

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.

Also present were Dr John Griffin (General Manager), Mr Bob Missingham (Manager Works), Mr David Broyd (Director Development Services), Mr Don Buckley (Director Environment & Community Services), Mr Ian Carpenter (Director Corporate Services), Mr Reg Norvill (Manager Finance & Information Services) and Mrs Maree Morgan (Minutes Secretary).

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

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

"The king's hear is in the hand of the Lord; He directs it like a watercourse whenever He pleases." (Proverbs 21:1)

Almighty God, our lives and our times are in Your hands. We look to You to direct us in our decision making today. You have given us the responsibility of leadership within our Shire; and those who have elected us look for us to give that leadership. Grant us grace and courage to make the right decisions; those which will benefit the whole community and enrich the lives of all residents.

God of grace and mercy, by Your Spirit, empower us to be men and women of integrity; enable us to be open and honest in all we do and say; help us to be trustworthy and let our word be our bond. May those who we represent look to use and see no hint of suspicion in our decision making. May we be worthy of the trust which they place in us. Give us the desire to work in unity and the will to see our Shire develop to its full potential, economically, socially and environmentally.

Lord God, as we meet today, may be gracious with one another. Save us from cheap "point scoring" and derogatory words. We ask Your blessing upon each other and Your peace to fill this house. We ask Your special blessing upon Warren as he fulfils his role of Mayor of our Shire. We ask all this in the Name of Jesus Christ, our Lord. Amen."

CONFIRMATION OF MINUTES

224

Cr Boyd

Cr Beck

RESOLVED that the Minutes of the Ordinary Meeting held 21 August 2002 be confirmed as an accurate record of the proceedings of that Meeting.

Voting - Unanimous

ABSENT

Councillors W M Marshall, P C P Youngblutt.

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Councillor Cr Marshall has informed the General Manager that her absence is caused by being out of the Shire on Council business.

Councillor Cr Youngblutt has informed the General Manager that his absence is caused by illness.

Cr Boyd

Cr Davidson

RESOLVED that the apology of Cr Marshall, Cr Youngblutt be accepted.

Voting - Unanimous

DISCLOSURE OF INTEREST

Cr Brinsmead

Declared an interest in Item Nos 1, 5, 6 of the Agenda.

The nature of the interest is that Cr Brinsmead has a family member involved in a company which is legally representing the subject applicant.

Cr Boyd

Declared an interest in Item No 9 of the Agenda.

The nature of the interest is that Cr Boyd has an interest in a competitive business in the Shire.

Cr Davidson

Declared an interest in Item No 13 of the Agenda.

The nature of the interest is that Cr Davidson is a member of the Tweed River Jockey Club.

ITEMS TO BE MOVED TO OR FROM CONFIDENTIAL

225

Cr Beck

Cr Brinsmead

RESOLVED that Item 1 of the Ordinary Agenda be considered in Confidential Session.

Voting - Unanimous

SCHEDULE OF OUTSTANDING RESOLUTIONS

226

Cr Boyd

Cr Davidson

RESOLVED that this report be received and noted.

Voting – Unanimous

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ATTENDANCE AT MEETING

Cr Luff attended the meeting at 3.15pm.

SUSPENSION OF STANDING ORDERS

227

Cr Polglase

Cr Boyd

RESOLVED that standing orders be suspended to deal with Item 1 of the Ordinary Agenda which was moved to Confidential Session.

Voting – Unanimous

COMMITTEE OF THE WHOLE

*Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)
(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege*

228

Cr Polglase

Cr Boyd

RESOLVED that Council resolves itself into a Confidential Committee of the Whole to consider Item 1 of the Ordinary Agenda which was moved into Confidential Session.

Voting – Unanimous

229

Cr Luff

Cr Boyd

RESOLVED that Council resume in Open Council

Voting - Unanimous

RESUMPTION OF STANDING ORDERS

230

Cr Luff

Cr Boyd

RESOLVED that Standing Orders be resumed.

Voting - Unanimous

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MAYORAL MINUTE

1. Yelgun to Chinderah Freeway

Pacific Motorway

This item was received and noted.

2. TEDCO Land Use Study

TEDC

This item was received and noted.

3. Art Gallery

Art Gallery- Tweed Valley Regional Foundation

This item was received and noted.

4. TS Vampire

Councillors' Invitation

This item was received and noted.

5. Banana Festival

Tweed Valley Banana Festival

This item was received and noted.

6. Bush Poets Breakfast

Councillors' Invitation

This item was received and noted.

7. Lifeworx Christian Church

Councillors' Invitations

This item was received and noted.

8. Acid Sulfate Soils Conference

Acid Sulfate Soils/Conferences - General

This item was received and noted.

9. Banana Festival

Tweed Valley Banana Festival

This item was received and noted.

10. Legacy Week

Councillors' Invitations

This item was received and noted.

Adoption of Mayoral Minute

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Cr Polglase

RESOLVED that the Mayoral Minute as presented be adopted.

Voting - Unanimous

ITEMS DEFERRED

1. **Speech Communication Day – Notice of Motion: Cr Lawrie**
Notice of Motion; Communications Committee; Community Access

This item was withdrawn.

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

1. **The Establishment of a Residential Subdivision Comprising Nineteen (19) Lots & Remediation Works at Lot 70 DP 1031933, Tweed Coast Road Kingscliff**
Subdivision Application Correspondence: Casuarina Development DA1180/385 Pt11

This item was dealt with in Confidential Session at Minute No. C57.

RESUMPTION OF STANDING ORDERS

232

Cr Polglase

Cr Luff

RESOLVED that Standing Orders be resumed.

Voting – Unanimous

2. **Sewerage Treatment Plant Buffer**
GT1/DCP/3 Pt8; Sewerage Treatment - Banora Pt: Development Control Plan

233

Cr Luff

Cr Lawrie

RESOLVED that Council, in accordance with Clause 21 of the Environmental Planning and Assessment Regulations 2000:

1. Adopts the Development Control Plan No 3 – Banora Point West – Tweed Heads South amendment as exhibited in respect of the following:
 - a. Delete Section 6.2(1),
 - b. Insert a new Section 6.2(1) as follows:

“Development within Sewerage Treatment Works Buffer

The objectives of this policy are:

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1. *To permit the development of the land while reducing risks to the health of employees of industrial development.*
2. *To prevent any intensification of residential development in the buffer zone.*
3. *To ensure the continued use of an essential community facility is not jeopardized.*

No additional dwellings will be permitted within the established buffer area for the Treatment Works.

Industrial development within the buffer area is to be designed so that uses not requiring permanent or prolonged work station occupation (such as parking, open air storage) will be at that part of the lot closest to the Treatment Works. Open air ventilation of all buildings must be from the opposite side to the Works, and air conditioning must be provided in any commercial or office component of the building.

In respect of buildings for the processing and storage of foodstuffs or other materials likely to be contaminated or tainted by exposure to airborne odours, Council will require a formal statement from a suitably qualified consultant that there are no adverse public health impacts arising from the location of the building within the nominated buffer area”.

