

Minutes - Meeting of Tweed Shire Council

IN ATTENDANCE

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

Crs Carroll, Davidson and Luff were not present at the commencement of the meeting.

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

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

"Whoever wants to become great among you must be your servant, and whoever wants to be first must be slave of all."
(Mark 10:43-44)

Almighty God, as we meet in Council today, give us servant hearts that we may truly represent the people of our Shire. Grant us wisdom and grace to make the decisions which enrich the lives of all our people.

We pray for our Mayor, Lynne, as she represents our Shire in China. Grant her travelling mercies. Endue her with the gifts and graces to promote the beauty, wealth and potential of our Shire.

Heavenly Father, guide us in all we do; help us to work together to bring the rich resources of our Shire to their full potential. Help us to be gracious with each other. Grant wisdom, patience and grace to our Deputy Bob, as he chairs our meeting today. Lord, fill this chamber with Your presence and Your peace; and this we ask it in the Name of Jesus Christ our Lord.
Amen."

CONFIRMATION OF MINUTES

953

Cr Polglase

Cr Youngblutt

RESOLVED that the Minutes of the Ordinary Meeting held 4 April 2001 be confirmed as an accurate record of the proceedings of that Meeting.

Voting - Unanimous

ABSENT

Councillor L F Beck (Mayor).

Council at its Meeting of 4 April 2001 at Minute No 904 resolved that the Mayor be authorised to attend the 2001 Mayor's Seminar in China from 17- 22 April 2001.

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954

Cr Polglase

Cr Marshall

RESOLVED that the apology of Cr Beck be accepted.

Voting - Unanimous

ATTENDANCE AT MEETING

Cr Davidson attended the meeting at 3.11pm.

DISCLOSURE OF INTEREST

Nil

ANZAC DAY CEREMONIES

Anzac Day

Anzac Day ceremonies throughout the Shire on Wednesday, 25 April 2001 will be attended by:

Cr Youngblutt	Uki
Cr Marshall	Tyalgum
Cr Brinsmead	Murwillumbah
Cr Lawrie and Dr Griffin	Tweed Heads
Cr Marshall	Kingscliff
Cr Youngblutt	Burringbar

There will be no Councillor/s attending the services at Pottsville or Tumbulgum.

ITEMS TO BE MOVED TO OR FROM CONFIDENTIAL

Cr Polglase

Cr Youngblutt

PROPOSED that Item 2 of Orders of the Day be dealt with in Confidential.

ATTENDANCE AT MEETING

Cr Luff attended the meeting at 3.15pm.

The Motion was **Lost**

Voting For

Cr Brinsmead
Cr Marshall
Cr Polglase
Cr Youngblutt

Voting Against

Cr Boyd
Cr Davidson
Cr James
Cr Lawrie
Cr Luff

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SCHEDULE OF OUTSTANDING RESOLUTIONS

955

Cr Boyd

Cr Davidson

RESOLVED that this report be received and noted.

Voting - Unanimous

MAYORAL MINUTE

1. **Neighbourhood Watch – National Road Rules Governing Riding of Bicycles & Skateboards on Footpaths in CBD Areas**

Skateboards

956

Cr James

Cr Marshall

RESOLVED that this item be received and noted.

Voting - Unanimous

2. **Congratulations**

Congratulations

957

Cr Boyd

Cr Marshall

RESOLVED that Council conveys its heartiest congratulations to David Broyd for being awarded the prestigious Stephen Ward Scholarship, sponsored by the NSW Local Government and Shires Association.

Voting - Unanimous

Adoption of Mayoral Minute

958

Cr Boyd

Cr Marshall

RESOLVED that the Mayoral Minute as presented be adopted.

Voting - Unanimous

ITEMS DEFERRED

Nil

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REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

1. **Deed of Agreement – Six (6) Lot Subdivision of Lots 194, 301, 312 DP 755701
Coast Road, South Kingscliff**

DA1180/10 Pt5

959

Cr Luff

Cr Boyd

RESOLVED that any documents relating to the Deed of Agreement in relation to Condition 84 of Development Consent K99/1755 be executed under the Common Seal of Council.

Voting - Unanimous

2. **Proposed Alterations and Additions to Existing Commercial/Residential Development Comprising the Conversion of the Existing Bank Premises to a Restaurant and the Erection of Two Two-Bedroom Units at the Rear at Lot 1 Section 4 DP 9453, 36 Marine Parade Kingscliff**

DA3340/220 Pt1

960

Cr Marshall

Cr Youngblutt

RESOLVED that Development Application 0079/2001DA for alterations and additions to existing commercial/residential development comprising the conversion of the existing bank premises to a restaurant and the erection of two two-bedroom units at the rear at Lot 1 Section 4 DP 9453, 36 Marine Parade, Kingscliff, be approved subject to the following conditions.

PRE-REQUISITES – conditions that must be complied with prior to the release of a construction certificate.

General

1. 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.
2. The payment of a contribution of \$11,500 in lieu of the provision of one (1) off street car parking spaces. The contribution to be paid in full prior to the issue of a Construction Certificate.
3. Compliance with the provisions of the Occupational Health and Safety Act and the Australian Standards AS 1742; particularly in respect of works on public roads, Traffic control shall be in accordance with RTA form 121 and safe public access shall be provided at all times.
4. The windows on the southern façade of the proposed building (fronting Hungerford Lane) are to be appropriately screened to reduce potential overlooking of the residential

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properties to the south. Details are to be submitted to Council for approval prior to the release of the Construction Certificate.

