

Minutes - Meeting of Tweed Shire Council

IN ATTENDANCE

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

Mr Russell Logan (Aboriginal Mentor Program)

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

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

The meeting opened with a Prayer by the Mayor.

CONFIRMATION OF MINUTES

488

Cr Davidson

Cr Youngblutt

RESOLVED that the Minutes of the Ordinary Meeting held 4 June 2003 be confirmed as an accurate record of the proceedings of that Meeting.

Voting - Unanimous

ABSENT

Nil

DELEGATES REPORT

Mr Russell Logan (Aboriginal Mentor Program) addressed Council regarding the employment of an Aboriginal Community Development Officer for the Tweed Shire under the Elsa Dixon Aboriginal Employment Program.

Mr Logan tabled the NSW Department of Education and Training "Elsa Dixon Aboriginal Employment Program – Program Guidelines" and highlighted Section 6 –the Partnership Project Element. This element funds special projects, which have the potential to create employment opportunities for Aboriginal people.

DISCLOSURE OF INTEREST

Nil

ITEMS TO BE MOVED TO OR FROM CONFIDENTIAL

Nil

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SCHEDULE OF OUTSTANDING RESOLUTIONS

489

Cr Beck

Cr Boyd

RESOLVED that Minute No. 420, Item 11 from the meeting of 6 November 2002 being:

“that a report be brought forward indicating the number of:

- 1. Approved brothels and their location.*
- 2. Illegal brothels and their location, if they can be identified.”*

be rescinded.

Voting - Unanimous

490

Cr Davidson

Cr Boyd

RESOLVED that this report be received and noted.

Voting - Unanimous

MAYORAL MINUTE

1. Tweed Taskforce

Tweed Heads Ministerial Task Force

This item was received and noted.

2. Casuarina Beach

Casuarina Development

This item was received and noted.

3. Wintersun

Wintersun

This item was received and noted.

4. Wintersun

Wintersun

This item was received and noted.

5. World Environment Day

Sustaining The Tweed/World Environment Day

This item was received and noted.

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6. Tweed Valley Community Church

Councillors - Invitation

This item was received and noted.

7. Tweed Chamber of Commerce

Chambers of Commerce; Councillors - Invitation

This item was received and noted.

8. Seabreeze Estate Pottsville

Seabreeze Estate Development

This item was received and noted.

9. Murwillumbah Croquet Club

Councillors - Invitations

This item was received and noted.

10. GM's Sub Regional Forums + Mayors

Sub Regional General Managers Group

This item was received and noted.

11. Tweed River Regional Art Gallery

Art Gallery

This item was received and noted.

12. Local Government Association – President's Country Tour

Local Government & Shires Association General

This item was received and noted.

13. Lions Club Ballina

Services Organisations/Donations

491

Cr Beck

Cr Lawrie

RESOLVED that Council does not support the sponsorship of the "World Festival of Magic" event to be hosted by the Lions Club of Ballina.

Voting - Unanimous

14. Tweed Valley Community Church

Donations

492

Cr Beck

Cr Lawrie

RESOLVED that Council does not donate \$2,000 to the Tweed Valley Community Church.

Voting - Unanimous

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Adoption of Mayoral Minute

493

Cr Polglase

RESOLVED that the Mayoral Minute as presented be adopted.

Voting - Unanimous

ITEMS DEFERRED

Nil

ATTENDANCE AT MEETING

Cr Luff attended the meeting at 3.10pm.

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

1. **Development Application DA02/1136 for a Mixed Commercial/Tourist Accommodation Development Including 8 Units at Lot 2 Sec 4 DP 9453 and Lot 3 Sec 4 DP 9453 No. 34 Marine Parade Kingscliff**

DA02/1136 Pt2; LN 11045

494

Cr Lawrie

Cr Beck

RESOLVED that the Development Application DA02/1136 for a mixed commercial/tourist accommodation development including 8 units at Lot 2 Sec 4 DP 9453 and Lot 3 Sec 4 DP 9453 No. 34 Marine Parade Kingscliff be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Drawing No. SK01 Revision A - SK07 Revision A prepared by Pacific Projects Group and dated March 2003 (27/3/2003), except where varied by these conditions.
2. The overall height of the building shall not exceed RL 18.4 metres (excluding any lift over run which shall be no greater than 1.5m above this nominated height). On completion of the building documentation from a surveyor shall be provided to ensure compliance with this condition.
3. 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.
4. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility.

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5. Advertising structures/signs to be the subject of a separate development application, where statutorily required.
6. The proposed future uses must be the subject of a separate approval.
7. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
8. 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.
9. Works shall comply with the Stormwater Management Plan, Cozens Regan Williams Prove Pty Ltd dated June 2002.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

10. The payment of a contribution of \$92,000 in lieu of the provision of 8 off street car parking spaces. The contribution to be paid in full prior to the issue of a Construction Certificate.
11. 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: \$11,158.00

S94 Plan No. 4 (Version 4.0)

(Sector 6 - Kingscliff)

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 (Casual): \$1,321.00

S94 Plan No. 5

- c. Community Facilities (Tweed Coast) \$2,952.00

(North Coast)

S94 Plan No. 15

- d. Emergency Facilities (Surf Lifesaving) \$905.00

S94 Plan No. 16

- e. Extensions to Council Administration Offices

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| | |
|---------------------------------|------------|
| & Technical Support Facilities | \$1,311.83 |
| S94 Plan No. 18 | |
| f. Cycleways | \$1,278.00 |
| S94 Plan No. 22 | |
| g. Regional Open Space (Casual) | \$1,752.00 |
| S94 Plan No. 26 | |

12. 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 146 of the Environmental Planning and Assessment Regulations, 2000, 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: | 1.292 ETs | \$5,168.00 |
| Sewer: | 1.292 ETs | \$4,231.00 |

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.

13. 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 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.

14. 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.

