

Minutes - Meeting of Tweed Shire Council

IN ATTENDANCE

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

Also present were Mr Don Buckley (Acting General Manager), Mr Bob Missingham (Acting Director Engineering Services), Mr David Broyd (Director Development Services), Mr Ian Carpenter (Director Corporate Services), Mr Brian Donaghy (Manager Administration Services/Public Officer) and Mrs Meredith Smith (Minutes Secretary).

The meeting opened with a Prayer by Council's Chaplain, the Right Reverend John Grindrod.

CONFIRMATION OF MINUTES

534

Cr Boyd

Cr Luff

RESOLVED that the Minutes of the Ordinary Meeting held 18 June 2003 be confirmed as an accurate record of the proceedings of that Meeting.

Voting - Unanimous

535

Cr Boyd

Cr Luff

RESOLVED that the Minutes of the Extraordinary Meeting held 25 June 2003 be confirmed as an accurate record of the proceedings of that Meeting.

Voting - Unanimous

ABSENT

Nil.

DISCLOSURE OF INTEREST

Cr Brinsmead

Declared an interest in Item Deferred, Item 1 -Notice of Rescission and Addendum Item 11a.

The nature of the interest is that Cr Brinsmead has family members involved in the subject Items.

Cr Youngblutt

Declared an interest in Item 3 of the confidential Agenda.

The nature of the interest is that Cr Youngblutt is a Tenderer for the parks maintenance contract.

ITEMS TO BE MOVED TO OR FROM CONFIDENTIAL

Nil.

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SCHEDULE OF OUTSTANDING RESOLUTIONS

536

Cr Davidson

Cr Youngblutt

RESOLVED that this report be received and noted.

Voting - Unanimous

MAYORAL MINUTE

1. Family Centre Community Projects Inc- Mobile Men's Shed

Community Services

This item was received and noted.

2. Northern Rivers Farmland Protection Project

Northern Rivers Farmland Protection Project

This item was received and noted.

3. Chinderah VIC Project

TEDC/TACTIC – Tourism General

This item was received and noted.

4. Friendship Force – Howick New Zealand

Friendship Force

This item was received and noted.

5. Murwillumbah War Widows Guild

Councillors' Invitations

This item was received and noted.

6. Town Life Development Program

Town Life Development Program - General

This item was received and noted.

7. Doon Doon Hall

Rural Halls/Doon Doon – LN8154

This item was received and noted.

8. SALT

Media-Other/Councillors' Invitations

This item was received and noted.

9. Northern Rivers Area Health Service

Hospitals-Murwillumbah

This item was received and noted.

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- 10. Murwillumbah Lions** **Services Organisations - Lions**
This item was received and noted.
- 11. Southern Cross University – Tweed Campus** **Education Matters – Southern Cross University**
This item was received and noted.
- 12. Country Energy** **Electricity**
This item was received and noted.
- 13. TEDC/TACTIC** **TEDC/TACTIC**
This item was received and noted.
- 14. Cudgen Landholders** **Northern Rivers Farmland Protection Project**
This item was received and noted.
- 15. Tweed River Jockey Club** **Invitations**
This item was received and noted.
- 16. Business Excellence Awards** **Business Excellence Awards**
This item was received and noted.
- 17. Tweed River Regional Art Gallery** **Art Gallery – Doug Moran Art Prize- Tweed River Regional Foundation**
This item was received and noted.
- 18. Rotary Club of Mt. Warning** **Services Organisations - Rotary**
This item was received and noted.
- 19. Cabarita Surf Life Saving Club** **Surf Life Saving Clubs – Cabarita Beach**
This item was received and noted.
- 20. Veterans' Affairs** **Invitations**
This item was received and noted.
- 21. Kingscliff Meeting** **Land Development - Kingscliff**
This item was received and noted.

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22. Public Libraries Conference

Library - General

This item was received and noted.

23. Northern Rivers Area Health

Education Matters – Hospitals - Murwillumbah

This item was received and noted.

24. Congratulations

Letters of Congratulations

This item was received and noted.

Adoption of Mayoral Minute

537

Cr Polglase

RESOLVED that the Mayoral Minute as presented be adopted.

