

Minutes - Meeting of Tweed Shire Council

IN ATTENDANCE

Councillors L F Beck (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.

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 Garry Smith (Manager Development Assessment) from 7.55pm, Mr Brian Donaghy (Manager Administration Services/Public Officer) and Mrs Meredith Smith (Minutes Secretary).

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

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

“God is the King of all the earth.”

(Psalm 47:7)

Almighty God, Lord of creation, You are King over all the earth. We look to You for guidance as we meet today. Help us to discern the real issues before us and grant us wisdom to make the right decisions. Help us, O God, to act with integrity and grace in all we do.

Lord, grant Your blessing to each of us and may we know Your presence with us. As we pray for one another, we pray especially for our Mayor, Lynne. Grant her wisdom and grace as she gives leadership within our Shire. Let Your peace be upon us and let Your presence fill this chamber, this we ask in the Name of Jesus Christ our Lord.

Amen.

CONFIRMATION OF MINUTES

742

Cr Beck

Cr Youngblutt

RESOLVED that the Minutes of the Ordinary Meeting held 7 February 2001 be confirmed as an accurate record of the proceedings of that Meeting with the following amendment:-

Item 1 of Minutes of the Tweed Dune Care Advisory Committee – the voting on the Motion be amended to show that the Motion was Lost **on the casting vote of the Mayor.**

Voting For

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

Voting Against

Cr Boyd
Cr James

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ABSENT

Councillor R D Brinsmead (Deputy Mayor).

Councillor Cr Brinsmead has informed the General Manager that his absence is caused by being out of the Shire.

743

Cr Beck

Cr Youngblutt

RESOLVED that the apology of Cr Brinsmead be accepted.

Voting - Unanimous

DISCLOSURE OF INTEREST

Cr Boyd declared an interest in Item 7 of the Agenda, his interest being that his nomination as Governor to the Tweed River Regional Art Gallery Foundation Limited is the subject of the Motion.

Cr Youngblutt declared an interest in Item 1 of the Confidential Agenda (dealt with in the Ordinary Agenda at Minute No 770), his interest being that the applicant is a relative of Cr Youngblutt.

ATTENDANCE AT MEETING GC6/1/2 Pt1

Cr Carroll attended the meeting at 3.05pm.

ITEMS TO BE MOVED TO OR FROM CONFIDENTIAL

744

Cr Boyd

Cr James

RESOLVED that Item 1 in Confidential Agenda be dealt with in the Ordinary meeting.

Voting For

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

Voting Against

Cr Beck

SCHEDULE OF OUTSTANDING RESOLUTIONS

745

Cr Youngblutt

Cr Davidson

RESOLVED that this report be received and noted.

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Voting - Unanimous

MAYORAL MINUTE

Nil.

ITEMS DEFERRED

3. **Proposed Motorcycle Events – Five (5) Events Per Year until 2005 at Murwillumbah Showground - Queensland Road, Murwillumbah**

DA4510/10 Pt2

746

Cr Beck

Cr Marshall

RESOLVED that:-

1. Council approves the application; and
2. Delegates to the Director Development Services to attach conditions similar to those applying for the last twelve (12) months.

AMENDMENT

Cr Lawrie

Cr Davidson

PROPOSED the Director Developments Services brings forward conditions for consideration in the event that Council wishes to approve the application.

The Amendment was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr Lawrie

Voting Against

Cr Beck
Cr Davidson
Cr James
Cr Marshall
Cr Polglase
Cr Youngblutt

The Motion was **Carried**

Voting For

Cr Beck
Cr Davidson
Cr James
Cr Marshall
Cr Polglase
Cr Youngblutt

Voting Against

Cr Boyd
Cr Carroll
Cr Lawrie

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SUSPENSION OF STANDING ORDERS

747

Cr Beck

Cr Marshall

RESOLVED that standing orders be suspended to deal with Items 6 and 4 of Orders of the Day.

Voting – Unanimous

ORDERS OF THE DAY

6. Council Owned Land - Wardrop Valley

PF5810/305, Notice of Motion

748

Cr Beck

Cr Marshall

RESOLVED that Councillors inspect the Wardrop Valley, Council owned land, with a view to allowing the motor bike club to establish a bike track and facilities.

Voting For

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

Voting Against

Cr James

4. Civic Centre - Hire Fees

Civic Ctr-Mbah-Hire, Civic Ctr-TH-Hire, Notice of Motion

Cr Lawrie

Cr Boyd

PROPOSED that Council reverts to the prior system of charging for the Civic Centres.

749

Cr Davidson

Cr Boyd

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

Voting – Unanimous

ATTENDANCE AT MEETING

Cr Luff attended the meeting at 4.07pm.

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The Motion was **Not Carried**

Voting For

Cr Boyd
Cr Carroll
Cr Lawrie
Cr Polglase
Cr Youngblutt

Voting Against

Cr Beck
Cr Davidson
Cr James
Cr Luff
Cr Marshall

RESUMPTION OF STANDING ORDERS

750

Cr James

Cr Marshall

RESOLVED that Standing Orders be resumed.