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15. 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*.
- (d) Specific requirements:
 - (i) Roof runoff is to be discharged without stormwater quality treatment.
 - (ii) The proposed Ecosol RSF100 GPT is not accepted as it does not capture oils. An appropriately sized device must be provided in the Construction Certificate Application.
 - (iii) Car park, driveway and car washdown areas (assuming impervious) runoff is to be pre-treated to remove oil and sediment prior to entry to the on site storage tank.
 - (iv) The oil/grit arrestor proposed must also be sized to treat pollutants generated from cars parked in the basement. The installed device must also satisfy the following requirements.
 - a. The retained volume of the oil/grit arrestor must be no less than 0.5m³ per 1000m² of the basement/undercover car park area.
 - b. The minimum retained volume of an oil/grit arrestor is 0.75m³. Reference is made to AS/NZ3500.3.2.1998 National Plumbing and

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Drainage - Stormwater Drainage - Acceptable Solutions/Section 8/Figure 8.3 for typical oil/grit arrestors.

16. 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.

17. 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 aboveground car parking areas. The maximum water depth under design conditions in aboveground 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, Third Edition, December 1999" 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.

18. Any premises proposing to discharge into Councils sewerage system a waste water other than domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by Councils Manager Water and concurrence received from the Department of Land and Water Conservation, if required, PRIOR to the issuing of a Construction Certificate to discharge to Councils sewerage system.

19. 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

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- 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.

20. 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*.

- 21. Provide cross sections of the footpath at Marine Parade through to the proposed ground floor area showing RL levels and grades so as to establish that disabled access in accordance with AS1428 can be provided to all areas of the ground floor and that general pedestrian movement along the pavement will be provided to the satisfaction of the Director of Engineering Services. General pedestrian movement requirements should be discussed with Council's Technical Officer of the Works Unit.

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The RL levels established to satisfy the above requirement should be considered with due regard to the 150 diameter stormwater detention discharge pipes noted in the Stormwater Management Plan.

22. Provide an engineers design statement that the proposed excavation and necessary retaining can be achieved without affecting the integrity of the adjoining properties and structures thereon including the public roadway known as Hungerford Lane. The engineer is to advise in the above statement if it will be necessary to enter onto the adjoining land to carry out or do any work and if so consent from the affected landowners will be required for the specific work.
23. Provide design concepts of the proposed water meter location, sewer inspection shaft and any likely trade waste arrestor locations and the serviceability of same.
24. Provide details to demonstrate that the demolition and construction on the site can be carried out in a manner to minimise nuisance to surrounding properties and that traffic control, pedestrian diversion and construction loading and storage areas are available.

PRIOR TO COMMENCEMENT OF WORK

25. 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.
26. 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.
27. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised to the satisfaction of the Principal Certifying Authority and provided with a dish drain or similar at the base or otherwise retained to the satisfaction of the Principle Certifying Authority. All retaining works shall be completed to the satisfaction of the Principal Certifying Authority prior to start of building work. Please note timber retaining walls are not permitted.
28. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
 - (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
 - (ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and

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- (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (A) the method of protection; and
 - (B) the date of installation of the system; and
 - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (D) the need to maintain and inspect the system on a regular basis.

Note: Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.

- 29. 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.
- 30. 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.
- 31. 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.

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32. 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.
33. 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.

34. 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.
35. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by Council prior to any discharge to sewer being commenced.
36. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.
37. Prior to the commencement of any demolition works the name and contact details of the responsible contractor/person shall be provided to Council in writing.

DURING CONSTRUCTION

38. 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).
39. 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.
40. 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.
41. A garbage storage area shall be provided in accordance with Council's "**Code for Storage and Disposal of Garbage and Other Solid Waste**".

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42. 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.
43. 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.
44. 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.
45. 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.
46. 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
47. 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.
48. 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.
49. 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.

An application for hoarding together with the prescribed fee is to be submitted to Council for approval prior to work commencing.

50. Ensure adequate turfed area, or other suitable material, is incorporated and maintained into the proposed landscape of the property for use as a car wash-down area.
51. Access to the building for disabled persons shall be provided and constructed in accordance with the requirements of Part D3 of the Building Code of Australia and Australian Standard AS 1428.1.
52. If access for the disabled is required under Part D3 of the Building Code of Australia, facilities for the use of the disabled shall be provided as specified in Part F2.4 of the Building Code of Australia and shall be constructed to the requirements of Australian Standard AS1428.1.
53. 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
54. 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.

55. 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.
56. 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.
57. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.

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58. 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 or public holidays.
59. 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.
60. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
61. Prior to and during construction provide a "shake down" area along the haul route located immediately before the intersection with the road reserve. The "shake down" area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director of Engineering Services.
62. The burning of builders waste on site by open fire is prohibited.
63. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed.
64. 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.
65. Any proposed cooling tower installation must also include details on the proposed means of back flow prevention to the water supply prior to installation.
66. 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.
67. 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;

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- c. external drainage prior to backfilling.
 - d. completion of work.
68. 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.
69. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
70. 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.
71. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
72. 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.
73. 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.
74. 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.

75. 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.
76. 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.
77. The full width concrete Footpaving on Marine Parade is not to be altered to provide ramps into the shops. The shops are to ensure all ramps or steps are contained internally if the floor slab is higher than the footpath level at the sites boundary with Marine Parade.
78. All stormwater runoff from the site is to be discharged via a new standard manhole, into the existing pipe drainage network in Marine Parade. No discharge is permitted to Hungerford Lane or adjacent land. The connection to Council's 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.
79. The driveway entrance shall be graded to ensure Q100 stormwater runoff from the Hungerford Lane kerb and gutter does not enter the site.
80. Provision shall be made for the installation of grease trap(s) to the satisfaction of the Director of Environment and Community Services.
81. Provision shall be made within the building to duct or convey future exhausted cooking gases above the roof level to the satisfaction of the Director of Environment and Community Services. Cooking gas discharges and ducting shall comply with AS1668.
82. All waste materials shall be collected, stored and disposed of to the satisfaction of the Director of Environment and Community Services.
83. Acid sulfate soils shall not be exposed or disturbed as part of the proposed works.
84. The site shall not be dewatered without the prior written consent of Council. Should dewatering be necessary, Council shall be notified in writing prior to such dewatering, and waters shall be monitored and tested as directed by Council, and in accordance with the Water Act, 1912.
85. Security fencing and hoardings shall be erected along the Marine Parade frontage to the satisfaction of the Director of Environment and Community Services and the NSW WorkCover Authority.

