

Minutes - Meeting of Tweed Shire Council

IN ATTENDANCE

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

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.

"The earth is the Lord's, and everything in it, the world and all who live in it.

(Psalm 24:1)

Almighty God, the Lord of all that is, Creator and Sustainer of the Universe, we look to You as we gather today; we acknowledge our dependence upon You and seek Your guidance in all that we do. You give wisdom in our deliberations and courage to stand for what is right. Help us to make those decisions which will enrich the life of our communities and their people as we balance the social, economic, environmental and developmental needs within our Shire.

Loving father, help us to be gracious with each other and to listen to one another. Enable us to set aside our prejudices and to work together for the sake of the Shire and its people. We pray for each other, and especially for our Mayor, Warren, as he gives leadership within our Shire. Fill this chamber with Your presence and grant us Your peace in all that we do, for we ask it in the Name of Jesus Christ our Lord. Amen. "

CONFIRMATION OF MINUTES

1083

Cr Boyd

Cr Youngblutt

RESOLVED that the Minutes of the Ordinary Meeting held 5 June 2002 be confirmed as an accurate record of the proceedings of that Meeting.

Voting - Unanimous

ABSENT

Nil

DISCLOSURE OF INTEREST

Nil

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ITEMS TO BE MOVED TO OR FROM CONFIDENTIAL

Nil

SCHEDULE OF OUTSTANDING RESOLUTIONS

1084

Cr Davidson

Cr James

RESOLVED that this report be received and noted.

Voting - Unanimous

ATTENDANCE AT MEETING

Cr Luff attended the meeting at 3.05pm.

Correspondence from Robert Bulford, Senior Investigations Officer, Department of Local Government – Seaside City Draft Report

LEP – Seaside City; GT1/LEP/2000/3 Pt6

The General Manager read a letter received from Robert Bulford, Senior Investigations Officer, Department of Local Government dated 19 June 2002 regarding the final draft report on Seaside City and related matters.

SUSPENSION OF STANDING ORDERS

1085

Cr Polglase

Cr Youngblutt

RESOLVED that standing orders be suspended to allow Messrs Mark Delaney and Bill Morland, Solicitors from Stacks the Law Firm to address Councillors regarding the Moran Art Prize and the Art Gallery Foundation.

Voting – Unanimous

COMMITTEE OF THE WHOLE

1086

Cr Boyd

Cr Lawrie

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

Voting - Unanimous

RESUMPTION OF STANDING ORDERS

1087

Cr Youngblutt

Cr Davidson

RESOLVED that Standing Orders be resumed.

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Voting - Unanimous

SCHEDULE OF OUTSTANDING RESOLUTIONS

1088

Cr Boyd

Cr Luff

RESOLVED that this report be received and noted.

Voting - Unanimous

MAYORAL MINUTE

- 1. Far North East New South Wales Sustainable Region Advisory Committee
Sustainable Regions Program**

This item was received and noted.

- 2. Citizenship Ceremony** **Citizenship**

This item was received and noted.

- 3. Powerhouse Christian Centre Murwillumbah** **Councillor Invitations**

This item was received and noted.

- 4. JetSprints – Round Mountain** **Councillor Invitations**

This item was received and noted.

- 5. 2002 Border Park Galaxy** **Councillor Invitations**

This item was received and noted.

- 6. Minister for Planning** **Development General**

This item was received and noted.

- 7. Citizenship Ceremony** **Citizenship**

This item was received and noted.

- 8. Rotary Changeover Dinner** **Councillor Invitations**

This item was received and noted.

- 9. Rotary Changeover Breakfast** **Councillor Invitations**

This item was received and noted.

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10. Cudgen SLSC

Surf Life Saving; Councillor Invitations

This item was received and noted.

11. Uniting Church Twin Towns Congregation

Councillor Invitations

This item was received and noted.

12. Tweed Chamber Breakfast

Councillor Invitations

This item was received and noted.

12a. Shires Association of NSW – New Corporate Identity, Logo and Colours

Shires Association – General

1089

Cr Boyd

Cr Marshall

RESOLVED that Council advises the Shires Association that the proposed new corporate identity, logo and colours are not appropriate.

AMENDMENT

Cr Luff

Cr James

PROPOSED that the second logo is preferred and suggests that the Association seeks further proposals.

The Amendment was **Lost**

Voting For

Cr James
Cr Lawrie
Cr Luff
Cr Youngblutt

Voting Against

Cr Polglase
Cr Beck
Cr Boyd
Cr Brinsmead
Cr Davidson
Cr Marshall

The Motion was **Carried**

Voting – Unanimous

ATTENDANCE AT MEETING

Cr Carroll attended the meeting at 3.30pm.

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Adoption of Mayoral Minute

1090

Cr Polglase

RESOLVED that the Mayoral Minute as presented be adopted.

Voting - Unanimous

ITEMS DEFERRED

Nil

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

1. **Banora Point Community Centre**

DA1393/320 Pt1; Banora Pt Community Centre

1091

Cr Boyd

Cr Luff

RESOLVED that Council:

1. Notes the tabled Research Report on Banora Point Community Centre prepared by Market Facts (Qld) Pty Ltd;
2. Adopts the revised Terms of Reference for the Banora Point Community Centre Establishment Committee (Annexure 1);
3. Determines the revised membership of the Establishment Committee so as to include the Tweed River Valley Fellowship Inc, Ms Diane Smith and Ms Lynn Lazer (in addition to existing members).

Voting - Unanimous

2. **Revised Proposal for Retirement Village at Lot 1 DP 881733**

DA1540/3620 Pt3

1092

Cr Boyd

Cr Marshall

RESOLVED that Jim Glazebrook and Associates be advised that a new Development Application will be required for the proposal to develop the Retirement Village/Aged Care Facility on the corner of Leisure Drive and Darlington Drive as proposed by Queensland RSL.

Voting - Unanimous

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3. Amendment of Section 94 Contribution Plan No 10 - Cobaki Lakes

GT1/S94/10 Pt1; Section 94

1093

Cr Boyd

Cr Davidson

RESOLVED that Council endorses the public exhibition for 28 days of the draft amendments to Developer Contributions Plan No 10 – Cobaki Lakes – in accordance with Clause 31 of the Environmental Planning and Assessment Regulations, 2000 as follows: -

1. Deleting the library from the plan. As part of the recently amended Libraries Contribution Plan No.11 the Tweed Heads library is to be further extended to accommodate the expected population at Cobaki. Consequently there is no requirement for a new library at Cobaki.
2. Updating the estimated costs to 2002 dollar values, adding the 10% Administration Levy and revising the occupancy rates.