2. Gives public notice of the amendment.

Voting - Unanimous

3. **Draft Tweed Local Environmental Plan 2000, Amendment No 18 - Recreational Beach Activities**

LEP 18; GT1/LEP/2000/18 Pt1

234

Cr Luff

Cr Lawrie

RESOLVED that Council:

1. Amends Tweed Local Environmental Plan 2000, Amendment No 18, by replacing the wording in brackets in the last paragraph to read “...(*erected and dismantled within a 24 hour period*)...”.
2. Forwards draft Tweed Local Environmental Plan 2000, Amendment No 18, to the Minister for Planning and requests the Minister to make the Plan in accordance with Section 70 of the Environmental Planning and Assessment Act 1979.

Voting - Unanimous

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4. **Review of Determination of Development Application DA02/0400 for the Erection of Advertising Signage at Lot 1 DP 860947 No. 67 Winders Place, Banora Point DA02/0400 Pt1; 5937.527**

235

Cr Luff

Cr Boyd

RESOLVED that the Development Assessment Panel decision of 21 June 2002 to refuse Development Application DA02/0400 for the erection of advertising signage at Lot 1 DP 860947, No. 67 Winders Place Banora Point be reaffirmed.

Voting For

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

Voting Against

Cr Brinsmead

DECLARATION OF INTEREST

Cr Brinsmead

Declared an interest in Item Nos 5 and 6, left the Chamber and took no part in the discussion and voting.

The nature of the interest is that Cr Brinsmead has a family member involved in a company which is legally representing the subject applicant.

5. **Development Application 1262/2001DA for a Subdivision Involving the Creation of Eight (8) Master Lots and Bulk Earthworks at Lot 200 DP 755740, Lot 201 DP 755740, Lot 202 DP 755740 and Lot 209 DP 755740 No. 73 Old Piggabeen Road, Cobaki Lakes**

DA3880/80 Pt1; 3880.80

236

Cr Beck

Cr Luff

RESOLVED that this item be deferred at the request of the Applicant.

Voting - Unanimous

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6. **Development Application DA02/0815 - Multi Dwelling Housing Development
Comprising 6 Units and Demolition of Existing Buildings at Lot 352 DP 755701
No. 7 Murphys Road, Kingscliff**

DA02/0815 Pt1; 3620.30

237

Cr Boyd

Cr Luff

RESOLVED that :

1. Council use the assumed Concurrence of the Director General of PlanningNSW and supports the proposed development and its overshadowing of the Coastal Reserve.
2. Development Application DA02/0815 for a multi dwelling development comprising 6 units and the demolition of existing buildings at Lot 352 DP 755701 No. 7 Murphys Road, Kingscliff 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".

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 detailed plans in triplicate of the proposed method of construction to adequately demonstrate that the design of the proposed buildings will ensure compatibility to withstand erosion events as a result of 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.

SCHEDULE B

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

GENERAL

1. The development shall be completed in general accordance with the Statement of Environmental Effects and Plans Nos SK001 to 008 prepared by Pacific Projects Group and submitted with the development application, landscape plan LP-WD-01 prepared by Imagine Design Group dated 07/2002, except where varied by these conditions.

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2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
3. 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.
4. Lighting shall not be permitted to detrimentally impact the amenity of any other premises.
5. All of the solid external walls are constructed of concrete block and all floors and concrete reinforced slabs in accordance to AS 3959.

The roof will be fully enclosed with no exposed rafters or beams with a metal sheet roof.

All sections of glass within 10 metres of the eastern boundary shall be specified as toughened glass.

No timber will be used in the external construction of the building in accordance with AS 3959

All concrete block weep holes will be blocked in accordance with AS3959 section 3.8.1.

Openings within 10 metres of the eastern boundary will be made ember proof. Bifold doors shall be fitted with weather strips and draught excluders to prevent burning debris penetration.
6. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
7. No retaining walls or similar structures are to be constructed over Council's sewer main.
8. Prior to commencement of work pursuant to this consent a **Construction Certificate** shall be obtained for the works proposed and required by this consent.

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- 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/kerb and gutter
 - road pavement
 - 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)
 - 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.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

9. Access from the subject land to the east shall be denied with the provision of a suitable fence until such time as a formalised access network within the coastal reserve is provided. Details of the proposed fence is to be submitted and approved by the Director of Development Services prior to issue of a construction certificate for the development.
10. 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 on Council's standard application form and be accompanied by the required attachments and prescribed fee.
11. 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

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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.

12. 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 license 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.
13. Prior to the issue of construction certificate the applicant shall provide Council with detailed plans for the provision privacy screening to the southern and northern elevations to ensure privacy to adjoining properties. Such privacy screening shall be of a fixed nature and could include the use of external louvres or opaque film on the glass surfaces. Such shall be to the satisfaction of the Director of Development Services.
 14. 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 to Council, prior to issue of the Construction Certificate. All works are to comply with the

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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.

15. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted and approved by the PCA prior to the issue of a construction certificate.
16. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-
 - i. Construction along the full Murphy Road frontage of the proposed development vertical face kerb and gutter on an approved alignment along with associated sub-surface and over-land stormwater drainage systems and asphalt road pavement from the lip of the new kerb and gutter to the edge of the existing asphalt pavement including tapers.
17. Permanent Stormwater Quality Treatment
 - (a) Permanent stormwater quality treatment shall comply with the Stormwater Management Plan prepared by Cozens Regan Williams Prove and dated May 2002.
18. Erosion and Sediment Control During the Construction Phase of Development shall comply with Drawing 02133/C2 Issue A by Cozens Regan Williams Prove and dated May 2002.
19. 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 146 of the Environmental Planning and Assessment Regulations, 2000, 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.

- a. Tweed Road Contribution Plan: \$4,738.00

S94 Plan No. 4 (Version 4.0)

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(Sector 6)

Heavy Haulage Component

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

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

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

b.	Open Space (Structured):	\$2,263.00
	S94 Plan No. 5	
c.	Open Space (Casual):	\$487.00
	S94 Plan No. 5	
d.	Shirewide Library Facilities:	\$2,012.00
	S94 Plan No. 11	
e.	Eviron Cemetery/Crematorium Facilities:	\$396.00
	S94 Plan No. 13	
f.	Community Facilities (Tweed Coast)	\$2,460.00
	(North Coast)	
	S94 Plan No. 15	
g.	Emergency Facilities (Surf Lifesaving)	\$644.00
	S94 Plan No. 16	

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- h. Extensions to Council Administration Offices
& Technical Support Facilities \$1,225.00
S94 Plan No. 18
- i. Cycleways \$470.00
S94 Plan No. 22
- j. Shirewide/Regional Open Space (Structured) \$3,427.00
S94 Plan No. 26
- k. Shirewide/Regional Open Space (Casual) \$645.00
S94 Plan No. 26

20. A **certificate of compliance** (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 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:

Water:	\$14,000
Sewer:	\$11,463.00

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 Management Act 2000 to be certified by an Accredited Certifier.

PRIOR TO COMMENCEMENT OF WORK

21. 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.