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86. The third floor tourist accommodation units are not to increase the area of covered roof decks from that indicated on the approved plans. This condition has been imposed to reduce the bulk and scale of the building when viewed from the foreshore.
87. No part of the building other than the pedestrian awning are to protrude beyond the confines of the property boundary

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

88. 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

89. The use being restricted to the floor area designated on the approved plan.
90. The premises shall be suitably identified by Unit No. (where appropriate) and Street Number displayed in a prominent position on the facade of the building facing the primary street frontage, and is to be of sufficient size to be clearly identifiable from the street.
91. No items or goods are to be stored or displayed outside the confines of the premises.
92. 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.
93. 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.
94. A backflow containment device will be installed adjacent to Councils water meter installation at the property boundary in accordance with AS3500. The device is to be maintained in accordance with the provisions of AS3500 by the owner of the property at the owners expense.
95. Footpath dining activities shall not be conducted without the prior written approval of Council.
96. Lighting utilised on the site shall not be permitted to detrimentally impact the amenity of any other premises.
97. This application has approved 8 tourist accommodation units and 3 retail outlets. Any future change of use shall be subject to separate approval and may attract additional parking requirements and additional Section 94 contributions.

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PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

98. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No DA02/1136 have been complied with.
99. i. The creation of an access easement under Section 88B of the Conveyancing Act creating rights of ingress and egress by way of easement in favour of 30 Marine Parade is owned by the same owner as 32-34 Marine Parade or the owners are related parties. The purpose of the Section 88B instrument allowing ingress and egress is for the purposes of allowing the owner of 30 Marine Parade to utilise as a vehicle access point the entry from Hungerford Lane to 32-34 Marine Parade and to be able to access its own car park through the existing entrance and car park at 32-34 Marine Parade.
- ii. The approved retail/commercial units are not to be used for restaurant or café use without prior development consent.
100. The lots are to be consolidated into one (1) lot under one (1) title. The plan of consolidation shall be registered with the Lands Titles Office prior to issue of the construction certificate.

495

Cr Youngblutt

Cr Beck

RESOLVED that an extension of 3 minutes be granted to Cr Lawrie.

Voting - Unanimous

496

Cr Luff

Cr James

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

Voting For

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

Voting Against

Cr Beck
Cr Marshall
Cr Youngblutt

AMENDMENT 1

Cr Luff

Cr Boyd

PROPOSED that this item be deferred to allow clarification of:

1. The height of building sought by the applicant.

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2. Other material provided to Councillors by the applicant.
3. The information provided by Cr James about the natural ground level.

497

Cr Boyd

Cr James

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

Voting For

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

Voting Against

Cr Beck
Cr Marshall
Cr Youngblutt

498

Cr Boyd

Cr Luff

RESOLVED that an extension of 3 minutes be granted to Cr James.

Voting For

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

Voting Against

Cr Beck
Cr Lawrie
Cr Marshall
Cr Youngblutt

PROCEDURAL MOTION

499

Cr Davidson

RESOLVED that the Amendment be put.

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr James

Amendment 1 was **Lost**

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Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

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

AMENDMENT 2

Cr Luff

Cr James

PROPOSED that this matter be deferred until condition 6 is clarified.

Amendment 2 was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

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

The Motion was **Carried**

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

A RECISSION MOTION HAS BEEN RECEIVED FOR ITEM 1 FROM COUNCILLORS JAMES, LUFF AND BOYD.

ATTENDANCE AT MEETING

Cr Brinsmead attended the meeting at 4.20pm.

DECLARATION OF INTEREST

Cr Brinsmead

Declared an interest in Item No 1 of the Ordinary Agenda.

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The nature of the interest is that Cr Brinsmead has a relative involved in the development of Lot 2 and Lot 3 in Section 4 DP 9453 No. 34 Marine Parade, Kingscliff.

Cr Brinsmead

Declared an interest in Item No 1 of the Confidential Agenda.

The nature of the interest is that Cr Brinsmead is a relative of the operator of Tropical Fruit World.

2. **Development Application DA02/2092 for a Boundary Adjustment & Shopping Centre at Lot 11 DP 871753 and Lot 12 DP 871753, Turnock Street, Kingscliff DA02/2092 Pt3; LN 40110; LN 9450; LN 26580**

500

Cr Luff

Cr Boyd

RESOLVED that : -

- A. Development Application DA02/2092 for a boundary adjustment & shopping centre at Lot 11 DP 871753 and Lot 12 DP 871753, Turnock Street, Kingscliff be refused for the following reasons:
1. The application is not valid as it has not been supported by a Species Impact Statement as required by Clause 112 of the Environmental Planning and Assessment Act 1979.
 2. The development application is contrary to the 2(c) Urban Expansion zone objectives contained within Clause 11 of Tweed local Environmental Plan 2000.
 3. The development application is contrary to Clause 8 of Tweed local Environmental Plan 2000.
 4. The development application is contrary to Development Control Plan No. 9 – West Kingscliff, specifically including (but not limited to) Part B 4(a) which applies to the development of non-residential development in the residential areas.
 5. The development application does not comply with the vision or aims for the Kingscliff area, for example the aim of Development Control Plan No 43 – Kingscliff.
 6. The development application pre-empts any soundly based strategic planning decision about the best location, in the public interest, for a town centre to serve Kingscliff and the Tweed Coast.
 7. The development application has not adequately considered the implications that the proposed centre may have, and indeed is likely to have, on the operation of the existing Kingscliff Town Centre.
 8. The spatial separation between the existing shopping centre and the proposed centre will create commercial sprawl which will hinder safe pedestrian movements within Kingscliff.
 9. The potential noise impacts from service vehicles is considered unreasonable having regard to the sites proximity to existing and future residential properties.