Contributions

5. Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan prior to the issue of a Construction Certificate/prior to the issue of a Subdivision Certificate. These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

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

- a. Tweed Road Contribution Plan:
- | | |
|---------------|-----------|
| (Residential) | \$2184.00 |
| (Commercial) | \$6762.00 |
- S94 Plan No. 4 (Version 4.0)
(Kingscliff) residential & commercial
- b. Open Space (Casual): 2 units @ \$253 \$506.00
S94 Plan No. 5
- c. Open Space (Structured): 2 units @ \$323 \$646.00
S94 Plan No. 5
- d. Shirewide Library Facilities: 2 units @ \$195 \$390.00
S94 Plan No. 11
- e. Eviron Cemetery/Crematorium Facilities: 2 units @ \$87 \$174.00
S94 Plan No. 13
- f. Emergency Facilities (Surf Lifesaving) 2 units @ \$141 \$282.00
S94 Plan No. 16
- g. Community Facilities (Tweed Coast) \$984.00
(North Coast)
S94 Plan No. 15
- h. Extensions to Council Administration Offices
& Technical Support Facilities:- 2 units/lot @ \$261.58 \$523.16

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S94 Plan No. 18

6. A certificate of compliance (CC) under Part 3 Division 2 of the Water Supply Authorities Act 1987 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council PRIOR to the issue of a Construction Certificate OR Subdivision Certificate. Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

Water: \$7718.50

Sewer: \$6385.50

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.

GENERAL

7. The development shall be completed in general accordance with Plans Nos SK01A, SK02A, SK03A and SK04A prepared by Burns Design Architects and dated 23 January 2001, except where varied by these conditions.
8. No approval is granted for outdoor dining or any associated structures.
9. 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.
10. 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.
11. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (Manual for Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
12. 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.
13. The provision of 7 off street car parking spaces (5 to be allocated for the residential use, one of which to be a visitor space – accessible at all times). The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.

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14. Advertising structures/signs to be the subject of a separate development application, where statutorily required.
15. 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.
16. 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.
17. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the Director, Development Services PRIOR to the issue of a subdivision certificate. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.
18. For the purpose of classifying the building or portion of the building in such one of the classes prescribed in Part A3.2 of the Building Code of Australia, change of use of the building or portion of the building shall not be effected without the consent of Council.
19. 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.
20. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".
21. A certificate is to be submitted by a registered surveyor to confirm that all boundary setbacks are being observed in accordance with the approved plans. This certificate is to be submitted to the Principal Certifying Authority upon commencement of exterior walls.
22. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve.
23. Demolition of building existing on site is to be carried out in accordance with the provisions of Australian Standard AS 2601-1991 "The Demolition of Structures".
24. The certifying authority to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. footings, prior to pouring of concrete;
 - b. slab, prior to pouring of concrete;
 - c. frame prior to the erection of brick work or any wall sheeting;
 - d. final inspection prior to occupation of the building;
 - e. completion of work.

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25. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
- (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
 - (ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA 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.
26. 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.
27. 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.

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28. In accordance with Section 109F(i) of the Environmental Planning & Assessment Act, 1979 (as amended), a construction certificate for **SUBDIVISION WORKS OR BUILDING WORKS** shall **NOT** be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment.
29. All dwellings to be fitted with an energy efficient hot water system which achieves a minimum energy efficiency rating of 3.5 stars as detailed in Development Control Plan No. 39 – Energy Smart Homes Policy.
30. Development to be completed in accordance with NatHERS Certification and associated documentation prepared by Kendal Mackay and dated 25/1/2001.
31. The restaurant is restricted to a maximum of 40 seats (indoor dining) and 3 staff.
32. The hours of operation of the restaurant are restricted to 7.30am to 10.00pm Sunday to Tuesday, 7.30am to 11.00pm Wednesday, 7.30pm to 12.00am Thursday and 7.30am to 1.30am Friday and Saturday.

PRESCRIBED (BUILDING)

33. 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.
34. 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.
35. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
36. 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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37. A. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
- i. in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number; and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
 - ii. in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner-builder work* in Section 29 of that Act,
- and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
- B. A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
38. 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

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- 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.
- 39. A person must not commence occupation or use of the whole or any part of a new building (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units)
- 40. Prior to occupation of the building a Occupation Certificate is to be obtained. If Council is requested to issue the Occupation Certificate, the application must be accompanied by relevant Compliance Certificates or documentary evidence of compliance.
- 41. 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.
- 42. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.

CAR WASH DOWN AREAS – MEDIUM DENSITY DEVELOPMENT (BUILDING)

- 43. Provision to be made for the designation of a durable and pervious car wash-down area/s. The area/s must be identified for that specific purpose and be supplied with an adequate water supply for use within the area. Any surface run-off from the area must not discharge directly to the stormwater system.