Voting - Unanimous

4. The Redevelopment of an Existing Hotel/Motel at Lot 1 DP 247808 Pandanus Parade, Cabarita Beach

DA4100/10 Pt2

1094

Cr Davidson

Cr Beck

RESOLVED that :-

- A. Council supports the submission pursuant to State Environmental Planning Policy No. 1 with regard to the overshadowing provisions of Clause 32B(4) of the North Coast Regional Environmental Plan 1988 and assumes the concurrence of the Director-General of PlanningNSW.
- B. Development Application 0323/2001DA for the redevelopment of an existing hotel/motel at Lot 1, DP 247808 Pandanus Parade, Cabarita Beach be approved subject to the following conditions:-

“DEFERRED COMMENCEMENT”

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

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

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SCHEDULE "A"

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

1. The applicant shall submit to Council, within twelve (12) months of the date of this notice the following information:-
 - a. Detailed plans (in triplicate) and the proposed method of construction relative to the subject sites location within a coastal erosion zone. Such plans are to adequately demonstrate that the design of the proposed buildings will ensure structural design and construction to withstand erosion events and foreshore recession. Such plans are to be prepared by a suitably qualified and practising structural engineer and architect/building designer and be approved by the Director of Development Services. In this regard, the applicant shall consult with Council in relation to the proposed Coastal Hazards Identification Study if applicable.

SCHEDULE B

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. Section 94 Contributions
 - (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 3

- a. Open Space (Structured): 25 beds @ \$179 \$4,475.00
S94 Plan No. 5

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- b. Open Space (Casual): 25 beds @ \$128 \$3,200.00
S94 Plan No. 5
- c. Extensions to Council Administration Offices \$6,226.00
& Technical Support Facilities: 25 beds @ \$238 plus
4 Shops @ \$69
S94 Plan No. 18
- d. Cycleways: 25 beds @ \$62 \$1,550.00
S94 Plan No. 22

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

Pursuant to Clause 79H of the Environmental Planning and Assessment Regulations, 1994, a Construction Certificate shall **NOT** be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

Stage 3

Water: 4.325 ET \$16,608.00

Sewer: 4.325 ET \$13,905.00

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

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

GENERAL

- 3. The development shall be completed in general accordance with Plan Nos 2002/S/02A, 04A, 05A, 6B, 07A, 08A, 09A, 10B and 11A drawn by Pat Twohill Pty Ltd and dated April 2002, except where varied by these conditions.
- 4. A landscape plan to be submitted and approved by the Director of Development Services prior to the commencement of work. The plan shall incorporate native plants endemic to the area, and bicycle racks for the provision of 12 bicycles on

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the terrace area of Level 1. The existing Pandanus Palms along the southern boundary are to be retained and protected during construction. Landscaping and the provision of the bicycle racks shall be completed in accordance with the approved plans prior to occupation of the building and to the satisfaction of the Director of Development Services.

5. The residential units are to be used only for the purpose of short term tourist accommodation.
6. The gym is only to be used by guests staying at the Hotel.
7. The residential component adjacent to the southern boundary is to have a height no greater than 20 m AHD.
8. Footpaving along the frontage of the building to Pandanus Parade and Coast Road to be of a similar material and style to that used on the Pedestrian Terrace at Level 1. Details to be submitted to and approved by the Director of Development Services prior to the issue of the construction certificate.
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 the issue of a Subdivision Certificate and/or prior to any use or 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. Advertising structures/signs to be the subject of a separate development application, where statutorily required.
13. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.
14. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".
15. In accordance with Section 109F(1) 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.

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16. The island at the entrance to the car park is to be removed to enable delivery vehicles to manoeuvre within the car park area.
17. The car park is to be open to enable public access. No gates or doors are to be installed which would prevent patrons of the resort, hotel, shops or ancillary facilities from entering the car park.
18. Prior to issue of a Construction Certificate a detailed schedule of colours and finishes for the building is to be submitted and approved by the Director of Development Services. Colours and finishes are to be of a non-reflective nature.

BUILDING

19. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead" and the WorkCover guidelines on working with and handling of asbestos.
20. 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" and to the relevant requirements of the WorkCover Authority.
21. 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
 - e. completion of work
 - f. swimming pool safety fencing prior to filling the pool with water
 - g. the fire protection of penetrations through any fire rated elements prior to covering
22. 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

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- (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.

23. 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.
 - iii. A sign has been erected on the site identifying:
 - Lot number
 - Builder
 - Phone number of builder or person responsible for site.
 - 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 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.
24. The glazier is to supply the PCA with certification that all glazing complies with AS 1288 and AS2047 of the Building Code of Australia.
25. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.

PRESCRIBED (BUILDING)

26. 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:-

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- (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.
27. 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.
28. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:
- i. The person must, at the person's own expense:
 - a. preserve and protect the building from damage; and
 - b. if necessary , underpin and support the building in an approved manner.
 - ii. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.
29. 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.
30. 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).
31. a. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- b. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
32. If the soil conditions require it:

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- a. retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
 - b. adequate provision must be made for drainage.
33. If the work involved in the erection or demolition of a building:
- a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - b. building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.
- If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- Any such hoarding, fence or awning is to be removed when the work has been completed.
34. The erection of a building in accordance with a development consent must not be commenced until:
- a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
 - b. the person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority; and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.
35. 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)
36. 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.

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37. 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.
38. 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.

ENGINEERING (BUILDING)

39. On completion of work a certificate signed by a practising structural engineer is to be submitted to the PCA to certify the structural adequacy of the structure.

FIRE (BUILDING)

40. All fire service connections are to be compatible with those of the NSW Fire Brigade.

DISABLED (BUILDING)

41. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore required that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.
42. Access to the building for disabled persons shall be provided and constructed in accordance with the requirements of Part D3 of the Building Code of Australia and Australian Standard AS 1428.1.
43. Prominently displayed signs and symbols must be provided to identify for disabled persons all routes and areas where architectural barriers do not exist. Such access must comply with the requirements of Australian Standard AS 1428 Parts 1 and 2.
44. If access for the disabled is required under Part D3 of the Building Code of Australia, facilities for the use of the disabled shall be provided as specified in Part F2.4 of the Building Code of Australia and shall be constructed to the requirements of Australian Standard AS1428.1.
45. Tactile ground surface indicators for orientation of people with vision impairment are to be provided in accordance with Australian Standard AS1428.4-1992.
46. Disabled car parking spaces are to be provided at the rates provided for under Part D3.5 of the Building Code of Australia and constructed in accordance with Australian Standard AS2890.1.

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SWIMMING POOLS (BUILDING)

47. 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).
- 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.
48. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.

ROADS/STREETS

49. 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.

