary contribution or levy referred to in clause 1.3 above, the GST payable shall be calculated as follows:

GST payable = The GST inclusive market price of the asset x $\frac{1}{11}$.

- 1.6 The Council will issue to the applicant, within twenty one (21) days of a request from the applicant, a tax invoice for the monies paid or the assets transferred by the applicant adjusted by the rate of the GST in accordance with the requirements of the relevant legislation.

Water: \$3,420.00

Sewer: \$2,820.00

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

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

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

GENERAL

4. The development shall be completed in general accordance with Plan No 99955 Sheets 1 to 4 drawn by Century 21 New Homes, as amended by Sheet 1 received 10 January 1999, except where varied by these conditions.
5. 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.
6. 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.
7. 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

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insured against Public Risk Liability and shall be responsible for any claims arising from these works.

8. The provision of a minimum of two (2) off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.
9. Disposal and removal of waste from each dwelling in accordance with details submitted to and approved by Director of Environment & Community Services Division prior to any occupation of the building.
10. 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.
11. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve.
12. The door to a fully enclosed sanitary compartment must:-
 - i. open outwards; or
 - ii. slide; or
 - iii. be readily removable from the outside of the sanitary compartment;unless there is a clear space of at least 1.2m between the closet pan within the sanitary compartment and the nearest part of the doorway.
13. A certificate is to be submitted by a Registered Surveyor certifying that all habitable floor areas are constructed above 2.95 metres AHD, and certifying the actual finished level of the total site. Certification of those levels by a registered surveyor must be submitted to the PCA prior to proceedings past floor level to ensure that the floor is above flood level.
14. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
 - (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
 - (ii) Certification of the works performed by the person carrying out the works is to be submitted to Council prior to occupation of the building; and
 - (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (A) the method of protection; and
 - (B) the date of installation of the system; and
 - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (D) the need to maintain and inspect the system on a regular basis.

Note: Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.
15. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance

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Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:

- i. All required erosion and sedimentation control devices have been installed and are operational.
- ii. Required toilet facilities have been provided on the site in accordance with Section 78i of the Environmental Planning & Assessment Amendment Regulations 1998.
- iii. A sign has been erected on the site in accordance with Section 78H of the Environmental Planning & Assessment Amendment Regulations 1998.
- iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
- v. That the licensee has complied with the provisions of Section 78c of the Environmental Planning and Assessment Amendment Regulations 1998.
16. The glazier is to supply the PCA with certification that all glazing complies with AS 1288-1994 of the Building Code of Australia.
17. Manufacturers certification is to be provided to the PCA from the Roof Truss manufacturer to certify the roof truss design.
18. 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.
19. All loading/unloading to take place within the boundary of the subject property.

PRESCRIBED (BUILDING)

20. 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.
21. 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.
22. 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).

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23. A. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
1. in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number; and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
 2. in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of **owner-builder work** in Section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
- B. A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
24. 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.
25. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing.

ENGINEERING (BUILDING)

26. The footings are to be designed by a practising Structural Engineer after consideration of a soil report from an accredited soil testing laboratory and shall

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be submitted to and approved by the Principal Certifying Authority prior to the commencement of building work.

FIRE (BUILDING)

27. An automatic fire detection and alarm system, designed to ensure the occupants are given adequate warning so they can evacuate the building in an emergency, must be installed in Class 1a building, or dwelling or dual occupancy and within sole occupancy units in a townhouse.

Smoke detection and alarm systems must be installed in accordance with Part 3.7.2.3 of the Building Code of Australia and must comply with Australian Standard AS 3786.

Smoke alarms must be connected to the consumer mains power where consumer power is supplied to the building.

Smoke alarms must be installed on or near the ceiling in -

- (a) any storey containing bedrooms -
 - (i) between each part of the dwelling containing bedrooms and the remainder of the dwelling; and
 - (ii) where bedrooms are served by a hallway, in that hallway; and
- (b) any other storey not containing a bedroom.

A Certificate of Compliance is to be submitted to Council prepared by the licensed Electrical Contractor certifying that the installation complies with the above, prior to occupation of the building.

DRAINAGE/FLOODING

28. All roof waters and water from open car park areas to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. 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.