ENGINEERING

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

FIRE (BUILDING)

- 45. Portable fire extinguishers containing an extinguishing agent suitable for the risk being protected must be installed in accordance with Australian Standard AS 2444 "Portable Fire Extinguishers - Selection and Location" and Part E1.6 of the Building Code of Australia.
- 46. 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 2 and 3 buildings and Class 4 part of a building in accordance with the provisions of Specification E2.2a of the Building Code of Australia. Smoke alarms must be installed:
 - (i) within each sole occupancy unit, located on or near the ceiling in any storey -

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- (A) containing bedrooms -
 - (aa) between each part of the sole occupancy unit containing bedrooms and the remainder of the sole occupancy unit; and
 - (bb) where bedrooms are served by a hallway, in that hallway; and
- (B) not containing any bedrooms, in egress paths; and
- (ii) in a building not protected with a sprinkler system, in public corridors and other internal public spaces, located in accordance with the requirements for smoke detectors in AS 1670 and connected to activate a **building occupant warning system** in accordance with Specification 2.2a(6) of the Building Code of Australia which states:

A building occupant warning system must comply with Clause 8.7 of AS 1670 to sound through all occupied areas except-

- a) in a Class 2 and 3 building or Class 4 part provided with a smoke alarm system:
 - (i) the sound pressure level need not be measured within a sole occupancy unit if a level of not less than 85dB(A) is provided at the door providing access to the sole occupancy unit; and
 - (ii) the inbuilt sounders of the smoke alarms may be used to wholly or partially meet the requirements.

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

47. The existing residential units on the north of the site are to be fitted with a smoke alarm and emergency lighting in accordance with the requirements of the Building Code of Australia.

SWIMMING POOLS (BUILDING)

48. A. The swimming pool is to be installed and access thereto restricted in accordance with Council's "**Code for the Installation of New Swimming Pools**" and Australian Standard AS 1926-1986 (Copy of code enclosed).
- B. Swimming pools shall have suitable means for the drainage and disposal of overflow water.
- C. The pool filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
- D. It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the adjoining premises. Due regard must be given to the affect that landscaping will have on the future effectiveness of the security fencing. (Section 7 Swimming Pool Act 1992).

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- E. The resuscitation poster must be permanently displayed in close proximity to the swimming pool. (Section 17 Swimming Pool Act 1992).
 - F. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction.
 - a. Steel reinforcing prior to the pouring of concrete.
 - b. Swimming pool safety fencing prior to filling the pool with water.
 - G. In the event that Council is not utilised as the inspection/certifying authority:-
 - a. Within seven (7) days of the filling of the pool a Compliance Certificate in the prescribed form shall be submitted to Council together with the prescribed fee, by the Accredited Certifier to certify that all works have been completed in accordance with the approved plans and conditions of Consent and that the swimming pool safety fencing has been installed and complies with AS 1926.
 - b. The Certifying authority is to be given 24 hours notice in writing for an inspection of the swimming pool safety fencing prior to filling the pool with water.
49. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.
50. The swimming pool is to be sited at least one metre horizontally clear of sewer main on site. Any part of the structure within the area of influence of the sewer main is to be designed by a practising Structural Engineer. The engineer is to submit a certification to the Principal Certifying Authority that the design will ensure that all loads will be transferred to the foundation material and will not effect or be effected by the sewer main.

FOOD PREMISES (BUILDING)

51. Any premises used for the storage, preparation or sale of food are to comply with the relevant provisions of the Food Act, 1989 and Council's adopted Code for the construction of Food Premises. Details of fittings and equipment are to be submitted to the Principal Certifying Authority prior to installation.
52. Prior to the commencement of work the Principal Certifying Authority is to be provided with and approve details of the kitchen exhaust system. Such details are to include the location of discharge to the air, capture velocity, size of hood and angle of filters. The system shall comply with Australian Standards SAA 1668 Part 2 Ventilation Requirements.
53. All walls in the food preparation and food storage areas shall be of solid construction, easily washable, lightly coloured and tiled to a height of at least 2 metres above floor level, or where not tiled, cement rendered to provide a smooth even finish to ceiling.
Note: Stud framed walls will not be acceptable. Intersections of all floors with walls shall be covered to a radius of not less than 25 millimetres.

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54. All flooring materials in the food preparation and storage areas are to be impervious, non-slip, non abrasive and capable of withstanding heavy-duty operation. Where tiling is to be used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices.
55. Shop fitters are to liaise with the Principal Certifying Authority prior to fitting out of shop.
56. Windows and doors opening into food preparation and storage areas are to be fully screened in accordance with Council's adopted code for the construction of food premises.

ROADS/STREETS

57. The access to and the surface of the two (2) parking bays off Hungerford Lane shall be constructed on the same sloping gradient as Hungerford Lane and not as illustrated on the plans submitted with the Development Application. The applicant is required to kerb and gutter the laneway and the proposed access will be further 120mm higher. Plans to be submitted for the approval of the Director, Engineering Services prior to the commencement of works.
58. The applicant shall provide kerb and gutter to all street frontages as required by the Director, Engineering Services. Kerb and guttering shall be provided to Council's specifications and inspected by a representative of Council's Engineering Services Division.
59. 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.
60. 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.
61. 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.
62. Pram ramps are to be constructed at road intersections in accordance with Council's Plan No. A4-96 to the satisfaction of the Director of Engineering Services and in accordance with Council's Standard Plan No. A4-96. Mountable or roll top kerb does not meet pram ramp requirements, and therefore requires a pram ramp to be constructed as above.