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50. 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.
51. 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.
52. 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.
53. The following engineering plans and specification are to be submitted to and approved by Council's Engineering Services Division prior to the issue of a Construction Certificate and are to provide for:
 - i) Linemarking of the Pandanus Parade/ Coast Road intersection to provide a right turn lane from Coast Road into Pandanus Parade in accordance with Austroads Part 5 Intersections.
 - ii) Paving along the Coast Road frontage of the site to provide footway access to Pandanus Parade. Such paving shall result in no net loss of car parking spaces. The layout and construction standards to be in accordance with DCP 2 Site Access and Parking Controls
 - iii) All entrances, vehicle and car park entries to the development to be 300 mm above the local catchment Q100 flood level. Clearly defined upstream catchment areas and supporting stormwater calculations shall accompany the engineering design plans. The plans shall also show internal and entry levels and any reshaping of Coast Road verge/ footpath/ car park area required to achieve the 300 mm freeboard.
 - iv) The existing drive through at Pandanus Parade to be resealed, kerbed and guttered and line marking provided for additional on-street car parking to the satisfaction of the Director of Development Services.

DRAINAGE/FLOODING

54. 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

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proposed 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.

55. All surface water collected from hard stand parking areas to be directed to Council approved pre-treatment facilities before discharge to approved discharge locations. Stormwater from covered or enclosed carpark areas shall not be discharged to the public sewer unless approved treatment facilities have been provided. Details are to be submitted to and approved by the Director of Environment and Community Services prior to installation
56. Installation of a suitable perimeter drainage system, utilising lined drains and subsoil drains where required to a design submitted and approved by the Director, Engineering Services. The drainage system is to be installed and functioning prior to the placement of any fill hydraulically.
57. 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.

58. Permanent Stormwater Quality Treatment
- (a) Permanent stormwater quality treatment shall comply with "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development" . New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the "deemed to comply" provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.
- (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can designed into the site development include use of porous

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pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.

- (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
- (d) Specific requirements:

Stormwater runoff from the development site is to be treated on site and conveyed in an underground pipeline to a point of discharge immediately downstream of the existing gross pollutant trap in the coastal reserve. The plans and specifications of these and any works on public land must be submitted and approved by the Director of Engineering Services prior to the issue of a construction certificate.

ENVIRONMENT PROTECTION

- 59. 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.
- 60. 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.
- 61. 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.
- 62. 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.

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- iv) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.
 - v) The landscaping shall be completed to the satisfaction of the Director Development Services PRIOR to the issue of a Subdivision Certificate.
 - vi) A bond shall be lodged prior to the issue of the Subdivision Certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.
63. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
64. 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.
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. The burning of builders waste on site by open fire is prohibited.
68. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.
69. 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)

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- 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.
70. The roof and wall cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of buildings with direct line of sight to the proposed building.
 71. Owners of buildings served by plant involving the operation of "cooling towers", "evaporative condensers" or "tepid water systems" must submit to Council, half yearly, a report detailing the maintenance, cleansing and chemical treatment of such plant every three (3) months in accordance with Part 6 of the NSW Public Health Act.
 72. Any proposed cooling tower installation must also include details on the proposed means of back flow prevention to the water supply prior to installation.
 73. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.
 74. The LA10 noise level emitted from the premises shall not exceed the background noise level (LA90) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.
 75. All waste material shall be stored & disposed of to the satisfaction of the Director of Environment and Community Services.
 76. The pool operation hours and usage shall not impact upon the amenity of any adjacent premises.
 77. Lighting used within the development shall not impact upon the amenity of any adjacent premises.
 78. Noise levels and discharges from any air conditioning plant shall not impact upon the amenity of any adjacent premises.
 79. Footpath dining is not permitted unless a footpath dining agreement has been formalised with Council for the use of the prospective area.
 80. Any excavation to be carried out in accordance with the Acid Sulphate Soils Management Plan prepared by Cozens Regan, Williams and Prove dated April 2001 - Report Number T.09.02.

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81. An acoustic noise report to be submitted to and approved by the Director of Environment and Community Services demonstrating that air conditioning, refrigeration plant, pool filtration pumps, lift well plant and the like is appropriately insulated to ensure adjoining properties are not adversely affected, prior to the release of the construction certificate.
82. Ducting and the like to be installed in accordance with Australian Standard 1668.2 to permit exhaust gases and fumes to be discharged at roof level.
83. Gas tanks to comply with the requirements of work cover.
84. Construction work including the entering and leaving of vehicles is to be restricted to between the hours of 7 am and 6 pm Monday to Friday and 7 am to 2 pm Saturdays. No work is to occur on Sundays or Public Holidays.

TRADE WASTE

85. 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.
86. Pursuant to Section 68 of the Local Government Act, 1993 to ensure there is no unacceptable discharge to Councils sewerage system an approved pre-treatment device (eg. Oil/grease traps, separators, etc) shall be installed to details approved prior to the issuing of a Construction Certificate. The development will be required to meet discharge standards in accordance with Councils Trade Waste Policy.
87. 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.
88. 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. Appropriate signage shall also be provided adjacent to the hose cock identifying that the water is not suitable for drinking.
89. 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.
90. 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

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91. Trade Waste application fee will be applicable as per Councils Fees and Charges.

PLUMBING AND DRAINAGE

92. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- a. internal drainage, prior to slab preparation;
 - b. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting (Note: All water plumbing is to be under test at time of inspection);
 - c. external drainage prior to backfilling.
 - d. completion of work
93. 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.
94. An application to connect to Council's sewer together with the prescribed fee is to be submitted to and approved by Council prior to the commencement of any works on the site.
95. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
96. Back flow prevention devices shall be installed where ever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.
97. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.
98. 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.

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99. A backflow containment device will be installed adjacent to Councils water meter installation at the property boundary in accordance with AS3500. The device is to be maintained in accordance with the provisions of AS3500 by the owner of the property at the owners expense.

Voting - Unanimous

**5. Development Application K99/0141.01 for a Rural Residential Subdivision
Creating Two (2) Lots at Lot 2 DP 1020594 Rayles Lane, Terranora**

DA4600/80 Pt1

1095

Cr Luff

Cr Lawrie

RESOLVED that :-

- A. Application K99/0141.01 to modify Development Consent K99/0141 for a rural residential subdivision creating two (2) lots at Lot 2 DP 1020594 Rayles Lane, Terranora be modified as follows:-
- i. Condition No. 7(iii) be deleted and the words "deleted" be inserted.
 - ii. The addition of new conditions as follows:-
 24. Prior to commencement of work pursuant to this consent a **Construction Certificate** shall be obtained for the works proposed and 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
 - stormwater drainage
 - water supply works
 - sewerage works
 - landscaping works
 - sedimentation and erosion management plans
 - location of all service conduits (water, sewer, Country Energy and Telstra)

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- the approved Traffic Control Plan
- the relevant maintenance manuals (eg. G.P.T's, water pump station)

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.

25. 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.
26. **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 88B instrument is issued.

27. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-
- i. Extension of Carrington Road from the existing edge to the property boundary of Lot 2 DP 1020594 with a six metre pavement width, including kerb and gutter on both sides.
28. Prior to the release of the 88B instrument a Compliance Certificate or Certificates shall be obtained from Council **OR** an accredited certifier for the following:-
- (i) Compliance Certificate - Roads
 - (ii) Compliance Certificate - Drainage

Note:

1. Where Council is requested to issue compliance certificates, applications for such certificates must be accompanied by documentary evidence from the Developers Supervising Consulting Engineer certifying that the specific work for which a certificate is sought has been completed in accordance with the

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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. Excavation of subgrade
- c. Pavement - sub-base
- d. Pavement - pre kerb
- e. Pavement - pre seal
- f. Final inspections - on maintenance
- g. Off Maintenance inspection

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 Management Act 2000 to be certified by an "accredited certifier".
29. 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 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.

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30. 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.
31. 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.
32. 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.
33. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
34. Prior to the issue of a **88B instrument**, 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.

- B. All documentation be completed under the Common Seal of Council.

Voting - Unanimous

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REPORTS FROM DIRECTOR CORPORATE SERVICES

6. Memorial to Honour the Late Cr Pat Dixon

DW676973; Memorials

1096

Cr Beck

Cr Marshall

RESOLVED that Council advises the Local Government and Shires Association that it will not be making a financial contribution to a memorial to honour the memory of the late Cr Pat Dixon.

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Luff

7. SouthROC Business Plan

DW677205; SROC

1097

Cr Marshall

Cr Boyd

RESOLVED that Council's representatives endorse the SouthROC Business Plan at the next meeting of the regional group of Councils.

Voting - Unanimous

8. Farmer's Market Proposal - Tumbulgum

Farmers Markets

1098

Cr Youngblutt

Cr Luff

RESOLVED that Council endorses the preparation of more detailed costing and preliminary design work of the proposed Tumbulgum Farmer's Market for submission to the Department of Transport and Regional Solutions' Far North East New South Wales Sustainable Region Advisory Committee and other consultative processes.

Voting - Unanimous

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9. Sustainable Regions Program - Deed of Grant

Sustainable Regions Program

1099

Cr Boyd

Cr Carroll

RESOLVED that the Deed of Grant between the Commonwealth of Australia and Tweed Shire Council for the Far North East NSW Sustainable Regions Program – Capacity Building and Development Project be signed and executed under the Common Seal of Council.

Voting - Unanimous

10. 2001 Audited Accounts of Local Government Association of NSW and Shires Association of NSW

Local Govt & Shires Assn - General; Shires Assn of NSW - General

1100

Cr Boyd

Cr Davidson

RESOLVED that this report be received and noted.

Voting - Unanimous

11. Monthly Investment Report for Period Ending 31 May 2002

Monthly Investment Report

1101

Cr Boyd

Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

LATE ITEM

1102

Cr Boyd

Cr Marshall

RESOLVED that Item 11a being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

Voting - Unanimous

11a. Renewal of Council's Insurance Portfolio for the Period 1 July 2002 to 30 June 2003

Insurance - General

1103

Cr Boyd

Cr Davidson

RESOLVED that Council enters into an insurance contract with various parties for the following policies for the period 1 July 2002 to 30 June 2003 on the following basis and premiums:-

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1. Industrial Special Risk

Premium \$101, 137.25 (plus GST)

Insurer: NSW Local Government (Jardines) Mutual Liability Scheme known as Statewide, Property Mutual.

Total Asset Value

Section 1: \$85,922,000.00

Section 2: Consequential Loss \$10,000,000.00

Total: **\$95,922,000.00**

Limits of Liability:

Sections 1 & 2 combined \$250,000,000.00

Sub-limits of Liability:

Liability shall be further limited to any one loss/anyone situation as follows:-

Section 1 – Material Loss or Damage

	New Limit
	\$
Accidental damage	2,000,000
Accidental damage - artworks	200,000
Burglary/theft (other than money)	2,000,000
Money (including whilst in transit)	1,000,000
Removal of debris	5,000,000
Reproduction of records	5,000,000
Extra cost of reinstatement	2,000,000
Expediting costs	100,000
Fusion	20,000
Transit – artworks	50,000
Property in open air (including theft)	100,000
Damage to glass	Replacement Value
General property	100,000
Liability to Make Enquiries	100,000
Loss of Land Value	50,000
Landscaping	10,000
Docks, wharves and piers	50,000
Bridges, canals, dams, reservoirs, roadways, tunnels and railway tracks	50,000
Flood	N/A
Subsidence	N/A
Personal Property/Social Clubs	20,000
Machinery breakdown	100,000
Machinery breakdown - deterioration of stock	N/A

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	New Limit
	\$
Boiler explosion	20,000
Computer breakdown - hardware	1,000,000
Computer breakdown - software/data restoration	N/A
 Section 2 - Consequential Loss	
Item 1 - Gross Profit	Nil
Item 2 - Claims Preparation Costs and Proving Costs	Nil
Item 3 - Payroll	Nil
Item 4 - Increased Cost of Working	10,000,000
Item 5 - Computer breakdown increased cost of working	Nil
Item 6 - Loss of Gross Rentals	Nil
Item 7 - Accounts Receivable	Nil
Indemnity Period as defined	12 months

Note that the inclusion of a Sub Limit of Liability does not automatically constitute cover under the Mutual for that item. Protection will only apply if the damage is sustained, via a protected peril, to a declared situation on the asset schedule.

Deductibles:

1. In respect of property where loss is caused by earthquake, subterranean fire or volcanic eruption:
 - a) An amount equal to 1% of the Total Declared Values at the Situation where the damage occurs; or
 - b) \$20,000, whichever is the lesser.
2. All other causes \$2,000.00

2. Motor Vehicle Premium \$94,773.36 (plus GST)

Insurer: Zurich Financial Services Australia Ltd

Based on schedule of vehicles provided and vehicles acquired during the period of insurance.

Included all vehicles (including fixtures, fitting, plant, equipment and accessories therein or thereof), including trailers owned or loan leased, rented, hired or used by the insured.

Deductibles:

- Insured to bear the first each and every loss \$1,000.00

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- Automatic repair authority \$2,500.00
- Automatic additions and deletions limit \$300,000.00

3. Marine Hull Premium \$2,690.66 (plus GST)

Insurer: Associated Marine Insurers Agents Pty Ltd

On two (2) aluminium flood boats, including motors and trailers.

Sum Insured:

Section 1	\$18,000.00
Section 2	\$5,000,000.00

Deductible: \$250.00

4. Fidelity Guarantee Premium \$1,742.94 (plus GST)

Insurer: Statewide Mutual

Sum Insured:

Limit any one person	\$150,000.00
Limit any one event	\$150,000.00
In the aggregate any one period of insurance	\$150,000.00

Deductible:

1% of the claim or minimum of \$500.00.