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22. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
 - (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council, or
 - (c) if that is not practicable, any other sewage management facility approved by the council.
23. A sign must be erected on the site in a prominent, visible position stating:
 - a. that unauthorised entry to the work site is prohibited; and
 - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
 - c. Lot number.
24. 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.
25. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing.
26. An application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.
27. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of the Director, Development Services. The sign is to remain in place until the Subdivision Certificate is issued.

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28. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

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

DURING CONSTRUCTION

29. 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).
30. 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.
31. 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.
32. Demolition of building existing on site is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover Authority.
33. 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
34. 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.
35. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

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- 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.
36. 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.
37. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
38. Where two (2) or more premises are connected by means of a single house service pipe, the owner of each premises must (*unless all the premises are occupied by a single household or firm as a residence or place of business*) ensure that a separate water meter, of a class and size approved by Council, is installed on each of those premises.
39. 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.
40. 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.
41. 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

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- 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.
42. A garbage storage area shall be provided in accordance with Council's "**Code for Storage and Disposal of Garbage and Other Solid Waste**".
 43. Provision to be made for the designation of a durable and pervious car wash-down area/s. The area/s must be identified for that specific purpose and be supplied with an adequate water supply for use within the area/s. Any surface run-off from the area must not discharge directly to the stormwater system.
 44. 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
 45. Regular inspections shall be carried out by the Supervising Engineer / Foreperson on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

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

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

46. 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.
47. 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.
48. 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.
49. 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:

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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.

50. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
51. The burning of builders waste on site by open fire is prohibited.
52. 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.
53. All works shall comply with the Stormwater Management Plan, Cozens Regan Williams Prove P/L, May 2002.

Acid sulfate soils shall not be disturbed or exposed during the proposed works.

Should it be necessary to dewater the site excavations a dewatering license will be required from NSW Department of Land and Water Conservation. Discharge waters shall be monitored by a suitably qualified person for pH and suspended solids prior to any such discharging occurring. Waters shall not be permitted to be discharged from the site unless the SS levels are below 50mg/L and pH falls within the range 6-8.

Dunal vegetation shall not be disturbed, removed or damaged during the site works.

54. No soil, sand, gravel, clay or other material shall be disposed of off the site.
55. 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.
56. All retaining walls in excess of 1.0 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.
57. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.

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58. Before the commencement of the relevant stages of road / kerb and gutter construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.
- a. That the pavement has been designed and constructed in accordance with subgrade analysis as per Austroads Pavement Design, A Guide to the Structural Design of Road Pavements.
 - b. That the pavement materials used comply with the specifications in RTA Form Q3051 (June 1998)
 - c. That the pavement layers have been compacted to RTA specifications.
 - d. That site fill areas have been compacted to the specified standard.
 - e. That supervision of Bulk Earthworks has been to Level 2 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
 - f. That pavement testing has been completed in accordance with Table 8.1 of AS 3798-1996.
59. The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering Services Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.
60. 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.
61. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
62. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
63. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.
64. Provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

65. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.

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66. 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.

USE

67. 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.
68. 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.

Voting For

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

Voting Against

Cr Beck

RETURN TO MEETING

Cr Brinsmead returned to the meeting.

7. **Development Application DA02/0560 - Multi Dwelling Housing Comprising 6 Dwellings in Three (3) Floors with Parking Under at Lot 5 Section 7 DP 758571 No. 240 Marine Parade, Kingscliff**

DA02/0560 Pt1; 3340.1690

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Cr Boyd

Cr Luff

RESOLVED that

- A. Council resolves to use the Assumed Concurrence of the Director General of PlanningNSW and support the proposed development and its overshadowing of the Coastal Reserve.
- B. Development Application DA02/0560 for multi dwelling housing comprising 6 dwellings in 3 floors with parking under at Lot 5 Section 7 DP 758571 No. 240 Marine Parade, Kingscliff be approved subject to the following conditions: -

GENERAL

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1. The development shall be completed in general accordance with the Statement of Environmental Effects and Plans Nos 1-3, 5 Rev 3 prepared by Byron Design and Construction Pty Ltd and dated 19/6/2002 and Plan No.4 and eastern elevation prepared by Byron Design and Construction Pty Ltd and dated 20/8/2002, except where varied by these conditions.
2. 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.
3. No retaining walls or similar structures are to be constructed over Council's sewer main.
4. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
5. 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.
6. This consent does not permit the dewatering of the site during construction. Should it be found that dewatering is required a dewatering licence should be obtained from NSW Department of Land and Water Conservation.
7. The proposed development shall be installed with hot water systems, which comply with Council's Development Control Plan No.39 - Energy Efficient Housing requirements.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

8. All fill is to be graded at a minimum of 1% so that it drains to the street or rear lane or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted and approved by the PCA prior to the issue of a construction certificate.

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9. The basement car parking is to be protected against the inflow of water. A detailed design of the basement stormwater pump out system is to be provided and the system is to be designed for a storm event with a 10 year average return interval (ARI 10) and the consequences of pump failure and the 100 year ARI storm event must be addressed and included with the above details prior to the issue of a Construction Certificate.
10. 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 on Council's standard application form and be accompanied by the required attachments and prescribed fee.
11. 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.
12. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan,

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which shall be submitted to and approved by the Director of Environment and Community Services **PRIOR** to the issue of a construction certificate.

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

13. 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 be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices, which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.
- (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.

14. 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.

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15. The peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the ARI 100 year design storm, shall be 200 l/s/ha. This may be achieved by on site detention (OSD), on site retention or a combination of both. Detention storage may be incorporated into surface depressions in landscaping or car parking areas. The maximum water depth under design conditions in vehicle parking areas shall be 200mm. OSD devices including discharge control pits (DCP) are to comply with standards in The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook, Second Edition 1994") except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire. All these works and the connection to Councils drainage system shall be constructed in accordance with design calculations, plans and specifications to be submitted with the construction certificate application and approved by the Director of Engineering Services.
16. Erosion and Sediment Control During the Construction Phase of Development
- (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "*Tweed Shire Council Aus-Spec D7 - Stormwater Quality*" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond (if required) has been released.
- (b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
17. 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 146 of the Environmental Planning and Assessment Regulations, 2000, 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.

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

- a. Tweed Road Contribution Plan: \$4,738.00

S94 Plan No. 4 (Version 4.0)

(Sector 6)

Heavy Haulage Component

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

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

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

- b. Open Space (Structured): \$2,263.00

S94 Plan No. 5

- c. Open Space (Casual): \$487.00

S94 Plan No. 5

- d. West Kingscliff - Drainage:

0.050 ha @ \$16,070 \$804.00

DCP No. 9 S94 Plan No. 7

- e. Shirewide Library Facilities: \$2,012.00

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- S94 Plan No. 11
- f. Eviron Cemetery/Crematorium Facilities: \$396.00
- S94 Plan No. 13
- g. Community Facilities (Tweed Coast) \$2,460.00
(North Coast)
- S94 Plan No. 15
- h. Emergency Facilities (Surf Lifesaving) \$644.00
- S94 Plan No. 16
- i. Extensions to Council Administration Offices
& Technical Support Facilities \$1,225.00
- S94 Plan No. 18
- j. Cycleways \$470.00
- S94 Plan No. 22
- k. Shirewide/Regional Open Space (Structured) \$3,434.00
- S94 Plan No. 26
- l. Shirewide/Regional Open Space (Casual) \$644.00
- S94 Plan No. 26
18. A **certificate of compliance** (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 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:

Water:	\$14,000
Sewer:	\$11,463

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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 Management Act 2000 to be certified by an Accredited Certifier.