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63. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road. If the proposed development requires driveway access (or modification of access) onto a public road, prior to the issue of a construction certificate and prior to any works taking place on the public road, a detailed application for access/driveway under Section 138 of the Road Act must be submitted to and consent granted by Council. Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.
64. Concrete footpaving between the kerb & boundary line is to be provided to both laneway frontages & must be inspected by a representative of Council's Director of Engineering Services prior to pouring concrete.
65. All disused laybacks along any site frontage are to be removed and replaced with kerb & gutter to the satisfaction of the Council's Director of Engineering Services.

DRAINAGE/FLOODING

66. Erosion and Sediment Control During the Construction Phase of Development
 - (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with the *"Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan *"Tweed Shire Council Aus-Spec D7 - Stormwater Quality"* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond (if required) has been released.
 - (b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
67. All roof waters are 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.
68. 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.
69. Permanent Stormwater Quality Treatment

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- (a) Permanent stormwater quality treatment shall comply with “*Tweed Urban Stormwater Quality Management Plan*” (adopted by Council 19 April 2000) section 5.5.3 “Stormwater Objectives During the Post Construction or Occupational Phase of Development” . New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the “deemed to comply” provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.
- (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.
- (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.

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

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

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

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

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

ENVIRONMENT PROTECTION

71. 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.
72. 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.

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73. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
74. 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.
75. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

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

76. The wall and roof cladding is to be of a non reflective nature to the satisfaction of the Principal Certifying Authority.

PLUMBING AND DRAINAGE

77. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a internal drainage, prior to slab preparation;
 - b water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - c external drainage prior to backfilling.
 - d. completion of work.
78. A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.
79. An application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.
80. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
81. 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

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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.

82. Where two (2) or more premises are connected by means of a single house service pipe, the owner of each premises must (*unless all the premises are occupied by a single household or firm as a residence or place of business*) ensure that a separate water meter, of a class and size approved by Council, is installed on each of those premises.
83. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
 - * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.

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

TRADE WASTE

84. Any premises proposing to discharge into Councils sewerage system a waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by Councils Manager Water and concurrence received from the Department of Land and Water Conservation, if required, PRIOR to the issuing of a Construction Certificate to discharge to Councils sewerage system.
85. Pre-treatment devices must be serviced by a Council approved waste contractor. The applicant will be required to enter into a service agreement with this waste contractor. Pre-treatment device service frequency will be approved by Councils Manager Water.
86. A hose tap shall be provided adjacent to a grease arrester for cleaning purposes and shall be fitted with a RPZD for the purpose of back flow prevention.
87. Three copies of detailed hydraulic plans shall be submitted with all trade waste applications showing size, type and location of pre-treatment devices. Including all plumbing and drainage installations to these devices which shall comply with AS3500.
88. A trade waste agreement will be issued and a permit number allocated once the device has been installed, inspected and Council has received a copy of the Waste Contractor's Service Agreement.
89. Trade Waste application fee will be applicable as per Councils Fees and Charges.

Voting - Unanimous

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SUSPENSION OF STANDING ORDERS

961

Cr Lawrie

Cr Marshall

RESOLVED that standing orders be suspended to deal with Item 16 of the Agenda.

Voting - Unanimous

ATTENDANCE AT MEETING

Cr Carroll attended the meeting at 3.30pm.

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

16. Proposed Two Storey Dwelling at Lot 1209 DP 1011945 No. 64 Riversdale Boulevard, Banora Point

DA4737/240 Pt1

Cr Lawrie

Cr Polglase

PROPOSED that the application for the erection of a two (2) storey dwelling at Lot 1209 DP 1011945 No. 64 Riversdale Boulevard, Banora Point not be approved on account of being inconsistent with the built environment, the expectations of the neighbours and the amenity of the area.

Cr Youngblutt

Cr Boyd

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

Voting – Unanimous

The Motion was **Lost**

Voting For

Cr Brinsmead
Cr Lawrie
Cr Marshall
Cr Youngblutt

Voting Against

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

962

Cr Luff

Cr James

RESOLVED that the application for the erection a two (2) storey dwelling at Lot 1209 DP 1011945 No. 64 Riversdale Boulevard, Banora Point be approved subject to the following conditions:-

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1. The development shall be completed in general accordance with Plans No's 00-631 and 00/934/007 1-9, prepared by Metricon Homes Pty Ltd and dated March 2001, except where varied by these conditions.
2. 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.
3. 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.
4. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.
5. 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.
6. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. footings, prior to pouring of concrete
 - b. slab, prior to pouring of concrete
 - c. frame prior to the erection of brick work or any wall sheeting
 - d. final inspection prior to occupation of the building
7. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
 - (A) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
 - (B) Certification of the works performed by the person carrying out the works is to be submitted to the PCA prior to occupation of the building; and
 - (C) 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.

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- 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.
8. 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 & Assessment Amendment Regulations 1998.
 9. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.
 10. 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.
 11. 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 contact outside working hours.
 12. 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

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Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).

13. 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:
 - (a) 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
 - (b) 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.
14. 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

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- (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.
- 15. 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.
- 16. 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 the PCA prepared by the licensed Electrical Contractor certifying that the installation complies with the above, prior to occupation of the building.