5. Statewide Mutual Liability Premium \$413,726.00 (plus GST)

Insurers: CGU London, Lloyd and London Underwriters

Public liability cover	\$200,000,000.00
Professional Indemnity	\$200,000,000.00
Deductible – any one claim	\$25,000.00

Voting - Unanimous

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REPORTS FROM DIRECTOR ENGINEERING SERVICES

12. Roadside Tributes - Policy

Memorials/Roadside Crosses

1104

Cr Beck

Cr Lawrie

RESOLVED that this matter be dealt with later in the meeting. (Refer Minute No 1116)

Voting - Unanimous

13. Dune Management Plan for Duranbah Beach - Financial Assistance

Beaches – Erosion; Beaches – Duranbah Beach

1105

Cr Boyd

Cr Marshall

RESOLVED that Council accepts the offer of financial assistance from the Department of Land and Water Conservation for up to \$5,000 on a 1 to 1 basis and votes the expenditure of \$5,000 from the Coastal Management Planning budget of Council to match the offer.

Voting - Unanimous

14. Tweed Coast Estuaries Management Plan - Financial Assistance

Estuary Management – Tweed Coastal Committee

1106

Cr Boyd

Cr Marshall

RESOLVED that Council accepts the financial assistance from the Department of Land and Water Conservation's Estuary Management Program on a 1 to 1 basis and votes the expenditure of \$40,000 from the Tweed Coast Estuaries Management Program of Council to match the offer.

Voting - Unanimous

15. Pontoon for Nicholl Park Heritage Wharf, Murwillumbah - Financial Assistance

Nicholl Park; Jetties; Pontoons

1107

Cr Marshall

Cr Boyd

RESOLVED that Council accepts the financial assistance of up to \$37,500 from the Department of Land and Water Conservation's Waterways Program for installation of a pontoon at the Nicholl Park Heritage Wharf on a 1 to 1 basis and votes the expenditure of \$37,500 from the Waterways Loan Funding of Council to match the offer.

Voting - Unanimous

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16. Vessel Speed Restrictions on Canal Waterways

Canals; Boating

1108

Cr Boyd

Cr Davidson

RESOLVED that Council endorses the gazettal, by the NSW Waterways Authority, of speed restriction areas in the canals of Oxley Cove, Endless Summer, Crystal Waters, Seagulls and Wyuna Road.

Voting - Unanimous

17. 2002 / 2003 Works Program

Works Program - 2002/2003

1109

Cr Luff

Cr Boyd

RESOLVED that the 2002/2003 Works Program as submitted be adopted.

Voting - Unanimous

18. Supply of 300mm Diameter Pressure Pipe Terranora Broadwater Sewer Rising Main

Contracts/Quotation - Sewerage; Terranora Broadwater

1110

Cr Boyd

Cr Marshall

RESOLVED that Council re-tenders the pipe supply contract for the Terranora Broadwater Sewer Rising Main.

Voting - Unanimous

19. Tweed Coastline Management Study and Management Plan - Financial Assistance Estuary Management – Tweed Coastal Committee; Coastal Management

1111

Cr Boyd

Cr Marshall

RESOLVED that Council accepts the offer of financial assistance from the Department of Land and Water Conservation for up to \$100,000 on a 1 to 1 basis and votes the expenditure of \$100,000 from the Coastal Management Planning 2001/2002 and 2002/2003 budgets of Council to match the offer.

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Voting For

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

Voting Against

Cr Lawrie

20. NSW Floodplain Management Authorities Annual Conference

Floodplain Management - Annual Conference

1112

Cr Boyd

Cr Marshall

RESOLVED that:

1. This report be received and noted.
2. Councillors interested be authorised to attend the 2003 NSW Floodplain Management Authorities Annual Conference.

Voting - Unanimous

1113

Cr Boyd

Cr Marshall

RESOLVED that officers bring forward a report on the estimated costs in relation to raising the Murwillumbah East Levy and the Dorothy Street Levy.

Voting - Unanimous

PROCEDURAL MOTION

1114

Cr Boyd

Cr Marshall

RESOLVED that Council deals with item 12.

Voting - Unanimous

12. Roadside Tributes - Policy

Memorials/Roadside Crosses

Cr James

Cr Luff

PROPOSED that the policy on Roadside Tributes as follows be adopted.

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“ROADSIDE TRIBUTES DRAFT POLICY

This policy provides guidance for operational staff in advising on, or removing, roadside tributes such as flowers or small crosses of similar size.

Advice

The placement of roadside flowers is a matter for individual families. Tweed Shire Council respects their wishes and will provide sympathetic advice for those seeking it.

Anything more substantial than flowers or small, lightweight wooden crosses of similar size to a floral tribute should not be placed in the road reserve. Families should be advised that anything larger could itself become a road or pedestrian safety hazard.

Advice should be given that, although there is no limit to the time a tribute can remain, the Council will remove any tribute that appears to have been neglected.

Removal

In the event that there are concerns regarding a tribute, it can be removed subject to the following processes being adopted. These concerns may arise from Council staff or contractors or may be as a result of representations from the public.

- 1. Concerns are considered and a recommendation for removal is prepared for approval by the Director Engineering Services providing either of the following criteria are met:-*
 - The size or material of the tribute has the potential to cause adverse road safety impact, or*
 - Deterioration of the floral tribute indicates that it may no longer be maintained and may soon pose a hazard or drainage problem etc.*
 - The nature or size of the tribute has the potential to be a pedestrian hazard in urban footpath areas*
 - The owner of the property fronting the tribute or those in the near vicinity objects to its placement for periods longer than considered necessary.*
- 2. If possible, the approved recommendation is discussed with the family or other persons responsible for placing the tribute.*
- 3. Agreement is reached regarding the action to be taken and whether it should be done by Council or the family. Should agreement not be reached then the Director Engineering Services will make the final decision on necessary action.*
- 4. If it is agreed that the Council will undertake the removal, the final recommendation is submitted for the approval of the Director Engineering Services.*
- 5. In undertaking removal, Council staff and / or contractors will show respect for the feelings of the bereaved and every effort will be made to return any materials removed to the family in an appropriate manner, time and place.”*

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AMENDMENT 1

1115

Cr Beck

Cr Lawrie

RESOLVED that the policy on Roadside Tributes as follows be adopted. **(This Minute was subsequently changed – Refer Minute No 1116)**

“ROADSIDE TRIBUTES DRAFT POLICY

This policy provides guidance for operational staff in advising on, or removing, roadside tributes such as flowers or small crosses of similar size.

Advice

The placement of roadside flowers is a matter for individual families. Tweed Shire Council respects their wishes and will provide sympathetic advice for those seeking it.

Anything more substantial than flowers or small, lightweight wooden crosses of similar size to a floral tribute should not be placed in the road reserve. Families should be advised that anything larger could itself become a road or pedestrian safety hazard.