29. All surface and seepage waters liable to be a nuisance are to be collected and diverted clear of the building site by an approved drainage system separate to the roof water system.
30. The habitable floor level of the building to be at a level of not less than RL 2.95m AHD.
31. Building materials used below Council's minimum floor level of RL 2.95m AHD must not be susceptible to water damage.

ROADS/STREETS

32. 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.
33. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the

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provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the Director, Engineering Services. 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. Paving bricks are not acceptable unless laid on a 100mm thick concrete base.

34. The concrete driveway across the footpath is to be 100 millimetres thick minimum and reinforced with F72 mesh with 40mm cover.
35. The driveway is to be constructed 3 metres wide at the property boundary and 3 metres wide at the kerb line with a uniform taper if a splay is specified.
36. 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.

ENVIRONMENT PROTECTION

37. 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.
38. 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.
39. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
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. Clothes drying facilities are not to be placed along the Brighton Street or Firestone Drive frontages of the site which are visible from the street.
43. Prior to commencement of building works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority. Erosion and sedimentation control devices should be installed in accordance with the publication "Managing Urban Stormwater Soils and Construction" prepared by the NSW Department of Housing. All

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erosion and sedimentation control shall be maintained throughout the period of construction.

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

PLUMBING & DRAINAGE

45. 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, prior to the erection of brick work or any wall sheeting;
 - c external drainage prior to backfilling.
 - d completion of work.
46. A permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
47. 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.
48. Water plumbing shall **not** be installed in concrete slabs or be laid under slabs on the ground.
49. Pressed steel baths and shower trays are to be bedded to provide continuous support to the base of the unit.
50. The Council approved wet area flashing installer is to supply to the Principal Certifying Authority certification that all wet area flashings have been installed in accordance with the Manufacturer's Specifications, detailing the rooms or areas involved and the date of installation. **Note:** Only Council approved installers may carry out this work and reference must be made to Council to confirm that such installers are Council approved.
51. Drainage lines must not penetrate footings unless certification is first obtained from a practising Structural Engineer.
52. 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.
53. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
54. All drainage lines are to be continuously bedded in accordance with the provisions of Section 5.4 AS 3500.2 - 1990.
55. 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.
56. The finished floor level of the building should finish not less than 225mm above finished ground level.

Minutes - Ordinary Meeting of Tweed Shire Council

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

**4. Modification of Development Consent S96/76 - Lots 1 and 2 DP 828298
Crescent Street, Cudgen - Cudgen Heights Stage 3**

GS4/93/76 Pt3

This item was dealt with at Minute No 1201 of the agenda.

5. Revised Lease Agreement - Twin Towns Services Club

PF3668/5 Pt3

1209

**Cr Polglase
Cr Marshall**

RESOLVED that :-

1. This report be received and noted.
2. All documentation be executed under the Common Seal of Council.

Voting - Unanimous

REPORTS FROM DIRECTOR CORPORATE SERVICES

6. Bank Overdraft Requirements for 2000

Banking

1210

**Cr Polglase
Cr Marshall**

RESOLVED that :-

1. The application be made for an overdraft limit of \$840,000 and contingent liability limit of \$340,000 with the Commonwealth Bank, and
2. All documentation be executed under the Common Seal of Council.

Voting - Unanimous

Minutes - Ordinary Meeting of Tweed Shire Council

7. Quarterly 1999/2000 Budget Review - 31 December 1999

Budget

1211

Cr Polglase

Cr Boyd

RESOLVED that :-

1. The Quarterly Budget Review Statement as at 31 December 1999 be adopted
2. The expenditure and income as detailed below be voted and adjusted in accordance with the revised total expenditure and income for the year:

Item & Description	Negative	Positive
(contribute to deficit)		
(contribute to surplus)		
\$ \$		
A. GENERAL FUND		
1. Election costs		15,000
2. Regional organisations subscription costs reduced		8,000
3. Tweed Link		10,000
4. Telephone expenses	25,000	
5. Postage costs	3,000	
6. Bank charges		25,000
7. Financial Services salaries	10,000	
8. Valuation fees for rating		5,000
9. Pensioner rebate subsidy/grant		5,000
10. Superannuation	35,000	
11. Fire Control Centre - capital works	15,000	
12. Fire control Centre - income loans		
13. Section 94 charges - civic buildings		20,000
14. Cemeteries Section 94 - income	74,000	
15. Development fees		49,500
16. Subdivision Control legal costs	5,000	
17. Subdivision charges		33,000
18. Building Control income		77,000
19. Dog registration fees		8,000
20. Cemeteries income		12,000
21. Life saving facilities	4,000	
22. Bilambil sports ground maintenance	15,000	
23. Industrial land feasibility study	10,000	
24. Workplace safety training	5,000	
25. Payroll/HR software support	8,000	
26. Loan repayment reserve		3,500
27. NSW Tourist Conference	3,000	
B. Water Fund		
Rate Income		50,000
Water Sales - reduce budget estimate	215,000	
Transfer from reserve		165,000
C. Sewerage Fund		
Rate Income		255,000
Interest on Investments	148,500	