- 17. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road. If the proposed development requires driveway access (or modification of access) onto a public road, prior to the issue of a construction certificate and prior to any works taking place on the public road, a detailed application for access/driveway under Section 138 of the Road Act must be submitted to and consent granted by Council. Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.
- 18. All roof waters are to be disposed of through properly jointed pipes to the street gutter, inter-allotment 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

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AS/NZS3500.3.2-1998. **Note** All roof water must be connected to an inter-allotment drainage system where available.

19. 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.
20. All agricultural drainage systems and surface water drainage systems are to be piped to the street separately to the stormwater system.
21. The stormwater drainage works applied for in your Local Government Act S68 Stormwater Drainage Application are to be carried out in accordance with drawings submitted in the application except as amended by these conditions.
22. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays.
23. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

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

24. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. internal drainage, prior to slab preparation;
 - b. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - c. external drainage prior to backfilling.
 - d. completion of work.
25. A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.
26. 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.

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27. 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.
28. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
29. All drainage lines are to be continuously bedded in accordance with the provisions of Section 5.4 AS 3500.2 - 1990.
30. 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.
31. The finished floor level of the building should finish not less than 225mm above finished ground level.
32. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
 - * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.

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

The Motion was **Carried**

Voting For

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

Voting Against

Cr Brinsmead
Cr Lawrie

RESUMPTION OF STANDING ORDERS

963

Cr Luff

Cr Marshall

RESOLVED that Standing Orders be resumed.

Voting - Unanimous

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REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

3. Application to Modify Development Consent K99/1450 for a Tourist Resort

DA0960/730 Pt3

964

Cr Polglase

Cr Youngblutt

RESOLVED that Development Consent K99/1450 for the construction of a tourist resort comprising a winery building, 16 accommodation units, 4 bungalows and an 18 hole golf course at Lot 1 DP 121377 and Lot 250, 251, 263 & 264 DP 755685, 363 Carool Road, Carool be amended as follows:-

1. Condition 1 of Schedule B be amended to read as follows:-

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.

Stage 1 (Golf Course and Four (4) Bungalows)

- a. Tweed Road Contribution Plan: \$16,380.00

S94 Plan No. 4 (Version 4.0)

(Bilambil Heights - Commercial)

The payment of the contribution will be permitted by four instalments over a period of 3 years subject to a bank guarantee being provided for the full amount.

- b. Open Space (Structured): \$856.00

S94 Plan No. 5

- c. Extensions to Council Administration Offices
& Technical Support Facilities \$952.00

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S94 Plan No. 18

Stage 2 or 3 (Winery Building)

- a. Tweed Road Contribution Plan: \$26,208.00

S94 Plan No. 4 (Version 4.0)

(Bilambil Heights - Commercial)

The payment of the contribution will be permitted by four instalments over a period of 3 years subject to a bank guarantee being provided for the full amount.

Stage 2 or 3 (16 accommodation units)

- a. Tweed Road Contribution Plan: \$16,380.00

S94 Plan No. 4 (Version 4.0)

(Bilambil Heights - Commercial)

The payment of the contribution will be permitted by four instalments over a period of 3 years subject to a bank guarantee being provided for the full amount.

- b. Open Space (Structured): \$6,848.00

S94 Plan No. 5

- c. Extensions to Council Administration Offices
& Technical Support Facilities \$7,616.00

S94 Plan No. 18

2. Condition 2 of Schedule B be amended to read as follows:

2. Carool Road between the roundabout at the intersection of Carool Road and Bilambil Road and the development site is to be upgraded to provide a Type D pavement. This will involve the upgrading of two sections as follows:

- a. from 2.5km to 2.85m being widened by 1.0m
b. from 2.85 to 3.1m being widened on the top side bank.

Detailed engineering plans are to be submitted and approved by the Director Engineering Services prior to commencement of works. All works are to be completed prior to the issue of a occupation certificate for Stage 1.

Alternatively, the payment to Council of \$28000 as a pro rata payment for the subject works. Should the monetary payment be acceptable all monies are to be paid prior to release of the second construction certificate.

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3. Condition 52 of Schedule B be deleted.
4. Condition 54 of Schedule B be amended to read as follows:-
 54. All access driveways and parking areas are to be sealed. Detailed engineering plans are to be submitted and approved prior to commencement of work. All driveways and parking areas are to be designed in accordance with the provisions of Council's Development Control Plan No. 2 and are to be constructed as part of Stage 1 with the exception of the requirement to linemark parking spaces.
5. Condition 62 of Schedule B be amended to read as follows:
 62. The golf course is restricted to use by guests visiting or staying at the resort.

Voting For

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

Voting Against

Cr James
Cr Luff

REPORTS FROM DIRECTOR CORPORATE SERVICES

4. **Australian Bureau of Statistics - Census of Population and Housing
Population Statistics; Local Gov Dep - Circulars**

965

Cr Polglase
Cr Davidson

RESOLVED that:

1. This report be received and noted.
2. A notice be placed in the Tweed Link.
3. A link be provided from Council's website to the Census website.

Voting - Unanimous

5. **Shires Association of NSW - 2001 Election of the Executive Council
Shires Association - General**

966

Cr Boyd
Cr Luff

RESOLVED that any Councillor intending to nominate contact the Manager Administration Services for the required nomination form.