Voting - Unanimous

7. Twelve (12) Lot Subdivision of Lot 166 DP 626372 Overall Drive, Pottsville

DA3975/10 Pt3

751

Cr Polglase

Cr Marshall

RESOLVED that Development Application 1301/2000DA for a twelve (12) lot subdivision of Lot 166 DP 626372 Overall Drive, Pottsville, be approved subject to the following conditions:-

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

1. A traffic control plan that complies with the provisions of the RTA document “Traffic Control at Work Sites” Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, and submitted for approval by Council, prior to issue of the Construction Certificate. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.
2. (i) Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

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

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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: 11 lots @ \$3370 \$37,070.00

S94 Plan No. 4 (Version 4.0)

(Pottsville – Residential)

Heavy Haulage Component

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

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

where:

$\text{\$Con}_{\text{TRCP - Heavy}}$ heavy haulage contribution

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

- b. Open Space (Structured): 11 lots @ \$519 \$5,709.00

S94 Plan No. 5

- c. Open Space (Casual): 11 lots @ \$235 \$2,585.00

S94 Plan No. 5

- d. Street Trees: 11 lots @ \$42.90 \$471.90

S94 Plan No. 6

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- e. Shirewide Library Facilities: 11 lots @ \$300 \$3,300.00
S94 Plan No. 11
- f. Bus Shelters: 11 lots @ \$23 \$253.00
S94 Plan No. 12
- g. Eviron Cemetery/Crematorium Facilities: 11 lots @ \$126 \$1,386.00
S94 Plan No. 13
- h. Community Facilities (Tweed Coast): 11 lots @ \$584 \$6,424.00
(South Coast)
S94 Plan No. 15
- i. Emergency Facilities (Surf Lifesaving): 11 lots @ \$201 \$2,211.00
S94 Plan No. 16
- j. Extensions to Council Administration Offices
& Technical Support Facilities: 11 lots @ \$344.81 \$3,792.91
S94 Plan No. 18
- k. Cycleways: 11 lots @ \$160 \$1,760.00
S94 Plan No. 22

3. 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 Section 109J of the Environmental Planning and Assessment Act, 979 a Subdivision Certificate shall **NOT** be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

Water:	11 lots @ \$3590	\$39,490.00
Sewer:	11 lots @ \$2970	\$32,670.00

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.

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

4. **Prior** to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works (minimum \$1,000).

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

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

GENERAL

5. The development shall be completed in general accordance with Plan No N4780 prepared by McLauchlan Surveying Pty Ltd and dated 2 November 2000, except where varied by these conditions.
6. 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.
7. No soil, sand, gravel, clay or other material shall be disposed of off the site.
8. 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.
9. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.
10. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No 1301/2000DA have been complied with.
11. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:
 1. Easements for sewer, water supply and drainage over **ALL** services on private property.
 2. Restriction as to user prohibiting building over or storage of materials or filling in of overland flow path between Lots 4 and 5.
 3. Restriction as to user prohibiting driveways directly opposite the shopping centre driveways.

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for

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maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

12. 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.
13. Prior to the issue of a Subdivision Certificate, Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council.
14. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of the Director, Development Services. The sign is to remain in place until the Subdivision Certificate is issued.
15. Where new state survey marks and/or permanent marks are placed, a copy of the locality sketch relating to the marks shall be submitted with the final subdivision certificate application.
16. All retaining walls in excess of 1.0 metre 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. All traffic control devices, where proposed, shall be accurately notated on a plan, which shall be lodged with the Roads and Traffic Authority for official approval and recording.
19. The bus shelter in front of proposed Lot 11 is to remain in its current location.
20. No retaining walls or similar structures are to be constructed over Council's sewer main.
21. 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

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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.

22. All batters associated with the filling of the land are to be contained within the property. No encroachment into the adjacent public reserve is permitted.
23. No consent is granted for the construction of a retaining wall along the southern, northern and western boundaries.
24. Imposition of a restriction as to user in accordance with Section 88B of the Conveyancing Act limiting the development of Lots 1, 2, 3, 4, 5, 6, 7 and 12 to a single dwelling-house only, and the development of Lots 8, 9, 10 and 11 to dual occupancy. The wording is to be submitted to Council for approval and shall contain a provision enabling the restriction to be revoked, varied or modified only with the consent of Council.
25. Plans are required to be submitted to Council for approval incorporating bollards, small feature wall or similar clearly defining the boundaries of the land in relation to the reserve.

The plans are required to be approved prior to the release of the **subdivision certificate**.

26. **Prior** to the commencement of work the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-
 - a. Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
 - b. AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
27. Prior to commencement of work pursuant to this consent a **Construction Certificate** shall be obtained for the works proposed and required by this consent.

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

- a) copies of compliance certificates relied upon
- b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
 - earthworks
 - roadworks
 - road pavement
 - road furnishings

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- stormwater drainage
- water supply works
- sewerage works
- landscaping works
- sedimentation and erosion management plans
- location of all service conduits (water, sewer, Northpower and Telstra)
- the approved Traffic Control Plan

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

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

28. Subdivision work in accordance with a development consent must not be commenced until:-
- (a) a construction certificate for the subdivision work has been issued by:
 - (i) the consent authority, or
 - (ii) an accredited certifier, and
 - (b) the person having the benefit of the development consent:
 - (i) has appointed a principal certifying authority, and
 - (ii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment, and
 - (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the subdivision work.