Voting - Unanimous

Minutes - Ordinary Meeting of Tweed Shire Council

8. Order of Australia Awards

Civic Awards

1212

Cr Boyd

Cr Marshall

RESOLVED that :-

1. Notification of the nomination forms for the Order of Australia be the subject of an article in the Tweed Link.
2. The nomination forms be placed in the Murwillumbah and Tweed Heads Libraries.

TEMPORARY ABSENCE FROM MEETING

GC6/1/2 Pt1

Cr Youngblutt left the meeting.

Voting - Unanimous

RETURN TO MEETING

GC6/1/2 Pt1

Cr Youngblutt returned to the meeting.

9. Multicap Facility - Murwillumbah

DA2970/460 Pt1

1213

Cr Polglase

Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

10. Quarterly Corporate Report

GA4/1/33

1214

Cr Polglase

Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM DIRECTOR ENGINEERING SERVICES

11. Banora Point Reservoirs - Lease to Vodafone

Reservoirs - Banora Point, Mobile Phone Towers

1215

Cr Polglase

Minutes - Ordinary Meeting of Tweed Shire Council

Cr Davidson **RESOLVED** that all necessary plans and documentation be completed under the Common Seal of Council as required.

Voting - Unanimous

12. Easements over Lot 1 DP716151

PF1260/481

1216

Cr Polglase

Cr Davidson

RESOLVED that all necessary plans and documentation be completed under the Common Seal of Council as required.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

13. Subsidised Use of Tweed Heads and Murwillumbah Auditoriums and Meeting Rooms

Civic Centre - Tweed Heads, Civic Centre - Murwillumbah

1217

Cr Boyd

Cr Luff

RESOLVED that Council:-

1. Workshops the issues raised in the report and others that may arise in relation to the subsidised use of the Tweed Heads and Murwillumbah Auditoriums and Meeting Rooms
2. Authorises the determining of outstanding requests for subsidised use under the current policy guidelines for use up to June 30, 2000.

Voting - Unanimous

14. Proposed Transfer of Catering Licence and Auditorium

Caretaker/Cleaner Agreement from R & J Matthews to G Moore for the Canvas & Kettle Restaurant and Murwillumbah Auditorium

Civic Centre -Murwillumbah

1218

Cr Boyd

Cr Davidson

RESOLVED that :-

1. Council approves the assignment of the licence for the Canvas & Kettle Restaurant and the caretaker/cleaner agreement for the Murwillumbah Auditorium from Rod and Jane Matthews to Greg Moore subject to all current conditions and expiry date.
2. All necessary documentation be completed under the Common Seal of Council.

Minutes - Ordinary Meeting of Tweed Shire Council

Voting - Unanimous

15. Needle Disposal Bins in Public Toilets

Drugs Related Matters, Public Toilets

1219

Cr Polglase

Cr Luff

RESOLVED that Council notes this report and defers any action until after the Community Access Meeting of 9 February 2000.

Voting - Unanimous

16. Financial Impact of a Goods and Services Tax (GST) on Public Libraries

Library - Richmond Tweed Regional, GST

Cr Boyd

Cr Davidson

PROPOSED that Council writes to the Prime Minister and the Local Federal Member requesting that:-

- In accordance with the intent of the "Florence Agreement" and the subsequent "Nairobi Protocol" that all books sold in Australia be Goods and Services Tax (GST) exempt;
- Rate-supported free public libraries in Australia be entirely exempt from the GST or, alternatively, that the Federal Government provides direct per capita funding for such public libraries to compensate for the extra costs imposed by the GST.

AMENDMENT

Cr Polglase

Cr Marshall

RESOLVED that this report be received and noted.