Advice should be given that, although there is no limit to the time a tribute can remain, the Council will remove any tribute that appears to have been neglected. Those memorials that are currently in place remain so.

Removal

In the event that there are concerns regarding a tribute, it can be removed subject to the following processes being adopted. These concerns may arise from Council staff or contractors or may be as a result of representations from the public.

1. *Concerns are considered and a recommendation for removal is prepared for approval by the Director Engineering Services providing either of the following criteria are met:-*
 - *The size or material of the tribute has the potential to cause adverse road safety impact,*
or
 - *Deterioration of the floral tribute indicates that it may no longer be maintained and may soon pose a hazard or drainage problem etc.*
 - *The nature or size of the tribute has the potential to be a pedestrian hazard in urban footpath areas*
 - *The owner of the property fronting the tribute or those in the near vicinity objects to its placement for periods longer than considered is reasonable.*
2. *If possible, the approved recommendation is discussed with the family or other persons responsible for placing the tribute.*
3. *Agreement is reached regarding the action to be taken and whether it should be done by Council or the family. Should agreement not be reached then the Director Engineering Services will make the final decision on necessary action.*

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4. *If it is agreed that the Council will undertake the removal, the final recommendation is submitted for the approval of the Director Engineering Services.*
5. *In undertaking removal, Council staff and / or contractors will show respect for the feelings of the bereaved and every effort will be made to return any materials removed to the family in an appropriate manner, time and place."*

Amendment 1 was **Carried** but was subsequently changed at Minute No 1116.

Voting For

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

Voting Against

Cr Carroll
Cr Davidson
Cr James
Cr Luff
Cr Marshall

AMENDMENT 2

Cr Boyd

Cr James

PROPOSED that that the policy on Roadside Tributes as follows be adopted.

“ROADSIDE TRIBUTES DRAFT POLICY

This policy provides guidance for operational staff in advising on, or removing, roadside tributes such as flowers or small crosses of similar size.

Advice

The placement of roadside flowers is a matter for individual families. Tweed Shire Council respects their wishes and will provide sympathetic advice for those seeking it.

Anything more substantial than flowers or small, lightweight wooden crosses of similar size to a floral tribute should not be placed in the road reserve. Families should be advised that anything larger could itself become a road or pedestrian safety hazard.

Advice should be given that, although there is no limit to the time a tribute can remain, the Council will remove any tribute that appears to have been neglected.

Removal

In the event that there are concerns regarding a tribute, it can be removed subject to the following processes being adopted. These concerns may arise from Council staff or contractors or may be as a result of representations from the public.

1. *Concerns are considered and a recommendation for removal is prepared for approval by the Director Engineering Services providing either of the following criteria are met:-*
 - *The size or material of the tribute has the potential to cause adverse road safety impact,*
or

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- *Deterioration of the floral tribute indicates that it may no longer be maintained and may soon pose a hazard or drainage problem etc.*
 - *The nature or size of the tribute has the potential to be a pedestrian hazard in urban footpath areas*
 - *The owner of the property fronting the tribute or those in the near vicinity objects to its placement for periods longer than considered is reasonable.*
2. *If possible, the approved recommendation is discussed with the family or other persons responsible for placing the tribute.*
 3. *Agreement is reached regarding the action to be taken and whether it should be done by Council or the family. Should agreement not be reached then the Director Engineering Services will make the final decision on necessary action.*
 4. *If it is agreed that the Council will undertake the removal, the final recommendation is submitted for the approval of the Director Engineering Services.*
 5. *In undertaking removal, Council staff and / or contractors will show respect for the feelings of the bereaved and every effort will be made to return any materials removed to the family in an appropriate manner, time and place.”*

Amendment 2 was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Marshall

Voting Against

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

Amendment 1 on becoming the Motion was **Lost** but was subsequently changed at Minute No 1116.

Voting For

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Lawrie
Cr Youngblutt

Voting Against

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

1116

Cr Marshall

Cr Davidson

RESOLVED that that the policy on Roadside Tributes as follows be adopted.

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“ROADSIDE TRIBUTES DRAFT POLICY

This policy provides guidance for operational staff in advising on, or removing, roadside tributes such as flowers or small crosses of similar size.

Advice

The placement of roadside flowers is a matter for individual families. Tweed Shire Council respects their wishes and will provide sympathetic advice for those seeking it.

Anything more substantial than flowers or small, lightweight wooden crosses of similar size to a floral tribute should not be placed in the road reserve. Families should be advised that anything larger could itself become a road or pedestrian safety hazard.

Advice should be given that, although there is no limit to the time a tribute can remain, the Council will remove any tribute that appears to have been neglected. Those memorials that are currently in place remain so.

Removal

In the event that there are concerns regarding a tribute, it can be removed subject to the following processes being adopted. These concerns may arise from Council staff or contractors or may be as a result of representations from the public.

- 1. Concerns are considered and a recommendation for removal is prepared for approval by the Director Engineering Services providing either of the following criteria are met:-*
 - The size or material of the tribute has the potential to cause adverse road safety impact, or*
 - Deterioration of the floral tribute indicates that it may no longer be maintained and may soon pose a hazard or drainage problem etc.*
 - The nature or size of the tribute has the potential to be a pedestrian hazard in urban footpath areas*
 - The owner of the property fronting the tribute or those in the near vicinity objects to its placement for periods longer than considered is reasonable.*
- 2. If possible, the approved recommendation is discussed with the family or other persons responsible for placing the tribute.*
- 3. Agreement is reached regarding the action to be taken and whether it should be done by Council or the family. Should agreement not be reached then the Director Engineering Services will make the final decision on necessary action.*
- 4. If it is agreed that the Council will undertake the removal, the final recommendation is submitted for the approval of the Director Engineering Services.*
- 5. In undertaking removal, Council staff and / or contractors will show respect for the feelings of the bereaved and every effort will be made to return any materials removed to the family in an appropriate manner, time and place.”*

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Voting For

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

Voting Against

Cr Beck
Cr Brinsmead

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

21. **Building Enclosure Below Council's Design Flood Level - Lot 5 DP 248042 10
McLeod Street, Condong**

DA02/0569 Pt1; 3220.410

1117

Cr Polglase

Cr Boyd

RESOLVED that Council defers this item until the next Council meeting.

Voting - Unanimous

TEMPORARY ABSENCE FROM MEETING

Cr Brinsmead left the meeting.

22. **Department of Transport & Regional Services Contract**

Budget; Art Gallery - Mistral Rd; 3488.12

1118

Cr Boyd

Cr Marshall

RESOLVED that Council:-

1. Accepts the funds from the Department of Transport and Regional Services.
2. Votes the expenditure accordingly.
3. Completes all necessary documentation under the Common Seal of Council.