FURTHER APPROVALS

29. Prior to registration of the plan of subdivision, a **Subdivision Certificate** shall be obtained.
- (i) The following information must accompany an application:
 - original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees of \$115 per lot, ie. 12 lots @ \$115 = \$1380.
 - relevant development consent or complying development certificate

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- detailed subdivision engineering plans endorsed with a construction certificate (where applicable)
 - for a deferred commencement consent evidence that the applicant has satisfied the consent authority on all matters which must be satisfied before the consent can operate
 - evidence that the applicant has complied with all conditions of consent, that it is required to comply with before a subdivision certificate can be issued (where applicable)
 - a certificate of compliance from the relevant water supply authority (where applicable)
 - if a subdivision is the subject of an order of the Land and Environment Court under section 40 of the Land and Environment Court Act 1979 evidence that required drainage easements have been acquired by the relevant council
 - for subdivision involving subdivision works evidence that:
 - the work has been completed, or
 - agreement reached with the relevant consent authority regarding payment of the cost of work or as to the time for carrying out the work, or
 - security given to the consent authority with respect to the completion of the work
 - Work as Executed Plans for **ALL** works
- (ii) Documentary evidence that **all** matters contained in Section 109J of the Act have been complied with.
- (iii) Written evidence from Council that the proposed road/street names have been approved.

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

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

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- Note:**
1. Where Council is requested to issue compliance certificates, applications for such certificates must be accompanied by documentary evidence from the Developers Supervising Consulting Engineer certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, DCP16 - Subdivision Manual and good Engineering Practice.
 2. Where Council is requested to issue the construction certificate all compliance certificates and a Subdivision Certificate, Council will carry out the following inspections as deemed necessary by Council based on the rates contained in Council's current Fees and Charges:-

Roadworks

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

Water Reticulation, Sewer Reticulation, Drainage

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

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

3. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Supply Authorities Act, 1987 to be certified by an "accredited certifier".
31. Prior to the issue of a **Subdivision Certificate**, Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual.

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

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

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

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

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

33. Before the commencement of the relevant stages of road construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.
 - a. That the pavement has been designed and constructed in accordance with subgrade analysis as per Austroads Pavement Design, A Guide to the Structural Design of Road Pavements.
 - b. That the pavement materials used comply with the specifications in RTA Form Q3051 (June 1998)
 - c. That the pavement layers have been compacted to RTA specifications.
 - d. That site fill areas have been compacted to the specified standard.
 - e. That supervision of Bulk Earthworks has been to Level 1 and/or Level 2 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
 - f. That pavement testing has been completed in accordance with Table 8.1 of AS 3798-1996.

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34. All lots must be graded and trimmed to prevent the ponding of surface water. Additionally, all lots must be adequately vegetated and action must be taken to prevent erosion from wind and/or water to the satisfaction of the Director, Development Services.

ROADS/STREETS

35. All proposed road/streets, drainage and associated works within the subdivision shall be designed and constructed in accordance with the development consent plans referred to in Condition 1 **AND** the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.
36. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-
- i. Construction of an over-land drainage system to convey the flows from major storm events between Lots 4 and 5 and around Lot 12. Clearly defined upstream catchment areas and supporting stormwater calculations shall accompany the engineering design plans.
 - ii. Construction of concrete medians in Overall Drive to replace the existing painted medians. The plan shall show the location of the existing painted central island, the shopping centre driveways and shall address traffic and access issues.
37. 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.
38. 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.
39. The footpath area is to be graded to the kerb and turfed for the full frontage of the site.

DRAINAGE/FLOODING

40. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped.
41. No filling to be placed hydraulically within twenty metres (20m) of any boundary that abutts private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.
- No filling of any description is to be deposited, or remain deposited, within adjacent properties.
42. All fill is to be graded so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed

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drainage is to be submitted with the Construction Certificate. Drainage must be installed and operational prior to commencement of any building work.

All fill or cut batters shall be contained wholly within the subject land.

43. Inter allotment drainage shall be provided to **ALL** lots where roof water from dwellings, driveways and paved accesses cannot be conveyed to the street gutter by gravitational means. Where inter-allotment drainage has not been provided, Certification by a duly qualified Engineer is to be provided stating that roof water from the building envelope can be conveyed to the street gutter by gravitational means or that all Q20 24 hour runoff from impervious areas of the site can be disposed of, on site, by means of infiltration.
44. All proposed building pads are to be above the Q100 design flood level, including provision for any localised overland flow, such that at least 300mm freeboard is provided to the satisfaction of the Director Development Services.
45. 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*.
46. The earthworks shall be carried out in accordance with AS 3798-1996, "Guidelines on Earthworks for Commercial and Residential Developments". In general, material shall be placed in layers not exceeding 300mm in depth, watered and compacted to achieve the specified density ratio as monitored in Table 5.1 - Guidelines for Minimum Relative Compaction.
47. The earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 2 standard in accordance with Appendix B, AS 3798-1996. In addition, the frequency of field density testing shall be to a Type 1 standard in accordance with Table 8.1 of AS 3798-1996. The geotechnical report shall be accompanied by a certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798-1996.