The Amendment was **Carried**

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Luff

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

Minutes - Ordinary Meeting of Tweed Shire Council

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr Davidson
Cr James

17. Proposed Shelter - Pat Smith Park, Dulguigan Road

Pat Smith Park

1221

Cr Davidson
Cr Marshall

RESOLVED that Council:-

1. Accepts the offer of \$2,000 from Murwillumbah Amateur Cycle Club Inc as a contribution to a shelter in Pat Smith Park, Dulguigan Road; and
2. Places a suitably inscribed sign on the shelter acknowledging Murwillumbah Cycle Club's involvement in the project with Council.

Voting - Unanimous

DECLARATION OF INTEREST

Declaration of Interest

Cr Beck

Declared an interest in Item No 18, left the Chamber and took no part in the discussion and voting.

The nature of the interest is that the owner of the property which is the subject of the report is a relative.

The Deputy Mayor, Cr Davidson took the Chair.

18. Objections to Development Proposal

DA1041/690

1222

Cr Luff
Cr Marshall

RESOLVED that this matter be deferred to allow the applicant to address Community Access.

Voting - Unanimous

RETURN TO MEETING

GC6/1/2 Pt1

Cr Beck resumed the Chair.

Minutes - Ordinary Meeting of Tweed Shire Council

19. Update "Sustaining the Tweed" Program

Agenda 21

1223

Cr Boyd

Cr Carroll

RESOLVED that this report be received and noted.

AMENDMENT

Cr Youngblutt

Cr Marshall

PROPOSED that this report be deferred with a report to be prepared detailing full costing of the program.

The Amendment was **Lost**

Voting For

Cr Beck
Cr Brinsmead
Cr Marshall
Cr Youngblutt

Voting Against

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

The Motion was **Carried**

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

ADJOURNMENT OF MEETING

GC6/4

Adjournment for dinner at 6.40pm.

Minutes - Ordinary Meeting of Tweed Shire Council

RESUMPTION OF MEETING

GC6/4

The Meeting resumed at 7.53pm.

Cr Boyd was not present at the commencement of the meeting.

20. Entomological Report - November 1999 to January 2000

Noxious - Insects & Pests

1224

Cr Polglase

Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

21. Fatality - Durambah Beach

Surf Lifesaving

1225

Cr Marshall

Cr Davidson

RESOLVED that this report be received and noted.

Voting - Unanimous

RETURN TO MEETING

GC6/1/2 Pt1

Cr Boyd returned to the meeting.

LATE ITEM

GC6/4

1226

Cr Polglase

Cr Marshall

RESOLVED that Item 21a being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

Voting - Unanimous

21a. Kingscliff Library - Perspective

Kingscliff Library

1227

Cr James

Cr Carroll

RESOLVED that Council sends a letter of congratulations to Jane Grealy of Jane Grealy and Associates for her success in being honoured by having the perspective of the Kingscliff Library included in the Fifteenth Annual Travelling Exhibition of the American Society of Architectural Perspectives

Minutes - Ordinary Meeting of Tweed Shire Council

Voting - Unanimous

REPORTS FROM SUB-COMMITTEES

1. **Minutes of the Centenary of Federation Committee Meeting held 9 December, 1999**

GC7/22

4. **Centenary of Federation Regional Parade Participation Program**

Civic Functions

1228

Cr Polglase

Cr Boyd

RESOLVED that this Council invites all Councils within the Far North Coast Region to nominate two representatives to the Centenary of Federation Regional Parade Participation Program's Regional Working Group in line with Council's previous resolution.

Voting - Unanimous

9. **Non Attending Committee Members**

GC7/22

1229

Cr Luff

Cr James

RESOLVED that Council:-

1. Writes to Rose Wright and Gervase Griffith informing them of the Terms of Reference of the Committee and advising that if they or an alternate do not wish to continue as a member, the committee proposes that Council considers the two positions vacant and invites nominations so they may be filled.
2. Advises the committee that this is the correct process.

Voting - Unanimous

1230

Cr Boyd

Cr Luff

RESOLVED that the balance of the Minutes of the Centenary of Federation Committee Meeting be adopted.