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10. The application is likely to have a land use conflict thus affecting the existing and future neighbouring residential properties.
11. The National Parks and Wildlife Service do not support the application in its current form, as set out in their letter dated 7 March 2003.
12. The development application lacks adequate and or acceptable information in relation to the following: -
 - a. The potential impact on threatened species, specifically the Wallum Froglet, Mitchell's Rainforest Snail, the Grass Owl, and the Bush Hen.
 - b. Cumulative impacts of the proposed development as required by Clause 8(p)(i) of SEPP 71.
 - c. Stormwater master plan.
 - d. Confirmation from the waste contractor which states they have viewed the proposed development and is satisfied that adequate provision has been made for site access and collection of wastes.
 - e. A pre-construction, construction and post construction water quality monitoring program.
13. In the absence of a master plan for land forming and infrastructure of the whole Gales Holding West Kingscliff site: -
 - a. The application has failed to demonstrate that the proposed drainage systems will be compatible with ultimate development of the west Kingscliff area.
 - b. The application has failed to demonstrate that the proposed land form is compatible with ultimate development of the west Kingscliff area.
 - c. The application has failed to demonstrate that proposed stormwater quality treatment measures are compatible with ultimate stormwater treatment strategies for the west Kingscliff area.
14. The application has not provided a lawful point of discharge for major and minor stormwater runoff from the proposed development;
15. The application has failed to adequately assess:
 - a) The environmental impacts of filling the site;
 - b) The impacts on amenity of persons along any potential haul route; and
 - c) The method of filling the site.
16. The application does not supply sufficient detail regarding the appropriateness of the ingress/egress and onsite manoeuvrability for semi trailers and buses;
17. The application does not satisfy the requirements of good urban design as developed in the Coastal Design Guidelines (Coastal Council of NSW Urban Design Advisory Service Tourism NSW, 2001)

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18. The application does not enhance or compliment the existing character of Kingscliff; and
 19. The application is not in the public interest, as indicated by numerous letters of objection from adjoining landowners and other businesses in the locality.
- B. That Council determines to defend the deemed refusal appeal by Gales Holding Pty Ltd in the Land & Environment Court, Matter No. 10213 of 2003.

AMENDMENT

Cr Brinsmead

Cr Beck

PROPOSED that this item be deferred to allow the applicant and Council to resolve the disputed issues.

501

Cr Davidson

Cr Lawrie

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

Voting For

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

Voting Against

Cr Beck

502

Cr Carroll

Cr Brinsmead

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

Voting For

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

Voting Against

Cr Beck
Cr Marshall
Cr Youngblutt

The Amendment was **Lost**

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Voting For

Cr Beck
Cr Brinsmead
Cr Youngblutt

Voting Against

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

The Motion was **Carried**

Voting For

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

Voting Against

Cr Beck
Cr Brinsmead

3. Application for a Draft Local Environmental Plan Amendment - Tanglewood Development

GT1/LEP/2000 Pt1; Tanglewood Development; LEP 2000

503

Cr Luff

Cr Marshall

RESOLVED that:

1. Council:

- a) Informs the Director-General of the Department of Infrastructure, Planning and Natural Resources that, pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, Council intends to prepare a draft Tweed Environmental Plan 2000 for land contained in Figure 1 including Lots 154 and 156 on DP 801121, Lots 152 and 151 on DP 630766 and Lots 529 and 530 Clothiers Creek Road, Tanglewood;
- b) Advises PlanningNSW that Council considers that that a Local Environmental Study is required for 1. above in accordance with Section 57 of the Environmental Planning and Assessment Act 1979;

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2. The cost of preparing the Local Environmental Study and draft Plan by an independent Consultant commissioned by Council must be paid by the proponent in addition to Council's adopted rezoning administration fee prior to commissioning the consultant;
3. Council informs Director-General of the Department of Infrastructure, Planning and Natural Resources that, pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, Council intends to prepare a draft Tweed Local Environmental Plan to zone land occupied by the Tweed Coast Motorway, to uncoloured and to zone Lots 532 and 533 DP 1003396 1(a) Rural and that an Environmental Study is not required.

Voting - Unanimous

4. Northern Rivers Catchment Blueprints

Total Catchment Management

504

Cr Beck

Cr Marshall

RESOLVED that Council defers this item until after the Northern Rivers Farmland Protection Project public meeting to be held Thursday, 19 June 2003.

AMENDMENT

Cr Boyd

Cr Luff

PROPOSED that Council receives and notes the Northern Rivers Catchment Blueprint particularly the strategic planning implications explained in the report.

The Amendment was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Lawrie
Cr Luff

Voting Against

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Davidson
Cr Marshall
Cr Youngblutt

The Motion was **Carried**

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

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5. Deferred Land - Lot 1, DP 803772 and Lot 1, DP 810063, Cudgen Road, Cudgen GT1/LEP/2000 Pt1; Local Environmental Plan; LEP 2000

505

Cr Luff

Cr Beck

RESOLVED that: -

1. In accordance with Section 54 of the Environmental Planning and Assessment Act, 1979 Council prepares a draft Local Environmental Plan to zone Lot 1 DP 803772 and Lot 1 DP 810063 Cudgen Road, Cudgen to 1(a) Rural.
2. The Director-General of Infrastructure, Planning and Natural Resources be requested to waive the requirement for a local environmental study given the minor nature of the proposed amendments.

Voting For

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

Voting Against

Cr Boyd

6. Ministerial Inquiry into NSW Public Transport

Public Transport Committee

506

Cr Luff

Cr Marshall

RESOLVED that Council: -

1. Delegates to the General Manager the preparation of a submission based on this report.
2. Provides a copy of the submission to the Local Government Association of NSW and the Shires Association of NSW, and to the Rural and Regional Branch of the former Transport NSW.

TEMPORARY ABSENCE FROM MEETING

Cr Youngblutt left the meeting.

Voting - Unanimous

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7. **Development Application DA02/1387 for the Erection of a Dwelling House at Lot 12 DP 838447, No. 1497-1501 Kyogle Road Uki**

DA02/1387 Pt1; LN 34775

507

Cr Beck

Cr Davidson

RESOLVED that Council forwards the draft Tweed Local Environmental Plan 2000 (Amendment No. 36), as exhibited, to the Minister administering the Environmental Planning and Assessment Act, 1979 requesting that the Plan be made in accordance with Section 70 of the said Act.

RETURN TO MEETING

Cr Youngblutt returned to the meeting.

Voting - Unanimous

8. **Development Application DA03/0667 for a Self Storage Facility at Lot 6 DP 10297 No. 111 Kennedy Drive Tweed Heads**

DA03/0667 Pt1; LN 19637

508

Cr Marshall

Cr Luff

RESOLVED that this item be deferred to allow the applicant to discuss the development application with Council planners.