Voting - Unanimous

ITEMS DEFERRED

4. Northern Rivers Catchment Blueprints

Total Catchment Management

538

Cr Brinsmead

Cr Youngblutt

RESOLVED that whilst Council acknowledges that the Blueprint contains many excellent features, Council does not accept or approve the Blueprint in its present form:-

1. Council would recommend that government authorities do not accept the Blueprint as any kind of policy or policy influencing document until the Blueprint reflects a more balanced view of things through consultation with a wider spectrum of the community.
2. Council does not endorse the Blueprint's opinion that the present LEP and other state and government regulations are inadequate to protect agricultural land.
3. Council does not endorse the Blueprint's wholly negative/inflexible view of small-lot rural subdivision.
4. Whilst Council appreciates that the Blueprint recognises that agriculture and other industries have the potential to contribute to water quality problems, it is inclined towards shelving action on some urgent water quality issues pending a long bureaucratic process and a long bureaucratic solution.
5. Throughout the Blueprint, most of the traffic is running in the direction of solving all problems through more and more centralism and more and more regulations, rather than balancing all the "big brother stuff" with more regional/local decision-making and more emphasis on education and enlightened self-interest.

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Cr Youngblutt

Cr Beck

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

Voting - Unanimous

540

Cr Boyd

Cr James

RESOLVED that an extension of 1 minute be granted to Cr Luff.

Voting For

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

Voting Against

Cr Beck
Cr Marshall

AMENDMENT

Cr Luff

Cr Boyd

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 Luff

Voting Against

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

The Motion was **Carried**

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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

DECLARATION OF INTEREST

Cr Brinsmead

Declared an interest in Deferred Item No 1-Notice of Rescission, left the Chamber and took no part in the discussion and voting.

The nature of the interest is that Cr Brinsmead has family members involved in the subject item.

541

Cr Luff

Cr James

RESOLVED that this item be dealt with in conjunction with Addendum Item 11a.

Voting – Unanimous

- 1. Development Application DA02/1136 Pt2 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
Notice of Rescission; DA02/1136 Pt2; LN: 11045**

Cr James

Cr Luff

PROPOSED that Council resolution at Minute No 494 in relation to Item 1 of the Meeting held 18 June 2003 being:-

".....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*

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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.*
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.*

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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: \$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:-

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

where:

$\$Con_{TRCP - Heavy}$ 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)

$\$Unit$ 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)

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S94 Plan No. 15

d. Emergency Facilities (Surf Lifesaving) \$905.00

S94 Plan No. 16

*e. Extensions to Council Administration Offices
& 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.

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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.*
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 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.*

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- (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 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.*

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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*
 - 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.*

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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.*

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:*

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- (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*
- (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.*

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- 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.*
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.*

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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".*
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*

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b. *building involves the enclosure of a public place,*

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

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.*

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

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- 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.*
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.*

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- iii. *A sign has been erected on the site identifying:*
- *Lot number*
 - *Builder*
 - *Phone number of builder or person responsible for site.*
- iv. *All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.*
- v. *That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.*
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.*

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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.*
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.*

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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.*

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."*

be rescinded.

542

Cr Luff

Cr Boyd

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

Voting For

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

Voting Against

Cr Beck
Cr Marshall

543

Cr Youngblutt

Cr Marshall

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

Minutes - Meeting of Tweed Shire Council

Voting For

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

Voting Against

Cr Beck

544

Cr Youngblutt

Cr Marshall

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

Voting For

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

Voting Against

Cr Beck

545

Cr Boyd

Cr Carroll

RESOLVED that an extension of 5 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

546

Cr Luff

Cr James

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

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 Marshall
Cr Youngblutt

PROCEDURAL MOTION

547

Cr Davidson

RESOLVED that the Motion be put.

Voting - Unanimous

The Motion 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

TEMPORARY ABSENCE FROM MEETING

Cr Davidson left the meeting.

RETURN TO MEETING

Cr Brinsmead returned to the meeting.

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

1. **Development Application DA02/1408 for Alterations and Additions to an Existing Housing Development at Lot 16 DP 21680 No. 21 Moss Street, Kingscliff
DA02/1408 Pt1; LN 2157**

548

Cr Marshall

Cr Beck

RESOLVED that this item be deferred to allow negotiations between Council and the applicants.

Minutes - Meeting of Tweed Shire Council

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff

RETURN TO MEETING

Cr Davidson returned to the meeting.

- 2. Development Application DA02/1635 for Multi-Dwelling Housing Development over Proposed Lots 33 and 34 in the Subdivision of the Subject Land. The Multi-Dwelling Housing Development is in Two Stages: Stage 1 - 74 Units, Managers Residence, Recreation/Community Facilities, Internal Roads, Associated Landscaping & Visitor Car Parking: Stage 2 - 56 Units, Internal Driveway, Fencing & Landscaping at Lot 9 DP 822830, Lot 1 DP 823640, Kirkwood Road, Tweed Heads South**

DA02/1635 Pt2; LN 34814

549

Cr Boyd

Cr Beck

RESOLVED that this deferred to allow the applicant to make a presentation to Council, to allow further negotiations between the Director Development Services and the Mayor and to conduct a Councillor inspection of the site.