Voting - Unanimous

2. **Minutes of the Companion Animal Committee Meeting held Monday, 10 January 2000**

GA7/4/4 Pt 1

Minutes - Ordinary Meeting of Tweed Shire Council

4. Off Leash Exercise Areas

GA7/4/4 Pt 1

1231

Cr Boyd

Cr Marshall

RESOLVED that as the following two dog off leash exercise areas have been trialed for six months and have not generated any significant complaints or incidents that they be approved to continue to operate as off leash exercise areas:-

1. South Kingscliff Beach - for 2km south of the Council access near Cudgen Creek Bridge.
2. Boyds Family Park West Tweed Heads.

Voting - Unanimous

1232

Cr Boyd

Cr Marshall

RESOLVED that the balance of the Minutes of the Companion Animal Committee Meeting be adopted.

Voting - Unanimous

3. Minutes of the Tweed Dune Care Advisory Committee Meeting held 13 January 2000

GB4/1/2

8. SEPP26 Area Hastings Point

SEPP 26

1233

Cr James

Cr Luff

RESOLVED that:-

1. An article be published in the Tweed Link about the illegal dumping of rubbish, fines and the associated problem with environmental weeds within the Shire.
2. Council considers producing educational/information brochures on "Being a bushland neighbour" subject to funds being available in the budget.

Minutes - Ordinary Meeting of Tweed Shire Council

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

10. Beach Erosion - Kingscliff Caravan Park

Erosion

1234

Cr James
Cr Luff

RESOLVED that the matter be referred to the Manager Water for action.

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

13. Kings Beach Development

DA1180/668 Pt2

Cr Luff
Cr James

PROPOSED that Council refers the following recommendations of the Dune Care committee to the Department of Land and Water Conservation:

“that in considering the Kings Beach Dune Management Plan, Council considers the following recommendation:

- That gradual removal of bitou bush is preferred*
- No removal of native plants be approved*
- That plantings shall be precisely prescribed - species/spacing/location*
- No ripping*
- Absolute minimum of slashing - confined to western edge*

Minutes - Ordinary Meeting of Tweed Shire Council

- *Bonding of works*
- *Proponents should pay for Council supervision when tractor slashing occurs*
- *Spinifex to be fertilised*

The Motion was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Luff

Voting Against

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

1235

**Cr Marshall
Cr Davidson**

RESOLVED that the balance of the Minutes of the Tweed Dune Care Advisory Committee Meeting be adopted.

Voting - Unanimous

4. Minutes of the Sports Advisory Committee Meeting held 18 January 2000

GS9/2/3 Pt1 116 398

4. Murwillumbah Services Soccer Club

Sportsfields

1236

**Cr Polglase
Cr Lawrie**

RESOLVED that Council reimburses the Murwillumbah Soccer Club for the costs of securing the Club building from the Sportsfield Assets Reserve Funds to the amount of \$600.00.

Voting - Unanimous

1237

**Cr Polglase
Cr Davidson**

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

Voting - Unanimous

Minutes - Ordinary Meeting of Tweed Shire Council

OUTSTANDING INSPECTIONS

GC6/13 Pt4

Nil

ORDERS OF THE DAY

1. Notice of Motion - Cr Luff

Role of the Mayor

Council Meetings

Cr Luff

Cr James

PROPOSED that Council:-

1. Notes the role of the Mayor is defined under the Section 226 of the Local Government Act 1993, namely:
 - (a) to exercise, in cases of necessity, the policy-making functions of the governing body of a council between meetings of the council;
 - (b) to exercise such other functions of a council as the council determines;
 - (c) to preside at meetings of a council; and
 - (d) to carry out the civic and ceremonial functions of the mayoral officeand
2. Given the recent directions made by the Mayor to staff regarding the Secretary whose job description is to provide assistance to all Councillors including the Mayor, and the recent untrue statements made publicly as outlined in the attachment, Marked 'A', Council gives clear direction that:
 - the Mayor has not powers additional to those of any Councillor other than those given under Section 226 (a), (c) and (d);
 - whenever it becomes clear that council urgently needs to determine some policy, the Mayor will call a meeting and/or workshop of councillors, so that Council may determine such policy, unless it is not possible to call such a meeting;
 - when an opinion or determination of Council has clearly been made by resolution at a meeting of Council, the Mayor when speaking of it, must accurately, within the confines of appropriate confidentiality, relate the content of the decision, and of related reports made to Council by its staff. Where the Mayor otherwise expresses to the media, government Ministers or others, an opinion, a wish or hope, an intention to take action, or any other comment, she/he will make clear that she/he is speaking as an individual Councillor, and this her/his opinion or position is personal.