Voting - Unanimous

9. **Draft Development Control Plan No 16 - Subdivision Manual
GT1/DCP/16 Pt2; Subdivision Policy; Development Control Plan - DCP**

509

Cr James

Cr Luff

RESOLVED that:-

1. In accordance with the Environmental Planning and Assessment Regulation 2000, Council approves the draft "Development Control Plan No.16, Subdivision Manual - Version 1.2" with the alterations as detailed in the amended draft included with this report, except that it is noted that document D6 will retain the current provisions for Section 6.05.3.
2. Applications that have already been submitted or are part way through the subdivision process be assessed in accordance with criteria (unless contrary to current NSW legislation) in existing DCP16.
3. Six (6) months after the adoption of this DCP, Council, in consultation with the subdivision industry (developers, consultants) carries out a review of the operation of the DCP.

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510

Cr Beck

Cr Youngblutt

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

Voting - Unanimous

The Motion was **Carried**

Voting - Unanimous

511

Cr Boyd

Cr Youngblutt

RESOLVED that Council holds a workshop and inspections of sites in relation to Development Control Plan No. 16.

Voting - Unanimous

REPORTS FROM DIRECTOR CORPORATE SERVICES

10. Management Plan 2003/2006 and Budget 2003/2004

Budget; Management Plans

512

Cr Luff

Cr Carroll

RESOLVED that :-

1. Council's 2003/2006 Management Plan and 2003/2004 Budget be adopted;
2. Comments received on the Management Plan be considered.

Voting For

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

Voting Against

Cr Beck

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11. Monthly Investment Report for the Period Ending 31 May 2003

Monthly Investment Report

513

Cr Davidson

Cr Luff

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM DIRECTOR ENGINEERING SERVICES

12. Draft Development Design and Construction Specifications

GT1/DCP/16 Pt2; Development Control Plan - DCP; Subdivision Policy

514

Cr James

Cr Luff

RESOLVED that:-

1. Council approves the use of the following Tweed Shire Council Development Construction Specifications as tabled and referenced by DCP16 – Subdivision Manual.

| <u>No.</u> | <u>Title</u> | <u>No.</u> | <u>Title</u> |
|------------|---------------------------------------|-----------------|---------------------------------------|
| C101 | General | C245 | Asphaltic Concrete |
| C201 | Control of Traffic | C247 | Mass Concrete Subbase |
| C211 | Control of Erosion and sedimentation | C248 | Plain or Reinforced Concrete Base |
| C212 | Clearing and Grubbing | C254 | Segmented Paving (deleted) |
| C213 | Earthworks | C255 | Bituminous Microsurfacing |
| C220 | Drainage | C261 | Pavement Markings |
| C221 | Pipe Drainage | C262 | Signposting |
| C222 | Precast Box Culverts | C263 | Guideposts |
| C223 | Drainage Structures | C264 | Non Rigid Road Safety Barrier System |
| C224 | Open Drains Including Kerb and Gutter | C265 | Boundary Fence |
| C230 | Subsurface Drainage General | C271 | Minor Concrete Works |
| C231 | Subsoil and Foundation Drains | C273 | Landscaping |
| C232 | Pavement Drains | C401 | Water Reticulation |

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| | |
|-----------------------------------|----------------------------------|
| C233 Drainage Mats | C402 Sewerage System |
| C241 Stabilisation | C501 Bushfire Protection |
| C242 Flexible Pavements | CQC Quality Control Requirements |
| C244 Sprayed Bituminous Surfacing | |

2. Council approves the use of the following Tweed Shire Council Development Design Specifications as tabled and referenced by DCP16 – Subdivision Manual.

| <u>No.</u> | <u>Title</u> |
|------------|----------------------------------|
| D1 | Road Design |
| D2 | Pavement Design |
| D3 | Structures Bridge Design |
| D4 | Subsurface Drainage Design |
| D5 | Stormwater drainage Design |
| D7 | Stormwater Quality |
| D9 | Cycleway and Pathway Design |
| D10 | Bushfire Protection |
| D11 | Water Supply |
| D12 | Sewerage System |
| D13 | Engineering Plans (Subdivisions) |
| D14 | Landscaping Public Space |

3. Council approves the use of the Tweed Shire Council Development Design Specification D6 – Site Regrading, as tabled and referenced by DCP16 – Subdivision Manual, except that the current provisions of D6.05.3 be retained.
4. (a) Subject to (c) and (d) below, the Director of Engineering Services may at any time, amend the Development Design and Construction Specifications, by certifying a new version that amends and replaces the previous version.
- (b) When amendments are made, the latest version shall be posted on Council’s internet web site on the date it comes into force. The internet web site shall also contain a log of amendments and versions for all the specifications, to enable easy checking of the currency of versions. The internet web site will contain information bulletins advising of proposed changes to design specifications, current issues, draft amendments for comment etc.

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- (c) Routine amendments that arise from alterations to: Australian (SAA) standards; Austroads; state authority standards or specifications; changes to proprietary products; or changes to the national Aus-Spec specifications; inclusion of standard drawings; or corrections to minor errors or omissions, may be made as the need arises.
 - (d) Other non routine amendments shall not be made unless the Director of Engineering Services has first forwarded copies of the draft amendments to subdivision industry representatives, considered any submissions from them, met with industry representatives to discuss/review the submissions and made appropriate changes to the exhibited amendments arising from this process.
5. Six months after the adoption of the development specifications, the Director of Engineering Services, in consultation with subdivision industry (developers and consultants) shall carry out a review of the operation of the specifications.

Voting - Unanimous

- 13. Acquisition of Easement for Services & Land for Road within Lot 501 DP 728234 and Lot 507 DP 728257 at Pottsville
DA1190/2130 Pt1; Land - Acquisitions; Easements; LN 26637**

515

Cr Boyd

Cr Davidson

RESOLVED that Council:-

1. Approves the relinquishment of Easement for Sewer Rising Main 3 wide created in DP 144500;
2. Approves the acquisition of Easement for Services 10 wide for the purposes of the Local Government Act, 1993;
3. Approves the acquisition of land for road purposes under the Roads Act 1993, both acquisitions to occur under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991; and
4. Endorses all necessary documentation under the Common Seal of Council.

TEMPORARY ABSENCE FROM MEETING

Cr Carroll left the meeting.

Voting - Unanimous

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14. Infrastructure Improvement Program 2003/2004

Budget; Management Plans; Government Grants - Roads; Works Program 2003/2004

516

Cr Davidson

Cr Luff

RESOLVED that Council approves the Infrastructure Improvement Program 2003/2004 as submitted in this report.