PRIOR TO COMMENCEMENT OF WORK

19. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of the Director, Development Services. The sign is to remain in place until the Subdivision Certificate is issued.
20. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
 - (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council, or
 - (c) if that is not practicable, any other sewage management facility approved by the council.
21. A sign must be erected on the site in a prominent, visible position stating:
 - a. that unauthorised entry to the work site is prohibited; and
 - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
 - c. Lot number.
22. 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.
23. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

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

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- and sediment controls shall remain in place until final approval is given and the maintenance bond has been released.
24. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of fill shall be submitted to the satisfaction of the Director Development Services.
 25. Prior to commencement of any works on the site a plumbing and drainage inspection fee of \$335.00 is to be submitted to Council.
 26. An application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.
 27. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.
 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.

DURING CONSTRUCTION

29. 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).
30. No soil, sand, gravel, clay or other material shall be disposed of off the site.
31. 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.
32. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.

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33. A garbage storage area shall be provided in accordance with Council's "**Code for Storage and Disposal of Garbage and Other Solid Waste**".
34. 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.
35. 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.
36. Demolition of building existing on site is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover Authority.
37. 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. steel reinforcing prior to pouring of concrete
 - d. frame
 - e. the fire protection of penetrations through any fire rated elements prior to covering
 - f. final inspection prior to occupation of the building.
38. 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.
39.
 - 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.
40. 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.

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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.

41. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.
42. Back flow prevention devices shall be installed wherever 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.
43. 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.

44. 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.
45. 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.

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46. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

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

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

47. 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.

48. 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.

49. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
50. The burning of builders waste on site by open fire is prohibited.
51. 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.
52. 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 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.

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In accordance with AS2890.1-1993 the maximum gradient of the access driveway for the first six (6) metres from the property boundary shall not exceed 5%.

53. 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.

The existing driveway to the Marine Parade frontage is to be removed and the kerb and gutter and adjacent asphalt pavement reinstated to the satisfaction of the Director of Engineering Services.

54. A concrete ribbon footpath 1.2 metres wide and 75 millimetres thick is to be constructed on a compacted base along the entire frontage of the site to Marine Parade. The compacted base is to achieve 95% of maximum dry density determined in accordance with AS1289 5.4.1 for a minimum 100mm depth. A full depth construction joint is to be provided at 6.0 metre intervals and 20 millimetre deep groove joints provided every 1.5 metres, the balance area to be graded to the kerb and turfed. The footpath is to have a 3% crossfall, which must be attained at each side boundary. This may result in work to be undertaken on the footpath at adjoining properties, which must not exceed 1:14 and must be reinstated with turf. The footpaving is to be located 800 millimetres from the property boundary. The concrete footpath gradient shall be parallel to the top of kerb for the full frontage of the site and maintained unvaried across the (any) driveway cross-section. An inspection of the formwork is to be arranged with Council's Engineering Services Division prior to concrete being placed.
55. No filling is to be placed hydraulically within twenty metres (20m) of any boundary that abuts private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.
- No filling of any description is to be deposited, or remain deposited, within adjacent properties.
56. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
57. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
58. 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.
59. Acid Sulfate Soils shall not be disturbed or exposed during the proposed works.
60. Ensure adequate turfed area, or other suitable media, is incorporated and maintained into the proposed landscape of the property for use as a car wash-down area.
61. 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.

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62. 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.
63. 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.
64. 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.
65. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
66. Where two (2) or more premises are connected by means of a single house service pipe, the owner of each premises must (*unless all the premises are occupied by a single household or firm as a residence or place of business*) ensure that a separate water meter, of a class and size approved by Council, is installed on each of those premises.
67. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

68. 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.
69. 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).
70. 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.

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71. Prior to occupation of the building or the issue of a Subdivision Certificate, all disused invert crossings are to be removed and replaced with kerb and gutter and all disused driveway across the footpath are to be removed and replaced with topsoil and turf to the satisfaction of the Director, Engineering Services.

USE

72. 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.
73. 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.

Voting - Unanimous

8. **Application to Rezone Lot 12 DP 1005206 and Lot A DP 327759 Terranora Road, Terranora to allow a 56 Lot Rural Residential Subdivision - Applicant made Pursuant to Section 72J of the Environmental Planning and Assessment Act 1979 DA02/1159 Pt1; 5440.681**

Cr James

Cr Luff

PROPOSED that :-

1. In accordance with Section 54 of the Environmental Planning and Assessment Act, 1979 Council prepares a draft Local Environmental Plan to: -
 - a. Amend the location of the zone boundary between the 1(c) Rural Living zone and 7(d) Environmental Protection (Scenic Escarpment) zone in accordance with Figure 1.
 - b. Restrict minimum subdivision areas to one hectare in scenic catchment areas 1, 2 and 3 indicated on Figure 3.
 - c. Restrict building heights to one storey in scenic catchment areas 1, 2 and 3 indicated on Figure 3.
 - d. Control the use of building materials in scenic catchment areas 1, 2 and 3 on Figure 3 to ensure that materials used are compatible with the scenic landscape.
2. The applicant be requested to amend the subdivision layout to be consistent with the provisions of the draft Local Environmental Plan prior to exhibition of the plan.

AMENDMENT

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Cr Beck

Cr Lawrie

RESOLVED that Council defers this item to be considered at the Extraordinary Meeting of Council to be held 11 September 2002 to allow clarification on the matter.

The Amendment was **Carried**

Voting For

Cr Polglase
Cr Beck
Cr Boyd
Cr Brinsmead
Cr Carroll
Cr Davidson
Cr Lawrie

Voting Against

Cr James
Cr Luff

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

Voting - Unanimous

DECLARATION OF INTEREST

Cr Boyd

Declared an interest in Item No 9, left the Chamber and took no part in the discussion and voting.

The nature of the interest is that Cr Boyd has a family member who is involved in a similar business.

- 9. Development Application 0661/2001DA.01 for an Amendment to Development Consent 0661/2001DA for a Three (3) Lot Industrial Subdivision at Lot 3 DP 717401 No. 22 Lundberg Drive, Murwillumbah**

DA3120/100 Pt1; 3120.100

Cr Luff

Cr James

PROPOSED that the Section 96 application to amend Conditions 16 and 28 of Development Consent 0661/2001DA for a three (3) lot industrial subdivision at Lot 3 DP 717401 No. 22 Lundberg Drive, Murwillumbah be refused as the proposed changes would be inconsistent with Development Control Plan No. 2 and Council's current standards for subdivision.