1238

Cr James

Cr Carroll

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

Minutes - Ordinary Meeting of Tweed Shire Council

Voting For

Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Luff
Cr Polglase

Voting Against

Cr Beck
Cr Brinsmead
Cr Lawrie
Cr Marshall
Cr Youngblutt

1239

Cr James
Cr Carroll

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

Voting For

Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Luff
Cr Polglase

Voting Against

Cr Beck
Cr Brinsmead
Cr Lawrie
Cr Marshall
Cr Youngblutt

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

2. Notice of Motion - Cr Luff

Role of the Mayor

This motion was withdrawn.

Council Meetings

Minutes - Ordinary Meeting of Tweed Shire Council

3. Notice of Motion - Cr Lawrie

Development Application K99/1674 - Lot 319 DP 853944 Federation Drive, Terranora

DA2035/355 Pt1

1240

Cr Lawrie

Cr Youngblutt

RESOLVED that Development Application K99/1674 lodged by David Perry Homes for a detached dual occupancy at Lot 319 DP 853944 Federation Drive, Terranora be refused for the following reasons:-

1. The application is inconsistent with the understandings and expectations of the residential community of Terranora Village - as reflected in the legitimate and substantial objections received.
2. The proposal will adversely impact upon the existing low residential density and character of the locality.
3. The proposal will set an undesirable precedent and will lead to further adverse impacts upon the low residential character and amenity of residents at Terranora Village.

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

QUESTION TIME

Nil

COMMITTEE OF THE WHOLE

GC6/16 Pt2

1241

Cr Lawrie

Cr Luff

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

Voting - Unanimous

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

Minutes - Ordinary Meeting of Tweed Shire Council

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR CORPORATE SERVICES IN COMMITTEE

1. Review of Payment/Collection Options

Accounts - Master Card/Credit Card

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.

C126

That Council:-

1. Continues to offer the following receiving services:-
 - Direct payment at Council Administration Centres (Murwillumbah and Tweed Heads)
 - Payment by Post
 - Payment at Commonwealth Bank branches throughout Australia
 - Payment by direct debit limited to instalment and total rate amounts
 - Payment by Cardlink on debit cards (external phone service)
 - Payment by debit card in person at the Murwillumbah and Tweed Heads Administration Centres, subject to a minimum of \$20.00 and a maximum of the current years minimum rate applicable and that the service be limited to rate and water accounts
 - General Manager to ensure that ratepayers are aware of the avenues for payment for the 2000/01 financial year
 - Implement Bpay subject to the automatic process being investigated and approved by the Manager Financial Service
2. These arrangements be applicable to the next rating year.

Voting For

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

Voting Against

Cr Beck
Cr Lawrie
Cr Polglase

Minutes - Ordinary Meeting of Tweed Shire Council

2. Business System Consultancy Project

Information Technology, Management - General

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.

C127

That this report be received and noted.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

3. Defective Roof Water Disposal

PF5430/851 Pt1

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

(b) the personal hardship of any resident or ratepayer

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

C128

That an Order 11 under clause 124 Chapter 7 of the Local Government Act 1993 be issued upon Mrs Julie Ahrens of Lot 1 DP 787723 Terranora Road, Terranora, requiring disposal of the roof water from the dwelling to the street gutter or an absorption pit within the property boundary to the satisfaction of Council's Director Environment and Community Services within four (4) months from the date of issue of the Notice.

Voting - Unanimous

ORDERS OF THE DAY IN COMMITTEE

1. Notice of Rescission - Crs Lawrie, Brinsmead and Marshall Tweed Link

Tweed Link

The Motion was **Lost**

Minutes - Ordinary Meeting of Tweed Shire Council

Voting For

Cr Beck
Cr Brinsmead
Cr Lawrie
Cr Marshall
Cr Youngblutt

Voting Against

Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Luff
Cr Polglase

2. Notice of Motion - Cr Lawrie Tweed Link

[Tweed Link](#)

This motion was withdrawn.

1242

Cr James

Cr Luff

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

Voting - Unanimous

There being no further business the Meeting terminated at 10.47pm.



Minutes of Meeting Confirmed by Council

at Meeting held 16 February 2000

I hereby certify that I have authorised the affixing of my
electronic signature to the previous pages numbered 1 to 49 of these Minutes

Chairman