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48. All stormwater from roof catchment to be connected directly into road drainage pits if available, or to kerb and gutter, along the frontage of the site.
49. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of fill and haul route shall be submitted to the satisfaction of the Director Development Services.
50. Subject to the requirements of Northpower, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should be suitably treated to withstand continuous submergence in water.
51. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

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

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

52. All lots shall drain to the street or other approved drainage structure with a minimum allotment grade of 1%.

SERVICES

Sewer

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

Council does not permit the building over Council's sewers. When buildings are located in close proximity to the sewer, detailed plans of footing types, location and depth relative to the sewer are required to be included with the Construction Certificate Application.

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

Water

54. Prior to issuing a Subdivision Certificate, Town Water shall be provided to each lot including a minimum size 25mm outside diameter water service terminated 1.0m inside

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the property boundary of each lot in accordance engineering with plans to accompany the Construction Certificate application. The reticulation shall be designed and constructed in accordance with DCP16 - Subdivisions Manual.

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

Telephone

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

Electricity

56. i. The production of written evidence from Northpower certifying that reticulation of underground electricity (residential and rural residential) has been completed.

ENVIRONMENT PROTECTION

57. 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.
58. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
59. 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.
60. 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.
61. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17⁰ or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.

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

- i) Contours and terraces where the height exceeds 1m.
- ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
- iii) Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
- iv) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.

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- v) The landscaping shall be completed to the satisfaction of the Director Development Services **PRIOR** to the issue of a Subdivision Certificate.
 - vi) A bond shall be lodged prior to the issue of the subdivision certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.
62. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
63. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.
64. 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.
65. 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.
66. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
67. Prior to and during construction provide a “shake down” area along the haul route located immediately before the intersection with the road reserve. The “shake down” area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director of Engineering Services.

Voting - Unanimous

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REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

1. The Realignment of Coast Road within Seaside City Estate

R0990

752

Cr Beck

Cr James

RESOLVED that this report be received and noted.

Voting For

Cr Beck

Cr Carroll

Cr Davidson

Cr James

Cr Lawrie

Cr Luff

Cr Marshall

Cr Polglase

Cr Youngblutt

Voting Against

Cr Boyd

SUSPENSION OF STANDING ORDERS

753

Cr Lawrie

Cr Youngblutt

RESOLVED that standing orders be suspended to deal with Item 2 of Orders of the Day of the Agenda.

Voting – Unanimous

2. Old Ferry Road, Oxley Cove - Signage

Notice of Motion, Regulatory Signs

754

Cr Lawrie

Cr Youngblutt

RESOLVED that Council investigates the alleged misuse of the dirt track to the left at the end of Old Ferry Road, Oxley Cove, and the possible installation of bollards or other vehicle limiting devices, and the re-positioning of the “No Dumping Rubbish” sign at the end of the sealed portion of Old Ferry Road.

Voting - Unanimous

RESUMPTION OF STANDING ORDERS

755

Cr Luff

Cr Marshall

RESOLVED that Standing Orders be resumed.

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Voting - Unanimous

- 2. Sustainable Urban Settlement - Guidelines for Regional New South Wales
Northern Rivers Regional Strategy**

756

Cr Marshall

Cr Luff

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM DIRECTOR CORPORATE SERVICES

- 3. Tweed Economic Development Corporation (TEDC) Monthly Performance Report
- January 2001**

TEDC

757

Cr Luff

Cr James

RESOLVED that this report be received and noted.

Voting - Unanimous

- 4. Tweed and Coolangatta Tourism Inc. (TACTIC) Monthly Performance Report for
October 2000**

TACTIC

758

Cr Boyd

Cr Davidson

RESOLVED that this report be received and noted.

Voting - Unanimous

- 5. Tweed and Coolangatta Tourism Inc. (TACTIC) Monthly Performance Report for
November 2000**

TACTIC

759

Cr Boyd

Cr Davidson

RESOLVED that this report be received and noted.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

6. **Tweed and Coolangatta Tourism Inc. (TACTIC) Monthly Performance Report for December 2000**

TACTIC

760

Cr Boyd

Cr Davidson

RESOLVED that this report be received and noted.

Voting - Unanimous

7. **Second Round Donations - 2000/2001**

Donations

761

Cr Boyd

Cr Davidson

RESOLVED that this report be received and noted.

Voting - Unanimous

8. **Investment Report**

Financial Reporting

762

Cr Boyd

Cr Davidson

RESOLVED that this report be received and noted.

Voting - Unanimous

9. **Local Government Amendment Bill 2000**

Local Government Act

763

Cr Boyd

Cr Luff

RESOLVED that this report be received and noted.

Voting - Unanimous

LATE ITEM

764

Cr Boyd

Cr Marshall

RESOLVED that Items 9a and 9b being an Addendum items be dealt with and it be ruled by the Chairman to be of great urgency.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

9a. The 2001 "Bush Bursary/CWA" Scheme

Sponsorship, Hospital-General

Cr Boyd

Cr Carroll

PROPOSED that :-

1. The General Manager submits an application to sponsor a medical student in the 2001 "Bush Bursary/CWA" Scheme.
2. Council votes expenditure of \$2,750 from the 2000/2001 budget.