Voting - Unanimous

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23. Building Enclosure Below Council's Design Flood Level Lot 621 DP755740 Wommin Lake Crescent, Fingal Head

DA02/0443; 5960.40

1119

Cr James

Cr Marshall

RESOLVED that Council approves the application as submitted subject to the following conditions, thus allowing a full enclosure of 97m² below the design flood level:-

GENERAL

1. The development shall be completed in general accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by these conditions of consent.
2. No retaining walls or similar structures are to be constructed over Council's sewer main.
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
4. The erection of a building in accordance with a development consent must not be commenced until:
 - a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
 - b. the person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority; and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. The footings and floor slab 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 issue of a construction certificate.
6. 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 including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted

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on Council's standard application form and be accompanied by the required attachments and prescribed fee.

7. 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.

PRIOR TO COMMENCEMENT OF WORK

8. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised to the satisfaction of the Principal Certifying Authority and provided with a dish drain or similar at the base or otherwise retained to the satisfaction of the Principle Certifying Authority. All retaining works shall be completed to the satisfaction of the Principal Certifying Authority prior to start of building work. Please note timber retaining walls are not permitted.
9. 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

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- (ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; 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.

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 contacted outside working hours.
 - c. Lot number.
12. 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.
13. 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. Note All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the PCA prior to commencement of building works.

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DURING CONSTRUCTION

14. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
15. The 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.
16. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.
17. 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
 - e. completion of work
18. 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.
19. 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.
20. Building materials used below Council's minimum floor level of RL 3.3m AHD must not be susceptible to water damage.
21. 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.
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. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of the buildings with direct line of sight to the proposed building.

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24. All new residential dwellings (and extensions comprising over 50% of the original floor area) are to fully comply with Councils Energy Smart Housing Policy (DCP39). In order to comply with DCP39 consideration must be given to the building envelope, orientation, insulation, ventilation, thermal mass, zoning, and hot water supply.
25. 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.
26. 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.
27. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.
28. 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.
29. The finished floor level of the building should finish not less than 225mm above finished ground level.
30. 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.
31. 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.

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- iii. A sign has been erected on the site identifying:
 - Lot number
 - Builder
 - Phone number of builder or person responsible for site.
 - 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 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.
32. 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.

USE

33. The building is to be used for single dwelling purposes only.

Voting For

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

Voting Against

Cr Beck

24. NSW Ministry for the Arts - Fifth City of the Arts

Cultural Development - Funding

1120

Cr Boyd

Cr Marshall

RESOLVED that Council's Cultural Development Officer co-ordinates, facilitates and develops the submission of an application to the NSW Ministry for the Arts - Fifth City of the Arts Program.

Voting - Unanimous

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25. Response to Council's Letter to Ministers on Home Care Crisis

HACC; Aged Services

1121

Cr Marshall

Cr Boyd

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM COMMITTEES/WORKING GROUPS

1. Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 9 May 2002

Dune Care

3. Casuarina Beach - Dune Monitoring Committee

Dune Care

1122

Cr Luff

Cr Boyd

RESOLVED that:-

- A. Given the licence conditions for the Casuarina Beach Dune Management Plan specifies that the monitoring Committee includes two members of the Tweed Dune Care Advisory Committee, Henry James and Mick Stewart be nominated to the positions.
- B. The chair of the Monitoring Committee be informed of the nominations.

Voting - Unanimous

5. Dune Care Conference

Dune Care

1123

Cr Luff

Cr Boyd

RESOLVED that Council funds seven registration fees for the Annual Dune Care Conference on 23-24 August 2002 from the Dune Care support budget.

Voting - Unanimous

1124

Cr Luff

Cr Boyd

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

Voting - Unanimous

OUTSTANDING INSPECTIONS

Nil

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ORDERS OF THE DAY

1. Section 149 Certificates

Notice of Motion; Development - s149 Certificates; DW677324

1125

Cr Lawrie

Cr James

RESOLVED that as soon as the database can be amended, all Section 149 (2) certificates give notice whether:

- a. the lot in question definitely has a dwelling entitlement; or
- b. the lot in question definitely does not have a dwelling entitlement; or
- c. further research and an application for a Section 149 (5) certificate are required.

Voting - Unanimous

2. Complying Development Applications

Notice of Motion; Building Code; DW678238

1126

Cr Lawrie

Cr Youngblutt

RESOLVED that Council requests staff to:-

1. Investigate rationalisation of its Complying Development Application process from the need for five (5) separate applications involving duplication of information, to one (1) detailed application.
2. Conducts a survey of other applications for the purpose of like rationalisation.

Voting - Unanimous

3. Bruce Chick Park

Notice of Motion; Bruce Chick Park; DW678989

1127

Cr Boyd

Cr Marshall

RESOLVED that:-

1. A plan be developed for road access and parking at Chick Park;
2. An estimate of cost be prepared for such work to be carried out.

AMENDMENT

Cr Luff

Cr Beck

PROPOSED that Council officers bring forward a report on road access, parking and usage at Chick Park.

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The Amendment was **Lost**

Voting For

Cr Beck
Cr Lawrie
Cr Luff
Cr Youngblutt

Voting Against

Cr Polglase
Cr Boyd
Cr Carroll
Cr Davidson
Cr James
Cr Marshall

The Motion was **Carried**

Voting For

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

Voting Against

Cr Beck

4. **Section 96 Application to Modify Consent No 1044/2011DA - Erection of an attached Dual Occupancy at Lot 603 DP 1020273 No 8 Franklin Street, Banora Point**

Notice of Rescission; DA2142/95 Pt1; DW678639

1128

Cr Lawrie

Cr Polglase

RESOLVED that Council resolution at Minute No 1063 in relation to Item 31 of the Meeting held Wednesday 5 June 2001 being:-

".....that the Section 96 application 1044/2001DA submitted by T & T Building for the variation of Condition No 6 of Development Consent 1044/2001 be refused for the following reasons:-

1. The size and length of the fence would be out of character with the existing open streetscape within the area.
2. The applicant has not complied with the landscaping requirements of Condition No 6 by planting mature plants which would provide required privacy to the tenants of the subject property.
3. The proposal will set an unwanted precedent in the area for fences constructed within Council's Building Line.

be rescinded."

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Voting - Unanimous

1129

Cr Lawrie

Cr Youngblutt

RESOLVED That the 1.8 metre high timber lap and capped fence be approved along the Franklin Street property boundary for an approximate distance of 30 metres subject to the provision of at least two 8 metre long recessed landscaping bays with the length of the fence, terminating adjacent to the northern corner of the ensuite in residence A. Landscaping details of the recessed bays are to be submitted to Council for approval to the satisfaction of Council's Director Development Services, prior to commencement of works.