Voting - Unanimous

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6. Centenary of the Municipality of Murwillumbah

Council Management

967

Cr Boyd

Cr Polglase

RESOLVED that Council celebrates the Centenary of the Municipality of Murwillumbah, to be held in May 2002, by:

- A re-enactment of the first Council meeting at the building that first housed the Murwillumbah Municipal Council and what is now the Historical Society Building.
- A picnic at the site of the proposed Regional Art Gallery. This might coincide with the laying of a foundation stone or some other event in the process of constructing the new Art Gallery.
- A special historical feature published in the Tweed Link.
- Invite the Historical Society to put forward proposals.
- Advertise in the Tweed Link calling for proposals from individuals or other community groups.
- Time capsule to be provided.
- Co-ordinate Local Government bus tours around historical issues relevant to Local Government.

AMENDMENT

Cr Marshall

Cr Youngblutt

PROPOSED that Council celebrates the Centenary of the Municipality of Murwillumbah by placing a special historical feature in the Tweed Link.

The Amendment was **Lost**

Voting For

Cr Marshall
Cr Youngblutt

Voting Against

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

The Motion was **Carried**

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Voting - Unanimous

7. **Tweed Economic Development Corporation (TEDC) Monthly Performance Report - March**

TEDC

968

Cr Polglase

Cr Davidson

RESOLVED that this report be received and noted.

Voting - Unanimous

8. **Tweed Economic Development Corporation (TEDC) Quarterly Performance Report - January to March 2001**

TEDC

969

Cr Polglase

Cr Davidson

RESOLVED that this report be received and noted.

Voting - Unanimous

9. **Financial Report for Period Ending 31 March 2001**

Financial Report

970

Cr Polglase

Cr Davidson

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM DIRECTOR ENGINEERING SERVICES

10. **Classification of Land as Operational - Proposed Lot 128 Elrond Drive Kingscliff**

DA1865/65 Pt1

971

Cr Boyd

Cr Luff

RESOLVED that Council classifies the land proposed to be dedicated as Drainage Reserve, being proposed Lot 128 in a subdivision of Lot 125 DP 878869 and Lot 127 DP 882590 at Elrond Drive, Kingscliff, as Operational under the provisions of Section 31 of the Local Government Act, 1993.

Voting - Unanimous

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11. Tweed Road Construction Plan – Small Business Contributions

GT1/S94/4 Pt4

972

Cr Luff

Cr Marshall

RESOLVED that :-

1. Council adopts an optional time payment system for Tweed Road Contribution Plan payments by using the provisions of S80A(1) of the Environmental Planning & Assessment Act (1979) to include a condition of development consent for eligible Business Enterprises (EBE) that permits annual payment of Tweed Road Contributions Plan contributions. This condition will also provide for consent and development to cease on non payment of due annual payments.
2. Eligible Business Enterprises are defined as retail, commercial and light industrial, change of use, activities to be established in rented premises with a GFA of not more than 1,000m². Professional chambers are not included in the definition. Final determination of the eligibility of a business into this category will be at the discretion of the Director Development Services.
3. Eligible Business Enterprises that take up the time payment option in (1) will pay 10 annual payments, each payment being the full contribution divided by 10. The first payment will be due prior to occupation or commencement of the new approval for the premises. The remaining 9 payments will be due at one year intervals. If the new approval use ceases at the premises, the remaining annual payment may cease and if so, the consent will also lapse.

Voting For

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

Voting Against

Cr Brinsmead
Cr Lawrie
Cr Polglase
Cr Youngblutt

12. Proposed Naming of a Public Lane between Moss Street and Cudgen Creek at Kingscliff

R3570

973

Cr Boyd

Cr Marshall

RESOLVED that Council proposes the name "Clough Way" as an interim measure, for the purpose of publicising the proposal and allowing one month for objections or other submissions.

Voting - Unanimous

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REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

13. Update on the 'Cities for Climate Protection' Campaign

Greenhouse Effect

974

Cr Boyd

Cr Davidson

RESOLVED that the Director of Environment and Community Services:

1. Be nominated as Tweed Shire Council's Cities for Climate Protection contact point.
2. Arranges for a briefing on Cities for Climate Program progress and opportunities for Tweed Shire Councillors and Council Management.

Voting - Unanimous

14. Plant Displays - Civic Centres

Civic Centre – Tweed Heads; Civic Centre - Murwillumbah

975

Cr Marshall

Cr Boyd

RESOLVED that Council provide the service at a charge and the minimum charge would be \$80 per display, increasing with the scale of display required.

Voting - Unanimous

15. New Laws on Distribution of Advertising Material

Advertising

976

Cr Boyd

Cr Luff

RESOLVED that Council conducts a communication campaign on the new laws concerning the distribution of advertising material followed by enforcement.

Voting - Unanimous

16. Proposed Two Storey Dwelling at Lot 1209 DP 1011945 No. 64 Riversdale Boulevard, Banora Point

DA4737/240 Pt1

This item was dealt with at Minute No. 962.

17. The 1999 Community Planning and Services Audit

Council Management; Community Advisory Committee

977

Cr Polglase

Cr Davidson

RESOLVED that this report be received and noted.

Voting - Unanimous

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18. Entomological Control Report

Noxious – Insects & Pests

978

Cr Polglase

Cr Davidson

RESOLVED that this report be received and noted.