AMENDMENT

Cr Boyd

Cr Beck

PROPOSED that Council approves the Infrastructure Improvement Program 2003/2004 as submitted in this report, with a variation to redirect the expenditure of \$116,900 on Coolman Street, Tyalgum in Item 1. Urban Road Construction to Brays Creek.

RETURN TO MEETING

Cr Carroll returned to the meeting.

The Amendment was **Lost**

Voting For

Cr Beck
Cr Boyd
Cr Carroll

Voting Against

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

The Motion was **Carried**

Voting For

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

Voting Against

Cr Beck

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RETIREMENT FROM MEETING

Cr Lawrie

Left the meeting at 6.10pm.

- 15. Boundary Adjustment at Round Mountain where the Responsibility to Maintain Access Road to Council Reservoir is to be Created**

DA4840/255 Pt1; LN 43265

517

Cr Boyd

Cr Luff

RESOLVED that Council:-

1. Approves the formalisation of maintenance obligations over a Right of Carriageway leading to the Round Mountain Reservoir. These obligations to continue whilst the Round Mountain Reservoir forms part of the Tweed District Water Supply; and
2. Endorses all necessary documentation, as per the report, under the Common Seal of Council.

Voting - Unanimous

- 16. Residents Acceptance of Dobbys Crescent Sewer Extension**

Dobbys Crescent; Accounts - Sewerage; Sewerage - Capital Works Program - General

518

Cr Luff

Cr Carroll

RESOLVED that Council proceeds with the implementation of the Dobbys Crescent sewerage system extension.

Voting - Unanimous

- 17. Buckle Up Every time Road Safety Campaign**

Traffic - Safety

519

Cr Boyd

Cr Luff

RESOLVED that this report be received and noted.

Voting - Unanimous

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REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

18. Queensland State Surf Fishing Titles

GL7/4/20003S Pt1; Licences - Beach Vehicle - Special Permits

520

Cr Boyd

Cr Beck

RESOLVED that the Tweed Coast Amateur Fishing Clubs Association Inc be granted approval to issue a 24 hour Beach Vehicle Permit on Council's behalf for the purpose of the Queensland State Surf Fishing Titles, subject to:

- a) The permit being valid from 3.00 pm on Saturday 21 June to 7am on Sunday 22 June 2003.
- b) Current Tweed Council Beach Vehicle Permit Holders are exempt from paying the Special Event Fee.
- c) The permit is issued for the purpose of fishing only – joy riding and picnicking are not permitted.
- d) The vehicle is not to be driven above the high tide mark, except when travelling to and from the beach at the designated access points.
- e) Under no circumstances is the vehicle to be driven on or over frontal dunes or foreshore areas not designated as access points.
- f) All vehicles must be registered with the relevant State Authority.
- g) The permit holder must be the holder of either a current provisional or full drivers licence, issued by the relevant State Authority.
- h) Vehicles must not be driven by persons under the influence of intoxicating liquor or drugs.
- i) Vehicles are to be driven only on the section of beach between Pottsville and Wooyung as specified by the attached plan.
- j) The maximum speed limit at any time is to be 30kph.
- k) The Permit fee to individual holders be \$10.00 with the total proceeds being donated to a charitable organisation.
- l) Only the vehicle nominated on the permit is to be driven on the beach.
- m) The permit is to be produced on demand to authorised Council Officers.
- n) The National Parks & Wildlife Service (NPWS) has management responsibilities for beaches within the Wooyung Nature Reserve. The boundary of this reserve is at the mean low water mark. Permit holders are required to comply with any direction given by an authorised NPWS Officer whilst within these areas. The taking of domestic animals into and the lighting of fires in these reserves are offences under the NP&W Act.

Minutes - Meeting of Tweed Shire Council

- o) The procedure for the issue of permits to be determined by the Director of Environment and Community Services.
- p) Camping is strictly prohibited and is to be confined to approved caravan parks.
- q) Competition vehicles are to be clearly identified with the identification issued with the permit and attached as required by that permit. The identification procedure is to be approved by the Director of Environment and Community Services.
- r) Council's Ranger patrol the beach exclusively for the competition between 4.00 pm and 9.00 pm on Saturday, 21 June and 5.00 am to 7.00 am Sunday, 22 June.
- s) Organisers of the competition supply a competent suitable person to accompany the Ranger for the exclusive period.
- t) The local Police Service is to be formally notified of the event and a request for patrols of the competition area be performed.

Voting - Unanimous

REPORTS FROM COMMITTEES/WORKING GROUPS

1. **Minutes of the Public Transport Working Group Committee Meeting held Friday 23 May 2003**

GT1/41 Pt4

4. **Graham Scott (Transit Express Interchanges)**

521

Cr James

Cr Boyd

RESOLVED that this item be received and noted.

Voting - Unanimous

522

Cr Boyd

Cr Luff

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

Voting - Unanimous

SUSPENSION OF STANDING ORDERS

523

Cr Boyd

Cr James

RESOLVED that standing orders be suspended to deal with Item 3 of Orders of the Day of the Agenda.

Minutes - Meeting of Tweed Shire Council

Voting - Unanimous

ORDERS OF THE DAY

3. Northern Rivers Symphony Orchestra

Tweed Heads Civic Centre Hire; Northern Rivers Chamber Orchestra; Notice of Motion

524

Cr Boyd

Cr Luff

RESOLVED that in response to the requests by the Northern Rivers Symphony Orchestra for extra use of the Tweed Heads Civic auditorium, Council agrees to:-

- a) Double the time allowed for rehearsals; and
- b) Concert days being increased from five (5) to six (6).

AMENDMENT

Cr Beck

Cr Youngblutt

PROPOSED that a balance sheet be requested from the Northern Rivers Symphony Orchestra.

The Amendment was **Lost**

Voting For

Cr Beck
Cr Marshall
Cr Youngblutt

Voting Against

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

The Motion was **Carried**

Voting For

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

Voting Against

Cr Youngblutt

Minutes - Meeting of Tweed Shire Council

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.40pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.40pm.

RESUMPTION OF STANDING ORDERS

525

Cr Marshall

Cr Youngblutt

RESOLVED that Standing Orders be resumed.

Voting - Unanimous

2. **Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 8 May 2003**

Dunecare

2. **Natural Heritage Trust – Bitou Bush Control Strategy**

Natural Heritage Trust; Bitou Control Strategy

526

Cr Marshall

Cr James

RESOLVED that Council endorses the Bitou Control Strategy.