Voting - Unanimous

WORKSHOPS PREVIEW

1. **Open Space Infrastructure Policy & Contributions Plans Workshop**
2. **Economic Incentives Workshop**
3. **Briefing – TACTIC Strategic Plan Workshop**
4. **Extraordinary Meeting of Council to be held at 3.30pm Wednesday 26 June 2002
Workshops; TACTIC**

1130

Cr Boyd

Cr Lawrie

RESOLVED that the Workshops and the Extraordinary Council Meeting be confirmed.

Voting - Unanimous

TEMPORARY ABSENCE FROM MEETING

Cr Marshall left the meeting.

QUESTION TIME

Census Population Data

Population Statistics

Cr Boyd

What is the population of Tweed Shire?

The General Manager advised that the Strategic Planning Unit would provide a report to Council on the recently released census population data.

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COMMITTEE OF THE WHOLE

1131

Cr Davidson

Cr Youngblutt

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

Voting - Unanimous

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

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES IN COMMITTEE

1. Tweed Shire Community Based Heritage Study

Heritage Matters

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*

C266

That Council:-

1. Endorses the selection of David Scobie and Andrea Humphreys to undertake a Shire-wide Community Based Heritage Study, at a cost of \$25,000;
2. Notes that Council will fund 50% of this cost – derived from salary savings in the Strategic Planning program.

Voting - Unanimous

REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

2. Industrial Land Development

PF5810/305 Pt2; Land Development - Wardrop Valley

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*

C267

That :-

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1. Council approves the amendment of the Contract dated 11 January 2002 and the second Contract for the further area of 2.92 hectares as follows:
 - (a) The Contracts be subject to the plan of subdivision being registered within **15** months from 11 January 2002; and
 - (b) The Contracts be subject to the Development Application to be lodged by the Purchaser within **9** months from 11 January 2002;
2. All necessary documentation be executed under the Common Seal of Council.

Voting - Unanimous

3. **EC2002-36 Supply of Pressure Pipe and Various Water Service Fittings
GC12/1-2 Pt2; Contracts/Quotations; Water - Annual Supply**

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*

C268

That:-

1. The following items - Metered Standpipe, Screwed Copper Pipe, Pipe Adaptors, Gasket Rubbers, Stainless Steel Nuts and Bolts be withdrawn from the tender and preferred supplier arrangements be investigated with the current suppliers of these items.
2. Contractors listed in the body of the report be awarded supply contracts for the nominated items for the period 1 July 2002 to 30 June 2004.

Voting - Unanimous

4. **EC2002-50 Annual Supply of Chemicals for Water and Sewerage Treatment
Plants & Pools**

Contracts/Quotations - Annual Supply

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*

C269

That Annual Supply Contracts for the Supply of Chemicals for Water and Sewerage Treatment Plants and Pools be awarded to the following suppliers for a two (2) year period with a one (1) year option:-

1. Omega Chemicals: Liquid Alum and Liquid Sodium Hydroxide
Prices for Liquid Alum to be fixed for the first twelve months of the contract and CPI adjusted for each subsequent twelve month period.

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Prices for Liquid sodium Hydroxide to be fixed for the first quarter of the contract and adjusted each subsequent quarter.

2. Elite Chemicals: Liquid sodium Hypochlorite at the rate of \$0.30525 per litre to all sites.

Voting - Unanimous

5. EQ2002-48: Supply of Selected Materials

Contracts/Quotations - Stores & Materials

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*

C270

That:-

1. The Metal Paint item be withdrawn from the tender and this product be sourced as required.
2. 90mm dia PVC and the 100mm dia Agricultural Pipe items be withdrawn from the tender and that preferred supplier negotiations be entered into with Iplex Pipelines Pty Ltd for the annual supply contract for those items.
3. Armstrong's Store as the only fully conforming tender for Long Sleeve Work Shirts be awarded the annual supply contract for those items.
4. Contractors listed in the body of the report be awarded supply contracts for the nominated items until 30 June 2003.

Voting - Unanimous

6. EC2002-35 Supply of Tyres and Tubes

Contracts/Quotations - Annual Supply

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*

C271

That the submission from Ray Hall Tyres for the supply of tyres and tubes, recapping, relugging and repairing of tyres and tubes for the period form the 1 July 2002 until the 30 June 2004 be accepted.

Voting - Unanimous

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7. EC2002-45 Supply of Lubricating Oils

Contracts/Quotations - Stores & Materials

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*

C272

That the Contract for the Supply and Delivery of Lubricating Oils for the period 1 July 2002 to the 30 June 2004 be awarded to Castrol Australia Pty Ltd.

Voting - Unanimous

RETURN TO MEETING

Cr Brinsmead returned to the meeting.

8. Contract No. 0100690 Design and Construction of Uki Sewage Treatment Plant

Sewerage Treatment - Uki

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*

C273

That Council:-

1. Endorses the Department of Public Works and Services recommendation to engage Acron Noble Pty Ltd for Contract No. 0100690 Design and Construction of Uki Sewage Treatment Plant for the amount of \$490,793.
2. Approves the expenditure of \$65,000 from the Sewer Fund Capital Contributions Reserve as the marginal cost to increase the plant capacity from 400 to 600 EP.

Voting - Unanimous

9. Contract EC2002-66 - Supply of Retail Electricity

GC12/9 - 200266 Pt1; Electricity; Contracts - Annual Supply

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*

C274

That:-

1. Council accepts the tender submitted by Country Energy.
2. All documentation be completed under the Common Seal of Council.

Minutes - Meeting of Tweed Shire Council

Voting - Unanimous

10. EQ2002-59 - Quotations for Licence to Operate Water Based Activities on Waterways in Tweed Shire for the Period 1 July 2002 to 30 June 2003

EQ2002-59; Licences - Aquatic; Quotations - Waterways

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*

C275

That:-

1. The Water Based Activities and Licence Fees tendered for the 2002/2003 Water Based Activities be accepted and licences be issued to the following:-
 - a) Wet & Dry Water Sports: Water Sports Equipment Hire
 - b) Graeme Heggie: Kayak Hire & Eco Tours
 - c) Glen Keys: Water Taxi / Ferry Services
 - d) Trevor Arbon: Water Sports Equipment Hire
2. All necessary documentation be completed under the Common Seal of Council.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

11. Murwillumbah Civic & Cultural Centre Auditorium Tender for Caretaker/Manager

Civic Centre - M'bah; Agreements

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*

C276

That Council:

1. Appoints Mr David Martain as the new caretaker/manager of the Murwillumbah Civic & Cultural Centre Auditorium in accordance with the details outlined in this report for a period of three (3) years.
2. Completes all necessary documentation under the Common Seal of Council.
3. Considers funding options at the first quarterly budget review on 30 September 2002.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

1132

Cr Davidson

Cr Youngblutt

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

Voting - Unanimous

There being no further business the Meeting terminated at 5.22pm.



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 56 of these Minutes

Chairman