AMENDMENT

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240

Cr Lawrie

Cr Brinsmead

RESOLVED that the Section 96 application to amend Conditions 16 and 28 of Development Consent 0661/2001DA for a three(3) lot industrial subdivision at Lot 3 Dp717401 No 22 Lundberg Drive, Murwillumbah be amended to delete Condition 28 and change Condition 16 to read:-

“Condition No 16

Proposed lot 13 shall provide 16 off-street car parking spaces. The car parking areas shall be constructed of a combination of concrete, compressed gravel bitumen and grass. These car parking spaces are to be provided prior to the release of subdivision certificate.”

The Amendment was **Carried**

Voting For

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Davidson
Cr Lawrie

Voting Against

Cr Carroll
Cr James
Cr Luff

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

Voting – Unanimous

RETURN TO MEETING

Cr Boyd returned to the meeting.

SUSPENSION OF STANDING ORDERS

241

Cr Beck

Cr Brinsmead

RESOLVED that standing orders be suspended to deal with Item 25 of the Agenda.

Voting - Unanimous

25. **Development Application DA02/0778 for a Dwelling at Lot 3 DP 828188, No 45 Spring Lane, Murwillumbah**

DA02/0778 Pt1; 5171.30

242

Cr Beck

Cr Luff

RESOLVED that Development Application DA02/0778 for a dwelling at Lot 3 DP 828188, No 45 Spring Lane, Murwillumbah be approved subject to the following conditions:-

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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 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:

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- (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.
8. All roof waters from the dwelling and storm water run off from the drive way and hard stand areas are to be disposed of through properly jointed pipes to the street gutter, . All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZ3500.3.2. Note: A detailed stormwater and drainage plan is to be submitted to and approved by the PCA prior to issue of the Construction Certificate.
 9. Prior to commencement of Building works details from a structural engineer confirming the structural adequacy of the existing masonry block retaining wall on the northern side boundary are to be provided to the PCA.
 10. Prior to commencement of works the existing earth bank adjacent to the northern side boundary is to be battered and at an angle of not greater than 45 degrees and stabilised with vegetation or alternatively retained to the satisfaction of the PCA.
 11. Landscaping is to be provided along rear of the dwelling, between the Myrtle Street property boundary and the dwelling in accordance with the letter submitted to Council from R & W Dawes. The trees are to be planted wholly within the property and not on Council's road reserve.

DURING CONSTRUCTION

12. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of

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- Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
13. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.
 14. 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.
 15. 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.
 16. 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
 - h. steel reinforcing prior to pouring of concrete
 - i. frame
 - j. stormwater drainage connection to inter allotment drainage system prior to back filling.
 17. 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.
 18. 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.
 19. 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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20. 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.
21. 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.
22. 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.
23. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.
24. 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.
25. 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.
26. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
 - i. All required erosion and sedimentation control devices have been installed and are operational.
 - ii. Required toilet facilities have been provided on the site.
 - iii. A sign has been erected on the site identifying:
 - Lot number

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- 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.
27. 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.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

28. 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.

USE

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

Voting - Unanimous

RESUMPTION OF STANDING ORDERS

243

Cr Luff

Cr Beck

RESOLVED that Standing Orders be resumed.

Voting - Unanimous

10. Draft Kingscliff District (North Tweed Coast) Strategy

Kingscliff District-Review of Strategic Issues; GT1/29/3 Pt2

Cr Luff

Cr James

PROPOSED that Council:-

1. a. Places the draft Strategy on public exhibition as the North Tweed Coast Draft Strategic Plan for 28 days as is enclosed with the Business Papers to enable comments from major stakeholders such as representative organisations in the district and landowners and for general public comment.

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- b. Notes that it will be referenced in Development Assessment reports to Council and to the Development Assessment Panel whilst acknowledging that the draft Strategy has no actual legal or policy status by Council at this stage.

AMENDMENT

244

Cr Brinsmead

Cr Lawrie

RESOLVED that Council places the draft Tweed Coast Strategy on public exhibition for 28 days as a Discussion Paper and including the potential locations for the future town centre to serve the Tweed Coast as options – being: -

- i. immediately west of the Kingscliff township;
- ii. the north western sector of Gales Holdings property; and
- iii. within the future Kings Forest Development.

The Amendment was **Carried**

Voting For

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Davidson
Cr Lawrie

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

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

Voting - Unanimous

REPORTS FROM DIRECTOR CORPORATE SERVICES

11. Roadside Grazing

Public Liability - Insurance

245

Cr Luff

Cr Lawrie

RESOLVED that Council does not allow roadside grazing on any of the roads that are under its care, control and management

Voting - Unanimous

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12. Country Public Libraries Association of New South Wales - Funding Support Library Development Grant – Richmond Tweed Regional Library DW691210

246

Cr Boyd

Cr Beck

RESOLVED that Council:-

1. Supports the initiative of the Country Public Libraries Association of NSW.
2. Writes to the Premier of New South Wales and the Local State Member encouraging them to address the enormous disparity that now exists between the State Government and Local Government funding for local government libraries.

Voting - Unanimous

DECLARATION OF INTEREST

Cr Davidson

Declared an interest in Item No 13, left the Chamber and took no part in the discussion and voting.

The nature of the interest is that Cr Davidson is a member of the Tweed River Jockey Club.

13. Tweed River Jockey Club - Half Day Holiday for Melbourne Cup Race Day Public Holiday

247

Cr Luff

Cr James

RESOLVED that Council writes to the Tweed River Jockey Club and declines their request for a Melbourne Cup ½ day holiday for reasons given in previous years.

Voting - Unanimous

RETURN TO MEETING

Cr Davidson returned to the meeting.

14. Leases Over Boat Ramps Boat Ramps: Leases – Council Property: Fees and Charges

248

Cr Boyd

Cr James

RESOLVED that the lease fee for residential boat ramps where they are on Council land, be one hundred dollars (\$100.00) per annum and notifies the community through Tweed Link of this resolution.

Voting - Unanimous

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249

Cr Lawrie

Cr Beck

RESOLVED that the General Manager bring forward a report on fees paid for boat ramps.

Voting - Unanimous

15. **Tweed Shire Council Community Consultation Best Practice Guidelines.
Communications Committee; Best Practice**

250

Cr Boyd

Cr Carroll

RESOLVED that the Draft Community Consultation Best Practice Guidelines be adopted and that it be placed on public exhibition for a period of 28 days to allow for feedback.

Voting For

Voting Against

Cr Polglase

Cr Beck

Cr Boyd

Cr Brinsmead

Cr Carroll

Cr Davidson

Cr James

Cr Lawrie

Cr Luff

16. **Councillor's Fees, Expenses and Facilities**

Councillors Fees

251

Cr Boyd

Cr Davidson

RESOLVED that Council's Code of Conduct and Procurement Policies be varied to reflect the requirements of the Gifts, Benefits and Hospitality to Councillors subclause within the Councillors' Fees, Expenses and Facilities Policy by:

1. amending the Code of Conduct Clause C6.7 to read:

"Councillors, members of staff or delegates must not by virtue of their official position, accept or acquire for a personal advantage, any gift, gratuities and hospitality other than a token kind or moderate form of hospitality other than as permitted by the Local Government Act 1993.