Voting - Unanimous

5. **Casuarina Dune Care Group**

Casuarina Dune Care Group

527

Cr Marshall

Cr James

RESOLVED that Council appoints Dougal Walker as the Casuarina Beach Dune Care representative on the Tweed Dune Care Advisory Committee.

Voting - Unanimous

528

Cr Marshall

Cr James

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

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

DELEGATES REPORTS

Nil

OUTSTANDING INSPECTIONS

Nil

ITEMS OF INTEREST & INFORMATION

Nil

ORDERS OF THE DAY

1. Organisational Structure

Council Restructure – Tweed Shire; Notice of Motion

Cr Carroll

Cr Luff

PROPOSED that the General Manager be requested to bring forward a report regarding the intended restructuring of Council to a two divisional structure and a new division of the Office of the General Manager, which includes specific reference to:

1. The intended processes and time frames for consultation with the new Council in 2004.
2. Once the new Council has approved or otherwise of the new structure, the processes and time frames in recruiting and selection for positions at a Director and management level include, details about:
 - i) which positions will be externally advertised
 - ii) which positions will be internally advertised
 - iii) which positions will be ongoing
 - iv) what the rationale is for either an internal or external selection process in regards to each position.
3. What contingency plans are in place to protect the ongoing operational stability of Council if recruitment and selection of the two Directors and the Executive Management, the Office of the General Manager, has not been successfully completed by August 2004, given that the General Manager has announced his intentions to not renew or extend the current Directors' contract of employment?
4. If it is proposed that recruitment and selection for the three abovementioned positions can be completed by August 2004, what plans will be in place for an adequate handover of information to these new positions from the current positions and in what timeframes will this occur, given that it is anticipated that Directors in current positions will be leaving the organisation by August 2004 if they do not successfully compete for the new position?

Minutes - Meeting of Tweed Shire Council

The Motion was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Davidson
Cr Marshall
Cr Youngblutt

2. Budgets 2004/2005 and 2005/2006

Budget; Murwillumbah Centenary; Notice of Motion

529

Cr Boyd

Cr Davidson

RESOLVED that an appropriate amount of funds be considered in the 2004/2005 and 2005/2006 budgets to ensure the centenary of the inauguration of the Tweed Shire Council on 28 December 1906 is suitably recognised and celebrated.

Voting For

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

Voting Against

Cr Beck

3. Northern Rivers Symphony Orchestra

Tweed Heads Civic Centre Hire; Northern Rivers Chamber Orchestra; Notice of Motion

This item was dealt with at Minute No. 524.

WORKSHOPS PREVIEW

Nil

QUESTION TIME

Prosecution - Dog Attacks

Dog – Dangerous Declaration; Dog - Complaints

Cr Beck

Requested that Council officers investigate how dogs from other states can be controlled and destroyed if they attack an animal or person.

Minutes - Meeting of Tweed Shire Council

The Director Environment & Community Services advised that the prosecution of the owner of dog in question was authorised this morning.

Camphor Laurel

Noxious – Weeds & Plants; Noxious – Far North Coast County Council - FNCC

Cr Beck

Requested that Council officers bring forward a report on the Camphor Laurel problem. Could this Shire join with other Shires to apply for a grant from both state and federal governments.

Cr Youngblutt advised that this issue is being investigated by the Far North Coast County Council.

Pollution

Pollution - Water

Cr Brinsmead

Enquired:

1. Is the agricultural industry exempt from regulations relating to the pollution of our waterways.
2. Can farmers assume they can cause serious erosion and pollute creeks and estuaries with impunity?

The General Manager advised that the answer to both questions is no.

Aged Care Facility

DA5765/20 Pt7; LN 42042

Cr Luff

Is the aged care facility at Stott Street, Bilambil Heights/Piggabeen being completed in accord with the consent given and have there been any infringements of the conditions of consent?

The Director Development Services advised that he will take this question on notice and report back to Council.

Holding Lane for southbound traffic, Greenway Drive, South Tweed Heads

R2315 Pt1; Greenway Drive

Cr Luff

Will Council urgently proceed to lengthen the holding lane for southbound traffic turning right into Greenway Drive in order to improve traffic flows.

The Acting Director Engineering Services will take the question on notice and report to Council in detail.

Minutes - Meeting of Tweed Shire Council

SCHEDULE OF OUTSTANDING RESOLUTIONS FROM 16 APRIL 2003 – QUESTION TIME

Parking Officer

Parking Infringement Notices

Cr Beck

How much money has been collected by the parking officer? Has this money been spent? If so, on what?

The Director Environment & Community Services advised that the expected current income is between \$50,000-\$65,000 for this financial year. The funds collected have been spent on the employment of the parking officer and enforcement requirements.

COMMITTEE OF THE WHOLE

530

Cr Youngblutt

Cr Luff

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

Voting - Unanimous

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

1. Unauthorised Advertising Sign at Lot 4 DP 585719 Pacific Highway, Chinderah - Tropical Fruit World

PF1740/10 Pt1; LN 8982

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

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

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

C104

That:

1. The General Manager, Mayor and the manager of Tropical Fruit World seek communication with the RTA to get directional signs to Tropical Fruit World.
2. Council defers taking legal action until an answer is received from the RTA.
3. The owners or manager of Tropical Fruit World be requested to apply for development approval.

The Motion was **Carried**

Minutes - Meeting of Tweed Shire Council

Voting For

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

Voting Against

Cr Boyd
Cr Luff

RETURN TO MEETING

Cr Brinsmead returned to the meeting.

2. Quarry Works at Lot 2 DP 576855 McAuleys Road, Terranora

PF3150/500 Pt1; LN 5934; Quarries - Reeves - McAuleys Road

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

C105

That :-

1. Council engages a qualified independent surveyor to determine whether and to what extent the quarry works and land clearance have extended beyond the approved plan attached to Development Consent 95/0199. The survey is to be submitted to Council within 14 days of Council's decision.
2. In the event that quarry works and tree clearance have occurred beyond the approved site, that Council's Solicitors be requested to commence legal action against the landowner in the form of requiring full reinstatement of the soil and native vegetation. These works are to be undertaken after a proper Land Rehabilitation Plan prepared by a suitable qualified consultant has been submitted to, and approved by, Council.