The Motion was **Lost**

Voting For

Cr Boyd
Cr Carroll

Voting Against

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

9b. Donation Towards Rotary District 9640 District Convention

Donations, Civic Business

Cr Boyd

Cr Carroll

PROPOSED that Council donates an amount of \$1,500 towards the cost of the 2001 Rotary District Convention.

The Motion was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr Polglase

Voting Against

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

REPORTS FROM DIRECTOR ENGINEERING SERVICES

TEMPORARY ABSENCE FROM MEETING GC6/1/2 Pt1

Cr Polglase left the meeting.

Minutes - Meeting of Tweed Shire Council

10. National Rural Roads Congress 25 to 27 March 2001

Conferences/Seminars, Roads-General

765

Cr Boyd

Cr Marshall

RESOLVED that Cr Beck be authorised to attend the National Rural Roads Congress.

Voting - Unanimous

RETURN TO MEETING

Cr Polglase returned to the meeting.

11. Tweed Valley Flooding 2 - 4 February 2001

Floods, SES

766

Cr Boyd

Cr Carroll

RESOLVED that:-

1. This report be received and noted.
2. Councillors interested in viewing the ENVIROMON Program contact the Manager Water who will arrange demonstrations.
3. The Director Engineering Services brings forward a report with recommendations as to the conduct of a flood awareness program.
4. Council co-operates in a joint public meeting with the SES.

Voting For

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

Voting Against

Cr Luff

SUSPENSION OF STANDING ORDERS

767

Cr Boyd

Cr Marshall

RESOLVED that standing orders be suspended to deal with Item 14 of the Agenda.

Voting – Unanimous

Minutes - Meeting of Tweed Shire Council

14. Tyalgum Waste Depot Operations

Garbage - Tyalgum Depot

Cr Beck

Cr Marshall

PROPOSED that the Tyalgum Tip remains open and operates in the same way as currently used.

AMENDMENT

768

Cr James

Cr Luff

RESOLVED that:-

1. Council seeks submissions from the community on option 1, closure of the landfill and option 3, conversion of operation from landfill to transfer station with the submission to address whether the writer is prepared to pay much higher disposal fees to cover operating costs.
2. Council charges the garbage administration fee for properties not previously identified as chargeable for that fee from and including the 2001/2002 rate year and the actual pro-rata service fee for those residents in the Tyalgum area who elect to commence use of the garbage service prior to 30 June 2001.

769

Cr Boyd

Cr James

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

Voting For

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

Voting Against

Cr Beck
Cr Marshall
Cr Youngblutt

The Amendment was **Carried**

Voting For

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

Voting Against

Cr Beck
Cr Marshall
Cr Youngblutt

Minutes - Meeting of Tweed Shire Council

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

Voting For

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

Voting Against

Cr Beck
Cr Marshall

A NOTICE OF RESCISSION HAS BEEN RECEIVED ON THE ABOVE ITEM FROM COUNCILLORS BECK, MARSHALL AND YOUNGBLUTT

ITEM MOVED FROM CONFIDENTIAL TO ORDINARY

DECLARATION OF INTEREST

Cr Youngblutt declared an interest in Item No 1 (previously Confidential Agenda), left the Chamber and took no part in the discussion and voting.

The nature of the interest is that the applicant is a relative of Cr Youngblutt.

- 1. Roadside Stall at Lot 1 DP 567745, Lots 2 and 3 DP 208563 and Adjacent Road Reserve, Pacific Highway, Fernvale**

DA4040/5115 Pt2

*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*

Cr Polglase

Cr Marshall

PROPOSED that:-

1. This reported be received and noted.
2. Council determines this recommendation after consideration of the outcome of Minute No 714 which was a unanimous vote to allow the applicant further time for consultation with the Roads and Traffic Authority.

AMENDMENT 1

770

Cr Marshall

Cr Davidson

RESOLVED that this item be deferred until after the next Local Traffic Committee meeting.

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Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Amendment 1 was **Carried** and became the Motion

AMENDMENT 2

Cr Luff

Cr Boyd

PROPOSED that Council:-

1. Directs the owner/operator to cease the operation of the subject roadside stall immediately and that should site inspections undertaken seven (7) days after the date of such notice reveal the use is still operating, then the matter is to be referred to Council's Solicitors with instructions to initiate appropriate action in the Land & Environment Court.
2. Notes that appropriate action will be initiated to require closure, or lodgement of a Development Application, where unauthorised operation of roadside stalls is identified.

Amendment 2 was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

Cr Beck
Cr Davidson
Cr Lawrie
Cr Marshall
Cr Polglase

Amendment 1 on being the Motion was **Carried**

Voting For

Cr Beck
Cr Davidson
Cr Lawrie
Cr Marshall
Cr Polglase

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

RETURN TO MEETING

Cr Youngblutt returned to the meeting.

Minutes - Meeting of Tweed Shire Council

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.50pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.55pm.