Voting - Unanimous

19. Bilambil Sports Complex

Bilambil Sports Complex

979

Cr Luff

Cr James

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM SUB-COMMITTEES

1. Minutes of the Sports Advisory Committee Meeting held Tuesday 20 March 2001
Sports Advisory Committee

4. Rugby Union - Banora Green

Banora Green

980

Cr Polglase

Cr Davidson

RESOLVED that Council not pursue the debt of Tweed Coolangatta Barbarians Rugby Union from 1999.

Voting - Unanimous

1. Murwillumbah Rowing Club

Murwillumbah Rowing Club

981

Cr Polglase

Cr Davidson

RESOLVED that Council refers this matter to the Tweed River Management Plan Advisory Committee (TRMPAC) for a further report to Council.

Voting - Unanimous

982

Cr Polglase

Cr Davidson

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

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Voting - Unanimous

OUTSTANDING INSPECTIONS

Nil

ORDERS OF THE DAY

- 1. Investigation into Back Burning - Littoral Rainforest, Hastings Point
Notice of Rescission, Rainforests, Bush Fire Brigade**

Cr James

Cr Luff

PROPOSED that Council resolution at Minute No 899 & 901 in relation to Item 1a of the Meeting held 4 April 2001 being:-

".....that Council endorses the Conclusions of the Investigation as follows:

5.0 Conclusions

5.1 The major findings and conclusions are:

- (a) That the key bushfire brigade personnel – particularly Mark Eglington and Col McClymont should be cleared of all blame and totally exonerated in that they acted in good faith and in terms with operational practice, bushfire fighting experience and protocols of the Rural Fire Service.

In the circumstances of their having to make emergency decisions it could not reasonably be expected that they should have precise knowledge of every environmental feature or legal status of any given piece of land upon which emergency action was deemed to be necessary.

- (b) Those key personnel also had an understanding of rainforest being normally fire retardant, characterised by different vegetation types and without fuel at ground level which was there because of recent rehabilitation works.
- (c) That there was high smoke intensity and potential for embers to be carried to provide a threat to residential property on the western side of the Coast Road at the time that the backburning operation took place.
- (d) That there are significant inadequacies in terms of communication to the Rural Fire Service and local brigades of environmentally significant areas.
- (e) However in the context of an emergency due to a bushfire threat, it needs to be appreciated that the first priority of the Rural Bushfire Service will always be directed to the saving of life and property.

That Council endorses the Recommendations of the Investigation as follows:

- (a) The completion of the Bushfire Risk Management Strategy for public exhibition be expedited (this is subject of a report to Council at its meeting of 4 April, 2001); and a

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related draft Development Control Plan also be prepared expeditiously after the conclusion of that public exhibition.

- (b) The NSW Rural Fire Service, Department of Land & Water Conservation, Department of Urban Affairs and Planning and Council prepare a strategy and budgetary program for mapping, signage and communication of environmentally significant areas in the coastal sector particularly of Tweed Shire and to reduce bushfire hazard in the coastal sector by way of widening tracks, creating buffers and fuel reduction zones – such a program should ideally still be prepared for incorporation into Council's draft budget for 2001/2002."

and endorses the provision of the report to the State Department of Urban Affairs and Planning, the State Department of Land & Water Conservation and the NSW Rural Fire Service.

be rescinded."

983

Cr Carroll

Cr Boyd

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

Voting For

Cr Boyd
Cr Brinsmead
Cr Carroll
Cr James
Cr Luff
Cr Marshall

Voting Against

Cr Davidson
Cr Lawrie
Cr Polglase
Cr Youngblutt

The Motion was **Lost**

Voting For

Cr Carroll
Cr James
Cr Luff

Voting Against

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

2. Seaside City Local Environmental Study - Selection of Consultants

Notice of Motion, GT1/LEP/2000/3 Pt4

Cr Luff

Cr James

PROPOSED that Council censures Councillor Brinsmead for statements he made during the meeting of 4 April 2001 on the above item. The statements were about a particular tenderer.

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He said he had attended a meeting with various others including representatives of DUAP, and referring to the discussions at that meeting he said that the particular tenderer should not be considered because "they were an unknown firm. DUAP didn't know them. No-one knew if they could do the work. No-one wanted them". Council is now informed by a letter from DUAP dated 11 April 2001 that "the meeting was informed that (the firm in question) is well know to DUAP.....The fact that the company is a large concern with officers and qualified personnel in Brisbane and other centres was also mentioned at the meeting."

984

Cr James

Cr Luff

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

Voting - Unanimous

985

Cr Youngblutt

Cr Marshall

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

Voting - Unanimous

PROCEDURAL MOTION

986

Cr Polglase

RESOLVED that the motion be put.

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

The Motion was **Lost** on the casting vote of the Deputy Mayor

Voting For

Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Luff

Voting Against

Cr Brinsmead
Cr Lawrie
Cr Marshall
Cr Polglase
Cr Youngblutt

WORKSHOPS PREVIEW

1. **New Art Gallery Workshop**
2. **TACTIC Workshop**

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3. Tweed Shire Council Bushfire Management Plan Workshop

This report was received and noted.