Councillors, members of staff or delegates must not seek or accept gifts where these would lead them to being compromised or being seen by a reasonable person to be compromised. Councillors, members of staff and delegates should avoid giving any indication that such gifts, gratuities or hospitality would be accepted or that they may influence decisions.

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Offers of gifts, benefits, travel or hospitality for partners, relatives or friends, should generally not be accepted, other than of a token kind or moderate form of hospitality.

A Councillor is to inform the Council of the receipt of any non-nominal value gift, benefit, travel or hospitality. Similarly, a member of staff is to inform the General Manager of the receipt of any substantial gift, benefit, travel or hospitality. Gifts and travel in excess of a nominal value must be disclosed in the annual returns of disclosures of pecuniary interest and other matters for Councillors and in the Council's Register of Gifts for Council Staff.

A register of gifts is to be maintained by the General Manager.

"Nominal Value" is defined as having a value of less than \$20.00 on any one occasion and less than a cumulative value of \$100.00 per annum."

2. amending the Procurement Policy C3.44.4.4 "Gifts and Hospitality" to read:

"Council Officers must not by virtue of their position accept or acquire for any personal advantage any gift, gratuities and hospitality from contractors and suppliers, both current or potential or their representatives, other than a token kind or moderate form of hospitality or as permitted by the Local Government Act 1993.

In accordance with Council's Code of Conduct (C6.7), Council Officers who receive gifts and travel in excess of a "nominal value" must disclose such gifts and hospitality in the Council Register of Gifts.

If an Officer is approached and offered gifts, commissions or bribes, or is approached in any irregular manner the matter should immediately be reported to their Director.

Council Officers are to inform the General Manager of the receipt of any no-nominal value gift benefit travel or hospitality."

Voting For

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

Voting Against

Cr Beck

17. Monthly Investment Report for Period Ending 31 July 2002.

Monthly Investment Report

252

Cr Boyd

Cr Luff

RESOLVED that:-

1. The July 2002 Investment Report be received and noted.

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2. The amended Investment Policy extract as follows be adopted:-

Authorised Investments

All investments must be denominated in Australian Dollars. Authorised Investments would include but not necessarily be limited to:

- *Local/State/Commonwealth Government Bonds, Debentures or Securities;*
- *Managed funds with a minimum long term credit rating of "A" (S&P Australian Ratings) or better, or Moodys Investors Services equivalent.*
- *Deposits in prescribed securities that either have a minimum long term credit rating of "A" or short term rating of "A1" from Standard & Poors or Moody Investor Services equivalent.*
- *Interest bearing deposits/securities issued by a licensed bank, building society or credit union;*
- *Investments with NSW Treasury Corp/Hourglass Investment Facility; and*
- *Deposits with the Local Government Investment Services ("LGIS")*

Voting - Unanimous

REPORTS FROM DIRECTOR ENGINEERING SERVICES

18. NSW Floodplain Management

Floodplain Management Plan – East Murwillumbah/Dorothy Street

253

Cr Boyd

Cr Luff

RESOLVED that:-

1. This report be received and noted.
2. Council forwards a submission to the Department of Land and Water Conservation seeking re-prioritisation of the East Murwillumbah and Dorothy Street project for the reasons as outlined in this report.

Voting - Unanimous

19. Application to Close and Purchase Part of Road Reserve - Broadwater Esplanade, Bilambil Heights - Adjacent to Lot 362 in DP 31041

Leases – Council Property: Access to Property - Driveways; Roads – Closures – General; Broadwater Esplanade; R0770; GR3/12/7

254

Cr Boyd

Cr Davidson

RESOLVED that:-

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1. Council approves the closing of part of the road reserve of Broadwater Esplanade, Bilambil Heights;
2. The applicant bears all the survey and legal costs;
3. The title of the closed road be consolidated with the adjacent land;
4. Easements be created over public authority reticulation services, if any; and
5. All necessary documentation be executed under Common Seal of Council.

Voting - Unanimous

20. Leisure Drive Upgrading Works

Leisure Drive; R3035 Pt2

255

Cr Luff

Cr Davidson

RESOLVED that the following works on Leisure Drive Banora Point proceed to detailed design and construction:-

Leisure Drive – Fraser Drive to 150 metres east of Eucalyptus Drive, including:-

- (i) Traffic signals at Fraser Drive and Eucalyptus Drive
- (ii) Signalised pedestrian crossings across Fraser Drive, Leisure Drive and Eucalyptus Drive as part of the above signals
- (iii) Widening with the road pavement to four lanes
- (iv) Footpaving both sides of Leisure Drive

There have been no objections to this work other than the Banora Point Residents Association (whose preference is to defer the works until Kirkwood Road is constructed, which is not practical).

Voting – Unanimous

256

Cr Luff

Cr Davidson

RESOLVED that the following works on Leisure Drive Banora Point proceed to detailed design and construction:-

Darlington Drive Motorway to Leisure Drive Roundabout, including:-

- (i) Complete missing link of upgrading between the completed works at both roundabouts
- (ii) Includes kerb and gutter, 13 – 14 metre wide pavement footpaving
- (iii) Footpaving both sides

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No objections have been received from the stakeholders regarding this section of the project.

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

Cr Luff

Cr Davidson

PROPOSED that the following works on Leisure Drive Banora Point proceed to detailed design and construction:-

Leisure Drive – Darlington Drive to about 200 metres west of Winders Place, including:-

- (i) Traffic signals at Winders Place
- (ii) Footpaving both sides of Leisure Drive between Darlington Drive and Greenway Drive
- (iii) Signalised pedestrian crossing at Winders Place signals
- (iv) Linemarking of four lanes

AMENDMENT

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Cr Polglase

Cr Lawrie

RESOLVED that Council has further discussions with Twin Town Services Club to resolve the traffic issues at this location being Leisure Drive – Darlington Drive to about 200 metres west of Winders Place, including:-

- (i) Traffic signals at Winders Place
- (ii) Footpaving both sides of Leisure Drive between Darlington Drive and Greenway Drive
- (iii) Signalised pedestrian crossing at Winders Place signals
- (iv) Linemarking of four lanes

The Amendment was **Carried**

Voting For

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

Voting Against

Cr James

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

Voting - Unanimous

21. Tweed Shire Road Network - Kirkwood Road Motorway Connection
Kirkwood Road; R2920 Pt3

Cr Luff

Cr Boyd

PROPOSED that Council:-

1. Accepts the Roads and Traffic Authority's offer to undertake a Corridor Study between Kirkwood Road and Leisure Drive at a cost to Council of \$50,000.00.
2. Allocates the sum of \$50,000.00 for the study from the Tweed Road Contribution Plan No. 4.
3. Votes the expenditure of \$50,000.00 for the above Corridor Study.

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AMENDMENT 1

258

Cr Lawrie

Cr Davidson

RESOLVED that Council:-

1. Defers acceptance of the offer of Roads and Traffic Authority until Council:-
 - a) consults all stakeholders affected by another bridge over Terranora Inlet;
 - b) reviews proposals for ramps at Kirkwood Road;
2. Thereafter advises the Roads and Traffic Authority, stakeholders and ratepayers generally of its preferred option.