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

RESUMPTION OF STANDING ORDERS

771

Cr Polglase

Cr Marshall

RESOLVED that Standing Orders be resumed.

Voting - Unanimous

12. Realignment of Part of Urliup Road, Urliup

R5720 Land Acquisitions

772

Cr Polglase

Cr Marshall

RESOLVED that:-

1. Council approves the acquisition of Lot 1 DP 1022083 as public road and closes and grants Lot 2 DP 1022083 as compensation under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and
2. All necessary documentation be endorsed under the Common Seal of Council.

Voting - Unanimous

ATTENDANCE AT MEETING GC6/1/2 Pt1

Cr Boyd attended at 7.57pm.

13. Revisions/Naming of Localities

Geographical Names Board

773

Cr Beck

Cr Marshall

RESOLVED that Council formally approves:-

1. The revision of the localities of Pottsville, Hastings Point and Round Mountain to include the estate known as Koala Beach within the locality of Pottsville.
2. The revision of the boundaries of Bogangar and Cabarita Beach to include the associated sports fields and the coastal strip within these localities.

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3. The revision of the boundaries of the localities of Cudgen and Duranbah to create a new locality to be named "Kings Forest".
4. The revision of the boundaries of the locality of Kingscliff to create a new locality which was advertised as "South Kingscliff", to be named "Casuarina Beach".
5. That application be made to the Geographical Names Board of New South Wales for its approval to these revisions and names and their ratification by notice in the government Gazette.

AMENDMENT

Cr Luff

Cr James

PROPOSED that Council formally approves:-

1. The revision of the localities of Pottsville, Hastings Point and Round Mountain to include the estate known as Koala Beach within the locality of Pottsville.
2. The revision of the boundaries of Bogangar and Cabarita Beach to include the associated sports fields and the coastal strip within these localities.
3. The revision of the boundaries of the localities of Cudgen and Duranbah to create a new locality to be named "Kings Forest".
4. The revision of the boundaries of the locality of Kingscliff to create a new locality as advertised to be called "South Kingscliff".
5. That application be made to the Geographical Names Board of New South Wales for its approval to these revisions and names and their ratification by notice in the government Gazette.

The Amendment was **Lost**

Voting For

Cr Carroll
Cr James
Cr Luff

Voting Against

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

The Motion was **Carried**

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Voting For

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

Voting Against

Cr Carroll
Cr James
Cr Luff

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

14. Tyalgum Waste Depot Operations

Garbage - Tyalgum Depot

This item was dealt with previously in the meeting at Minute No 769.

15. 2000 Statistics Relating to Applications for Building Certificates, Building Line Variations, Extensions of Time on Building Applications, Variations to Fence Heights

Building Statistics

774

Cr Polglase
Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

LATE ITEM

775

Cr Luff
Cr Marshall

RESOLVED that Item 15a. being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

Voting - Unanimous

15a. Companion Animals Focus Groups

Companion Animals - Local Govt Dep-Circular

776

Cr Boyd
Cr Youngblutt

RESOLVED that Cr Marshall be Council's representative at the "Injured strays and the relationship between CAA and POCTA" and "Preventing dog attacks" focus groups.

Voting - Unanimous

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REPORTS FROM SUB-COMMITTEES

1. **Minutes of the Local Traffic Committee Meeting held Thursday 1 February 2001**

2. **Hayes Lane, Murwillumbah**

Hayes Lane, Murwillumbah, R2404

777

Cr Boyd

Cr Marshall

RESOLVED the Committee recommends:-

1. The installation of a speed bump on Hayes Lane, in accordance with Australian Standards.
2. A pedestrian barrier fence adjacent to the sliding doors to prevent pedestrians walking straight out on to Hayes Lane and
3. That this work be constructed by Hayes Toyota.

Voting - Unanimous

3. **Fraser Drive and Terranora Road**

Bicycle Matters-General, R2150 Pt2, R5441

778

Cr Boyd

Cr Marshall

RESOLVED that the applicant be advised that legislation enables bike riders to travel two abreast and that there is no action that the Police or Council can take regarding this matter.

Voting - Unanimous

5. **Old Bogangar Road and Cudgen Road**

R3840 Pt5

779

Cr Boyd

Cr Marshall

RESOLVED that the applicant be advised that:-

1. The Police are enforcing the speed limit in the area and will continue to do so on an ongoing basis and
2. Changes to the merging signage will be undertaken to assist in clarifying the merge.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

6. Murwillumbah Swimming Pool

Murwillumbah Swimming Pool

780

Cr Boyd

Cr Marshall

RESOLVED that one handicapped parking space be provided adjacent to the entrance to Murwillumbah Swimming Pool.

Voting - Unanimous

10. Nullum Street, Murwillumbah

Nullum Street, Murwillumbah, R3770 Pt2

781

Cr Boyd

Cr Marshall

RESOLVED that the following changes be implemented on Nullum Street, Murwillumbah on behalf of the Sathya Sai School with costs being met by the school:-

1. Provision of a school crossing 30m south of the Sathya Sai School.
2. Creation of a bus zone on the eastern side of Nullum Street 25m south of the Sathya Sai School.
3. Creation of a bus zone directly in front of the Sathya Sai School on the western side of Nullum Street.
4. A 40kph school road patch to be installed on Nullum Street.