The Motion was **Carried**

Voting For

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

Voting Against

Cr Beck

Minutes - Meeting of Tweed Shire Council

3. **Development Application DA03/0179.05 for an Amendment to Development Consent DA03/0179 for Dwelling Additions, Swimming Pool and Boat Ramp at Lot 162 DP246854, No. 44 The Quarterdeck, Tweed Heads**

DA03/0179 Pt1; LN 7496

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

C106

That considering that this is the rebuilding of the existing dwelling with the already approved additions and alterations Council approves the Section 96(1A) application with appropriate conditions to enable the development to proceed with the existing floor level below the current design floor level and an appropriate notation be placed on any Section 149 Certificate.

The Motion was **Carried**

Voting For

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

Voting Against

Cr Boyd
Cr Carroll

REPORTS FROM DIRECTOR CORPORATE SERVICES IN COMMITTEE

4. **Property Purchase - Tweed District Rescue Squad Inc.**

Tweed District Rescue Squad; Donations

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

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

C107

That Council amends its original resolution to delete the words "currently rent" and insert "negotiate to buy" so that it now reads:

1. Council provides an interest free Advance/Grant of \$130,000 plus legal and associated costs to the Tweed District Rescue Squad Inc. to purchase the property they negotiate to buy in Morton Street, Chinderah.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

5. World Heritage Rainforest Centre - Lease Options Tourist Information Centre - Murwillumbah; NPWS; Leases – Council Property

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*

C108

That Council:

1. Agrees at this time to enter into a long term lease of the World Heritage Rainforest Centre complex with National Parks and Wildlife Service commencing from 1 July 2008
2. Constructs the extension to the existing National Parks and Wildlife Service component of the building and rents same to NPWS at a market rental rate from completion of the extension and expiring on 1 July 2008 and at a commercial rate over the whole complex from 1 July 2008 to 30 June 2018.
3. Advises TACTIC of its chosen course of action.

Voting - Unanimous

6. Development Consent Conditions - Bush Fire Issues Insurance - Risk Management; Development - Approvals; Bushfire Protection

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*

C109

That this report be received and noted.

Voting - Unanimous

7. Loan Program

Loans - Annual Program

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*

C110

That this report be received and noted.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

8. Condong Mill Cogeneration Project

DA02/1915 Pt1; LN 23076; Sewerage - Co-generation Condong Mill

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*

C111

That Council:-

1. Proceeds with negotiations to enter into a formal agreement with the Joint Venturer to supply tertiary treated effluent from the Murwillumbah Sewage Treatment Plant.
2. Contributes \$900,000 including Government Subsidy to the project in recognition of the benefit in offsetting other proposed works at the Sewage Treatment Plant.
3. Contributes 20% of the ongoing operating costs of the Tertiary Treatment Plant for the period of the agreement.

The Motion was **Carried**

Voting For

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

Voting Against

Cr Beck
Cr Brinsmead

9. Acquisition of Lot 2 in DP 1013916 Being Land at Round Mountain where Council Reservoir is Located

PF4840/700 Pt1; Water Conveyancing - Reservoirs - Round Mountain

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*

C112

That Council: -

1. Approves the acquisition of Lot 2 in DP 1013916 under private treaty for the purposes of the Local Government Act, 1993, for the sum of \$150,000 (GST inclusive)

Minutes - Meeting of Tweed Shire Council

2. Classifies the land as “operational” under Section 31 of the Local Government Act 1993.
3. Endorses all necessary documentation under the Common Seal of Council.

Voting - Unanimous

10. EC2003-74 Supply and Delivery of Ready Mixed Concrete

Contracts Quotations - Annual Supply

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

- (d) *commercial information of a confidential nature that would, if disclosed:*
- prejudice the commercial position of the person who supplied it, or*
 - confer a commercial advantage on a competitor of the council, or*
 - reveal a trade secret*

C113

That Council awards Contract EC2003-74 for the Supply of Ready Mixed Concrete until the 30 June 2004 as follows:-

1. Areas 1 & 2 be awarded to Hymix Concrete.
2. Areas 3, 4 & 5 be awarded to CSR/Readymix.

Voting - Unanimous

11. Banora Point Biosolids Contract EC2003-68

Contracts Quotations - Contracts Maintenance, Sewerage; Sewerage Treatment - Banora Point; Sewerage - Biosolids

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:*
- prejudice the commercial position of the person who supplied it, or*
 - confer a commercial advantage on a competitor of the council, or*
 - reveal a trade secret*

C114

That Council accepts the tendered price from Arkwood Organic Recycling for the removal and disposal/reuse of Biosolids from Banora Point Sewage Treatment Plant for the following:-

1. Scheduled rates:-

| | |
|-------------------------------------|---------------------------------|
| \$40.80 / Wet Tonne (GST exclusive) | Agricultural Reuse Southern QLD |
| \$27.10 / Wet Tonne (GST exclusive) | Agricultural Reuse Northern NSW |
2. Roof structure to be installed over conveyor discharge and trailer as indicated in offer.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

11a. EC2003-75 Supply & Delivery of Bitumen Emulsion

Contracts Quotations - Annual Supply

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

- (d) *commercial information of a confidential nature that would, if disclosed:*
- (i) *prejudice the commercial position of the person who supplied it, or*
 - (ii) *confer a commercial advantage on a competitor of the council, or*
 - (iii) *reveal a trade secret*

C115

That Council accepts the tender from Pioneer Road Services for the supply and delivery of bitumen emulsion to 30 June 2005 at the alternate price of \$0.51 per litre fixed for 6 months and subsequent rise and fall based on the General Market Price for bitumen currently at \$525/tonne ex Brisbane.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

12. Quotations - Supply of Security Services

Security - Council Buildings

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*

C116

That :

1. Council resolves to accept the quotation by Tweed Coast Protective Services for a contract period of three (3) years.
2. The contract documentation be completed under the Common Seal of Council.

Voting - Unanimous

531

Cr Davidson

Cr Boyd

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

Voting - Unanimous

There being no further business the Meeting terminated at 9.30pm.



Minutes of Meeting Confirmed by Council

Minutes - Meeting of Tweed Shire Council

at Meeting held

**I hereby certify that I have authorised the affixing of my
electronic signature to the previous pages numbered 1 to 50 of these Minutes**

Chairman