Amendment 1 was **Carried**

Voting For

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Davidson
Cr Lawrie

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

AMENDMENT 2

Cr James

Cr Luff

PROPOSED that Council writes to the Roads and Traffic Authority accepting their offer in principle by suggesting that a preliminary options report may be sufficient at this stage and that Council would be prepared to share the cost thereof.

Amendment 2 was **Lost**

Voting For

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Davidson
Cr Lawrie

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

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

Voting - Unanimous

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TEMPORARY ABSENCE FROM MEETING

Cr Luff left the meeting.

22. Revision / Naming of Localities

Geographical Names Board; Casuarina Development; Kings Forest Development

259

Cr Beck

Cr Brinsmead

RESOLVED that:-

1. Council-

- a. Rescinds the motion passed by Council on 17 July, 2002 to approve the name of the proposed locality, shown as "Casuarina" on the GNB Map 3810/A as "South Kingscliff";
- b. Determines that the proposed locality be named "Casuarina" and that it would extend from the northern boundary of the Cudgen Nature Reserve, northwards to the southern boundary of the "Seaside City" subdivision, encompassing the development known as "Casuarina Beach" only. That the locality of Kingscliff extend southwards to the northern boundary of "Casuarina Beach" development and include the "Seaside City" subdivision; and

2. Application be made to the Geographical Names Board of NSW for its approval of the proposed locality of "Casuarina", and to display the amended locality boundary for public comment and ultimate gazettal.

Voting For

Cr Polglase
Cr Beck
Cr Boyd
Cr Brinsmead
Cr Carroll
Cr Davidson
Cr Lawrie

Voting Against

Cr James

RETURN TO MEETING

Cr Luff returned to the meeting.

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

23. Public Toilets

Public Toilets; Surf Lifesaving Club - Cabarita Beach

260

Cr Boyd

Cr Davidson

RESOLVED that Council:-

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1. Notes this report;
2. Allocates the Mooball main street toilet as the main priority for the 2003 budget public toilet upgrade, with the remainder to the new public toilet in the proposed Cabarita Surf Club building;
3. Allocates \$20,000 from the toilets upgrade program for renovations to Fingal Surf Club building because of their assistance to the siting of the public toilets within this building.

Voting - Unanimous

- 24. Membership of Crystal Creek Hall Management Committee**
Rural Halls - Crystal Creek; 3780.3240

261

Cr Boyd

Cr Davidson

RESOLVED that Council appoints the persons listed below as the Crystal Creek Hall Management Committee:-

Aubrey Gresham
Madge Gresham
Barry Glasby
Sylvia Conroy
Denis Conroy
Ray Kuhnell
Shirley Kuhnell
Rita Loughman
Dale Chilcott
Irene Chilcott
Clare Roatz

Voting - Unanimous

- 25. Development Application DA02/0778 for a Dwelling at Lot 3 DP 828188, No 45**
Spring Lane, Murwillumbah
DA02/0778 Pt1; 5171.30

This item was dealt with earlier in the meeting at Minute No 242.

- 26. Tweed River Art Gallery - Strategic & Business Plan**
New Art Gallery; 3488.12

262

Cr Boyd

Cr Davidson

RESOLVED that this report be received and noted.

AMENDMENT

Minutes - Meeting of Tweed Shire Council

Cr Beck

Cr Brinsmead

PROPOSED that this item be deferred to allow a Workshop for consideration of further details

The Amendment was **Lost**

Voting For

Cr Beck
Cr Brinsmead

Voting Against

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

The Motion was **Carried**

Voting For

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

Voting Against

Cr Beck
Cr Brinsmead

1. **Minutes of the Sports Advisory Committee Meeting held Tuesday 20 August 2002**
Sports Advisory Committee
2. **Cudgen Junior Cricket Club & Cudgen Community Tennis Club**
Assets Reserve Application Fund

263

Cr Boyd

Cr Luff

RESOLVED that no action be taken regarding this item.

Voting - Unanimous

264

Cr Boyd

Cr Luff

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

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

2. Minutes of the Public Transport Working Group Committee Meeting held Thursday 25 July 2002

Public Transport Committee

1. Policy Document Review

Public Transport Committee; Railways General

265

Cr Boyd

Cr Luff

RESOLVED that the Council be requested to write to the Hon. Neville Newell in support of the upgrading of the Murwillumbah-Casino railway line, and the introduction of regional passenger services for the benefit of Tweed's growing population.

Voting - Unanimous

266

Cr Boyd

Cr Luff

RESOLVED that the balance of the Minutes of the Public Transport Working Group Committee Meeting be adopted.

Voting - Unanimous

LATE ITEM

267

Cr Luff

Cr James

RESOLVED that the Minutes of the Local Traffic Committee held 15 August 2002 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

Voting - Unanimous

REPORTS FROM COMMITTEES/WORKING GROUPS

A1. Minutes of the Local Traffic Committee Meeting held Thursday 15 August 2002 Traffic Committee

1. Clothiers Creek Road

R1160 Pt6

268

Cr Boyd

Cr Davidson

RESOLVED that the short length of road on Clothiers Creek Road between the 70kph zone and the freeway which has a 100kph speed limit be reduced to 80kph.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

1. Bilambil Road

R0530 Pt2; DW684707

269

Cr Boyd

Cr Davidson

RESOLVED that:-

1. All the 60kph signs be replaced with 50kph signs in Bilambil Village.
2. Advanced 50kph ahead signs be installed 200m up Scenic Drive.

Voting - Unanimous

2. Clothiers Creek Road and Hammond Drive

R1160 Pt6; R2345 Pt1; DW684624

270

Cr Boyd

Cr Davidson

RESOLVED that:-

1. Two mirrors be installed at the Clothiers Creek Road and Hammond Drive intersection when funds permit.
2. A letterbox drop be delivered to residents in Hammond Drive to ensure they understand how safety mirrors should be used and the limitations of such mirrors.

Voting - Unanimous

4. Hartigan and Riverview Streets, Murwillumbah

R2350; R4750Pt2

271

Cr Boyd

Cr Davidson

RESOLVED that the Committee unanimously agreed to:-

1. A "Stop" sign at the intersection of Hartigan Street with Riverview Street on both legs of Hartigan Street be provided.
2. A curve advisory sign and intersection ahead sign on Riverview Street for vehicles heading north before the intersection.

Voting - Unanimous

8. Sugar Cane Transport – Application for Height Increase to 4.6m

Agriculture – General; Weight of Vehicles; DW689080

272

Cr Boyd

Cr Davidson

RESOLVED that the Applicant be advised that approval will be given subject to the following conditions:-

Minutes - Meeting of Tweed Shire Council

1. A road audit of proposed routes should be carried out by the applicant identifying any trees, culverts, structures or signs etc that could be impacted on by higher vehicles.
2. A letter be forwarded to Council specifying the precise roads to be used.
3. That written confirmation be obtained from Country Energy and Telstra advising that there is adequate clearance to overhead lines upon the specified routes.

Voting - Unanimous

12. Marine Parade, Kingscliff

R3340 Pt5

273

Cr Boyd

Cr Davidson

RESOLVED that Surfside Buslines be advised that the location of the picnic shelter is the most appropriate as it provides a covered area for people to wait and does not force people to cross the busy Moss Street.