Voting - Unanimous

20. Boyd Street Tweed Heads

Boyd Street Tweed Heads, R0700

782

Cr Boyd

Cr Marshall

RESOLVED that "No Stopping" signs be installed 9m either side of the driveway entrance to the Police Station in Boyd Street.

Voting - Unanimous

783

Cr Boyd

Cr Marshall

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

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

OUTSTANDING INSPECTIONS

Nil

ORDERS OF THE DAY

1. **Casuarina Beach Dune Management Plan Review Committee - Membership**
Notice of Motion, Dune Care Committee, GS4/96/135 Pt17

Cr Boyd

Cr Luff

PROPOSED that Council accepts the nomination of Cr Henry James and Rhonda James as proposed by the Tweed Dune Care Advisory Committee to act as representatives on the Casuarina Beach Dune Management Plan Review Committee.

The Motion was **Lost** on the Casting vote of the Mayor

Voting For

Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Luff

Voting Against

Cr Beck
Cr Lawrie
Cr Marshall
Cr Polglase
Cr Youngblutt

2. **Old Ferry Road, Oxley Cove - Signage**

Notice of Motion, Regulatory Signs

This item was dealt previously in the meeting at Minute No 754.

3. **Council Records**

Notice of Motion, Contaminated Soils

784

Cr Lawrie

Cr Beck

RESOLVED that Council considers releasing to Messrs Duyker and Moller the records the subject of the supplementary report of Director Environment and Community Services, Don Buckley, dated 6 December 2000 after receiving a subsequent report from the General Manager regarding privacy legislation.

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr Davidson
Cr Polglase

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4. Civic Centre - Hire Fees

Notice of Motion, Civic Centre - Hire - Murwillumbah, Civic Centre - Hire, Tweed Heads

This item was dealt with previously in the meeting where the motion was **Not Carried**.

5. Tweed Local Environment Plan 2000

GT1/LEP/2000, Notice of Motion

785

Cr Beck

Cr Marshall

RESOLVED that the Minister for Urban Affairs and Planning be requested to amend the Tweed Local Environment Plan 2000 to include the use of tourist facilities and services within the 7(f) Zone to be allowed with Council consent and that there shall be no requirement for the provision of an environmental study.

AMENDMENT

Cr James

Cr Luff

PROPOSED that issue of appropriate commercial uses on beaches and amendment of the land use table for the 7(f) zone to provide for appropriate uses, be considered as part of the next comprehensive review of the Local Environmental Plan.

The Amendment was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

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

The Motion was **Carried**

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

6. Council Owned Land - Wardrop Valley

PF5810/305, Notice of Motion

This item was dealt with previously in the Meeting at Minute No. 748.

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DECLARATION OF INTEREST

Cr Boyd declared an interest in Item No 7, left the Chamber and took no part in the discussion and voting.

The nature of the interest is that that Cr Boyd's nomination as Governor to the Tweed River Regional Art Gallery Foundation Limited is the subject of the Motion.

7. Tweed Valley Regional Art Gallery Foundation Limited

Art Gallery, Notice of Motion

786

Cr Beck

Cr Marshall

RESOLVED that Council nominates Cr Max Boyd to represent Council as a Governor of Tweed Valley Regional Art Gallery Foundation Limited.

Voting - Unanimous

QUESTION TIME

1. Tweed Shire Towns Centres

Donations, Street Scaping-Co-ordinator, Festivals-Kingscliff

Cr Lawrie

Enquired:-

1. During financial year ended 30 June 2000, did Tweed Shire Council contribute to the funding of the Art, Food and All That Jazz Festival?
2. If so, what was the amount of that public funding?
3. Who comprised Tweed Shire towns Centres Committee for the financial year ended 30 June 2000?
4. Were the financial records of the Art, Food and All That Jazz Festival audited for financial year ended 30 June 2000?
5. If so, who were the auditors of said financial records?
6. Have those auditors prepared a report?
7. If so, to whom was that report addressed and what is its date?
8. Did those auditors conclude in their report that adequate cash payments and cash receipts books were maintained during financial year ended 30 June 2000.
9. If not, did those auditors note deficiencies including lack of descriptions of payments and receipts and no dissection of revenue and expenditure into appropriate income and expense categories?
10. Did those auditors note that the cash expenditure book did not record all transactions reflected in the entity's bank account.