QUESTION TIME

Aerial Photographic Montage – Council’s Coastline

Survey Matter

Cr Boyd

Would it be possible for staff to provide Council with an aerial photographic montage covering the whole of Council’s coastline to a distance inland sufficient to include the new motorway?

This to be mounted in the Council Chamber where it can be readily referred.

Director Engineering Services advised that an aerial photographic montage can be provided, subject to costing.

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.25pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.40pm.

COMMITTEE OF THE WHOLE

987

Cr Boyd

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:-

ITEMS DEFERRED IN COMMITTEE

1b. Seaside City Local Environmental Study - Selection of Consultants

GT1/LEP/2000/3 Pt4

C183

That in the case of the Local Environmental Study for Seaside City follows its usual practice of delegating the decision on the choice of consultant to the Director Development Services.

Minutes - Meeting of Tweed Shire Council

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff
Cr Marshall

Voting Against

Cr Brinsmead
Cr Lawrie
Cr Polglase
Cr Youngblutt

A RESCISSION MOTION HAS BEEN LODGED BY COUNCILLORS POLGLASE, LAWRIE AND YOUNGBLUTT IN RELATION TO ITEM 1B.

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR CORPORATE SERVICES IN COMMITTEE

1. Audit Tender

Auditors - Appointment

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

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

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

C184

That Thomas, Noble and Russell be appointed as Council's Auditor for the six year period from 1 July 2001 to 30 June 2007.

Voting - Unanimous

TEMPORARY ABSENCE FROM MEETING

Cr Carroll left the meeting.

2. Tender AC200118 for the Supply and Installation of Five (5) Hewlett Packard NetServers and Associated Equipment

GC12/11-200118

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

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

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

C185

That :-

1. Council awards Contract EC200118 – Supply and installation of (5) Five Hewlett Packard NetServers and associated equipment to the lowest conforming tender submitted by Sundata Pty Ltd for the lump sum price of \$310,628.00.
2. The Director of Corporate Services be given Delegated authority to approve variations to the total value of \$15,500.

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Voting - Unanimous

LATE ITEM

C186

That Item 2a being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

Voting - Unanimous

2a. Gales Holdings

Sewerage – Kingscliff; Retail Development Strategy

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

C187

That Council forwards the letter as presented in the report to Dr Segal, Director, Gales Holdings.

Voting - Unanimous

REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

3. Houses on Road Reserve - Reserve Creek Road

R4660 Pt3

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

(a) personnel matters concerning particular individuals

C188

That Council enters into confidential discussion with each of the occupants of the premises referred to in the report prior to reporting back to council on a proposed course of action.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

4. Keeping of Roosters - Consideration of Representation

PF2630/60

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

(e) information that would, if disclosed, prejudice the maintenance of law

C189

That Council:-

1. Issues Notice of Intention to serve an order under the provisions of Section 132 of the Local Government Act 1993 advising the occupiers of:
 - 25-27 Irving Street
Tumbulgum
Being Lots 60 & 61 Sec. 6 DP 1223

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- 29 Irving Street
Tumbulgum
Being Lot 59 Sec. 6 DP 1223
 - 31 Irving Street
Tumbulgum
Being Lot 58 Sec. 6 DP 1223
 - 33 Irving Street
Tumbulgum
Being Lot 57 Sec. 6 DP 1223
2. Intends to serve orders under Section 124 of the Local Government Act 1993 (Order Number 18) to:
 - (i) remove all male fowls from the subject property.
 - (ii) ensure a maximum of twelve domestic female hens and a maximum of twelve chickens under the age of three months are kept on the subject property.
 - (iii) provide housing conditions for the hens and chickens as per Council Guidelines for the Keeping of Poultry.
 3. Specifies that personal or written representation regarding the Notice of Intention may be made to Council within 14 days.
 4. Delegates to the Director of Environment and Community Services to consider any representations made and issue any Orders considered necessary.
 5. Notes with any further Notice of Intention on issuing of Orders regarding the keeping of poultry on Lots 57, 58, 59, 60 or 61 Irving Street, Tumbulgum through delegated authority by Council's Director of Environment and Community Services.

Voting - Unanimous

RETURN TO MEETING

Cr Carroll returned to the meeting.

5. Options Cabarita Beach SLSC New Clubhouse

Surf Life Saving - Cabarita Headland

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

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

C190

That Council:

1. Defers the decision on the options for the location of the Clubhouse; and
2. Initiates a precinct study.

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Voting For

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

Voting Against

Cr James

ORDERS OF THE DAY

1. Bilambil Sports Fields

Notice of Motion, Bilambil Sports Fields

C191

That:

1. Councillors be provided with details of Council's tender price for the purchase of the Bilambil Sports Fields and the date of this tender.
2. Details of the dates of purchase, prices paid and names of the successive owners since Council's unsuccessful tender in 1996.

Voting - Unanimous

Alterations – Twin Towns Services Club Auditorium

DA4030/3580 Pt4

C192

That Council supports the letter concerning the temporary fire stairs at the Twin Towns Services Club Auditorium.

Voting - Unanimous

988

Cr Boyd

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 9.15pm.



Minutes of Meeting Confirmed by Council

at Meeting held

Minutes - Meeting of Tweed Shire Council

I hereby certify that I have authorised the affixing of my
electronic signature to the previous pages numbered 1 to 42 of these Minutes

Chairman