Voting - Unanimous

13. Tweed Valley Way, Chinderah

R4031 Pt15

274

Cr Boyd

Cr Davidson

RESOLVED that the speed limit on the northbound lanes of the Tweed Valley Way, prior to reaching the intersection of the Pacific Highway interchange be increased from 80kph to 100kph be referred to the RTA and that better signage be erected prior to the merge stating "Give Way" when merging.

Voting - Unanimous

275

Cr Boyd

Cr Davidson

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

Voting - Unanimous

OUTSTANDING INSPECTIONS

Nil

ITEMS OF INTEREST & INFORMATION

Nil

Minutes - Meeting of Tweed Shire Council

ORDERS OF THE DAY

1. Sign Policy

Advertising-Directory Sign; Council Policies; Notice of Motion

276

Cr Beck

Cr Davidson

RESOLVED that the Tourist and Road Signs Policy be reviewed by scheduling a Council workshop.

Voting – Unanimous

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.30pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.32pm.

QUESTION TIME

Twin Towns Pony Club

Leases – Council Property; 4140.15

Cr Boyd

Asked whether the licence with the Twin Towns Pony Club has been signed and if not, why not?

The General Manager responded that licence has not yet been signed as awaiting finalisation of insurance. The Department of Land and Water Conservation has received Draft Management Plan relating to vegetation matters and will be giving this matter high priority.

Florin Lane

Florin Lane; R2110

Cr Beck

Requested as to what is going to be done with regard to breaches of the Roads Act 1993 in this location.

General Manager advised that there were no breaches.

COMMITTEE OF THE WHOLE

277

Cr Boyd

Cr Carroll

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

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

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

ITEMS TRANSFERRED FROM ORDINARY TO CONFIDENTIAL

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

- 1. The Establishment of a Residential Subdivision Comprising Nineteen (19) Lots & Remediation Works at Lot 70 DP 1031933, Tweed Coast Road Kingscliff**
Subdivision Application Correspondence: Casuarina Development DA1180/385 Pt11

C57

That this item be deferred to allow Council's legal advisor to confer with the legal advisor for PlanningNSW and the outcome be reported to Council's the Extraordinary Meeting on 11 September 2002 and the applicant be advised of Council's action in this regard.

Voting - Unanimous

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES IN COMMITTEE

- 1. Illegal Clearing of Lot 14 Section 5 DP 14895 Seaside City, South Kingscliff**
GT1/LEP/2000/3 Pt7
Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)
(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

C61

That:-

1. The owner of the Lot 14 Section 5 DP 14895, Seaside City, South Kingscliff be requested to submit to Council a rehabilitation plan to revegetate the property with native trees and shrubs endemic to the Coastal environment. Such Plan to be submitted within 21 days of the date of this resolution and works to be completed to Council's satisfaction within 6 months of the plan being approved by Council; and
2. Should the landowner not abide by the above resolution the matter be referred to Council's solicitors to initiate legal proceedings to obtain an order to carry out such works.

Minutes - Meeting of Tweed Shire Council

Voting For

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

Voting Against

Cr Beck
Cr Brinsmead

A NOTICE OF RECISSION ON THIS MOTION WAS RECEIVED FROM COUNCILLORS BECK, LAWRIE AND MARSHALL

REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

2. **EQ2002-93 Grazing Licence Uki Sewage Treatment Works Lot 2 DP 550508 Smiths Creek Road, Uki**

Leases Council Property; Contracts General; 5100.2690

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*

C62

That:-

1. The grazing licence over the Uki Sewage Treatment Works property located at Lot 2 DP550508, Smiths Creek Road Uki be awarded to Trevor A and Paul R Harding.
2. The licence commences 1 October 2002 for a three(3) year period with a three(3) year option.
3. The licence be completed under the Common Seal of Council.

Voting - Unanimous

3. **Supply & Delivery of Pre-stressed Concrete Piles and Planks for Boatharbour Bridge**

Bridges – Boat Harbour; Numinbah Road; R3780 Pt3

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*

C63

That the quotation from Con-tec of Brisbane for \$243,852.00 be accepted for the supply and delivery of Pre-stressed concrete piles and planks for “Boatharbour Bridge”.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

4. **EQ2002-58 Quotations for Licence to Operate Commercial Fishing Charters / Guides on Clarrie Hall Dam from 1 July 2002 to 30 June 2003**
Licences Aquatic; Dams – Clarrie Hall Dam – Plan of Management
Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)
(c) *information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business*

C64

That a licence to operate Commercial Fishing Charters/ Guides on Clarrie Hall Dam from the 1 July 2002 to the 30 June 2003 be issued to Gary Prerost and Fish 'N' Freshwater Fishing Charters.

Voting - Unanimous

5. **EQ2002-57 Quotations for the Licence to Operate Commercial Sight Seeing Charters on Clarrie Hall Dam from 1 July 2002 to 30 June 2003**
Licences Aquatic; Dams – Clarrie Hall Dam – Plan of Management
Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)
(c) *information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business*
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*

C65

That a Licence to operate commercial sight seeing charters on Clarrie Hall Dam from the 1 July 2002 to the 30 June 2003 be issued to Jeff McCallum, Midginbil Hill and Inter- Action Experiential Learning Pty Ltd.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

6. Contract EC2002-82 - Tweed Shire Coastline Management Study and Management Plan

Contracts/Quotations – Rivers & Streams; Coastline Management Plan

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

(c) *information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business*

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*

C66

That Council accepts the proposal submitted by Umwelt (Australia) Pty Ltd for a lump sum of \$169,165.00 (excluding GST) for preparation of the Tweed Shire Coastline Management Study and Management Plan.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

7. Illegal Building Work - Lot 3 DP 598204 Wooyung Road Wooyung

PF5980/120; Illegal Building Work; 5980.120

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

(a) *personnel matters concerning particular individuals*

C67

That Council:-

1. Defers determination as to whether or not to issue an order under Section 121B of the Environmental Planning and Assessment Act for demolition for three (3) months to allow the submission of a Development Application and Building Certificate application pertaining to the two timber frame buildings and front fence.
2. Advises the owner that the above applications are to be supported by a SEPP No 1 objection addressing the designated roads requirements of Council's Local Environmental Plan, an Engineer's certificate of structural adequacy, an on site waste management application, details of proposed alterations to the front fence such as landscaping rebates and any other information deemed necessary as normally required in consideration of a development application.

Minutes - Meeting of Tweed Shire Council

Voting For

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

Voting Against

Cr Beck

8. **Unauthorised Building at Lot 38 DP 869859 No 4 Environmental Drive, Pottsville (Owners: RW, GM, DR Young and KN Payne)**

Illegal Building Work: DA1916/15 Pt1; 1916.15

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

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

C68

That Council accepts the payment of \$9,000.00 by Mr RW Young as full payment of the \$12,155.57 debt incurred for legal expenses.

Voting - Unanimous

278

Cr Boyd

Cr Luff

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

Voting - Unanimous

There being no further business the Meeting terminated at 8.00pm.



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 63 of these Minutes

Chairman