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11. Did those auditors recommend that the cash books should be reconciled to the bank account on a monthly basis?
12. Did those auditors note that monthly bank reconciliations had not been performed?
13. Did those auditors recommend that bank reconciliations be performed monthly by an employee independent of the receipting and banking function?
14. Did those auditors note that supporting documentation of payments had not been maintained for a substantial number of transactions?
15. Did those auditors note that there was no evidence of authorisation of expenditure?
16. Did those auditors recommend that supporting documentation be attached to each cheque to enable each signatory to review and authorise prior to signing the cheque?
17. Did those auditors note that the originals of cancelled cheques had not been retained and corresponding cheque butts and not been effectively cancelled.
18. Did those auditors note that there were instances where the entity had received and banked money but had not issued a receipt for the transaction?
19. Did those auditors note that there were instances where the transaction was not recorded in the cash receipts book?
20. Did those auditors recommend that the entity issue a receipt for all monies received.
21. Did those auditors note that a minute book had not been maintained to record the meetings of the committee of management.
22. Did those auditors note that the entity had expended a substantial portion of a grant from the Department of State and Regional Development (to be used for the employment of a project manager for 1999/2000) on the settlement of Art, Food and All That Jazz Festival creditors' claims?
23. Is it known by this Council that the local representative of the Department of State and Regional Development is aware that the acquittal of the grant was not in accordance with the grant agreement?
24. Has the Department of State and Regional Development been notified by this Council that the acquittal of the grant was not in accordance with the grant agreement, and if so, what is the date of the letter of notification.
25. Did those auditors establish, when sighting original cheques from the entity's bank, that there were instances when only one account signatory appeared on the cheque?
26. During financial year ended 30 June 2000, did dinner ticket sales by the Art, Food and All That Jazz Festival, raise the sum of \$19,556.00?
27. During financial year ended 30 June 2000, did the Art, Food and All That Jazz Festival raise income from the sale of weekend passes in the sum of \$1,995.00?

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28. Is the bank balance of the Art, Food and All That Jazz Festival as at 30 June 2000, the sum of \$1,841.00?
29. During the financial year ended 30 June 2000, did the Art, Food and All That Jazz Festival record an operating loss of \$2,729.00?
30. During the financial year ended 30 June 2000, who constituted the Art, Food and All That Jazz Festival Committee?
31. During the financial year ended 30 June 200, who was the day to day office/manager of the Art, Food and All That Jazz Festival?
32. At the time of his/her appointment, what were the qualifications, accounting or otherwise, known to Council, which rendered him/her the best candidate for the position?

The General Manager responded that Auditors have recently completed a report which is to be considered by the Tweed Shire Town Centres Committee in the near future and suggested the Committee have time to consider that Auditor's report and make its decisions before a comprehensive reply is provided, however, the first seven (7) questions can be answered at this time:-

1. Yes.
2. No direct contribution to the Festival. An amount of \$52,000 was allocated to the Main Street Program for Tweed Heads, Murwillumbah and Kingscliff.
3. Cr Polglase (Chair), Tom Senti (TEDC), Trevor Wilson (DSARD), Ken Lee (Kingscliff), Jenny Brunner (Tweed Heads Chamber), Director Development Services (TSC), Rose Wright – the composition has changed over the year with transition of responsibility to Tweed Economic Development Corporation.
4. Yes.
5. Thomas, Noble and Russell.
6. Yes.
7. The auditor's report has been recently completed and submitted to the Tweed Shire Town Centres Committee for consideration.

2. Development Applications – Conditions

Development Applications

Cr Beck

Enquired why are the conditions imposed on Development Applications not followed up by Council staff.

The General Manager responded that staff follow-up can be influenced by resources, as with other Councils.

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3. Centenary of the Municipality of Murwillumbah

Council Management

Cr Boyd

Advised that on 27 May 1902, the Municipality of Murwillumbah was gazetted and asked does Council intend to recognise this centenary.

The General Manager responded that a report would be brought forward for Council consideration.

4. Casuarina Beach Development – Staff Resources

Casuarina Beach Development

Cr Boyd

Asked how many Council staff are committed full-time to dealing with matters associated with the Casuarina Beach development.

The General Manager responded that the Director Development Services would bring forward a report for Council's information.

COMMITTEE OF THE WHOLE

787

Cr Luff

Cr Marshall

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

Voting - Unanimous

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

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES IN COMMITTEE

1. Roadside Stall at Lot 1 DP 567745, Lots 2 and 3 DP 208563 and Adjacent Road Reserve, Pacific Highway, Fernvale

DA4040/5115 Pt2

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

This item was dealt with in the Ordinary Council Meeting at Minute No. 772.

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1b. Bilambil Sports Ground

Donations, Bilambil Sports Complex

C142

That subject to financial accounts to the end of January 2001 and Auditor's Report for 1999/2000 being presented to Council within fourteen (14) days, that Council officers bring forward a further report with a view to:-

1. Voting an over expenditure of \$15,400 as a donation to Bilambil Sports Club Ltd being \$12,000 for the lease rental to 29 February 2002 and \$3,400 for rates; the rental to be paid direct to the lessor in monthly instalments. The over expenditure to be addressed in the next quarterly budget review.
2. Continuing to pursue options for the long term management of the Bilambil Complex.

Voting For

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

Voting Against

Cr Lawrie

1a. Southern Boat Harbour - Tweed Heads - Tweed Endeavour Cruises

Southern Boat Harbour, Jetties, Tweed River

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

C143

That Council continues with its Supreme Court action.

Voting For

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

Voting Against

Cr Beck

Minutes - Meeting of Tweed Shire Council

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Cr Boyd

Cr James

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 10.10pm.

☞

Minutes of Meeting Confirmed by Council

at Meeting held

**I hereby certify that I have authorised the affixing of my
electronic signature to the previous pages numbered 1 to 40 of these Minutes**

Chairman