Voting - Unanimous

- 3. Development Application DA02/1915 for an Overland Conveyor for Condong Co-Generation Facility for Transport of Biomass to and from Co-Generation Plant at Lot 16 DP 255029, Lot 18 DP 255029, Lot 19 DP 255029, No. 123-153 McLeod Street Condong**

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

550

Cr Boyd

Cr Youngblutt

RESOLVED that Development Application DA02/1915 for an overland conveyor for Condong co-generation facility for transport of biomass to and from co-generation plant at Lot 16 DP 255029, Lot 18 DP 255029, Lot 19 DP 255029, No. 123-153 McLeod Street Condong be approved subject to the following conditions: -

GENERAL

- The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos MHN0309-10 and MNH0309 dated 17/7/01 and prepared by Barclay Mowlem Construction Ltd, except where varied by these conditions.

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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. 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. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
5. A Landscape Plan to be submitted to Council's Director Development Services for approval prior to the issue of the Construction Certificate. The plan is to include but is not limited to plantings either side of the Overland Conveyor on Lot 18 and 19 DP 255029 adjacent to Tweed Valley Way to screen the development. The plan is to include species and number of plants to be planted and management regime. Only natives endemic to the area are to be used.
6. Approval to be sought and obtained from the Director of Planning NSW for the leasing of the road reserve in accordance with Section 149 of the Roads Act 1993. Such approval to be obtained prior to the issue of the construction certificate.
7. The support structures for the spans of the conveyor over the Tweed Valley Way and McLeod Street are not to be located on the road reserve.
8. The conveyor is to be enclosed and clad in colourbond or similar non reflective materials.
9. The overland conveyor shall provide for a minimum clearance of 7 metres above McLeod Street or Tweed Valley Way.

PRIOR TO ISSUE OF 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

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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. 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.
12. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for the whole structure, prior to the issue of a construction certificate.
13. Prior to the issue of the Construction Certificate any alternative solution in relation to Building Code of Australia compliance is to be submitted to the PCA for approval with specific details in regard to compliance with the following sections of the Building Code of Australia
 - * Section C Fire Resistance
 - * Section D Access and Egress
 - * Section E Service and Equipment

The results of the alternative solution are to be accompanied by a report from a suitably qualified peer review panel confirming that the alternative solutions will satisfy the performance requirements contained in the Building Code of Australia.

PRIOR TO COMMENCEMENT OF WORK

14. 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.
15. 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.
16. 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.

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- c. Lot number.
17. 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.
 18. Sewer main within site is to be accurately located and the Principal Certifying Authority advised of its location and depth prior to start of any building works.
 19. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. **Note** All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the PCA prior to commencement of building works.
 20. 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

21. 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.
22. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).

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23. 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.
24. 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. frame
 - c. completion of work
25. 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.
26. 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.
27. 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.
28. 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.
 - 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.
29. 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.
30. House drainage lines affected by the proposal are to be relocated to Council's satisfaction. Inspection of drainage works prior to covering is required.
31. The provision of five off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.

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PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

32. Prior to the issue of the Occupation Certificate the air space over Tweed Valley Way and McLeod Street containing the overland conveyor shall be defined using the Australian Height Datum reduced levels by a subdivision for lease purposes over public roads. This subdivision for lease purposes shall be endorsed by Tweed Shire Council and shall be registered at the Land and Property Information Office prior to the issue of the Occupation Certificate.
33. 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.
34. On completion of work a certificate signed by a practising structural engineer is to be submitted to the PCA to certify the structural adequacy of the structure.

USE

35. 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.
36. No lighting is to spill from the Conveyor onto adjoining properties or residences which may cause a nuisance.

AMENDMENT

Cr Beck

Cr Brinsmead

PROPOSED that this matter be deferred until more detail on the storage and the complaints made by the public are answered more fully.

551

Cr Lawrie

Cr Carroll

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

Voting For

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

Voting Against

Cr Beck
Cr Marshall

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The Amendment was **Lost**

Voting For

Cr Beck
Cr Lawrie
Cr Marshall

Voting Against

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

Voting Against

Cr Beck
Cr Marshall

4. Retail Development Strategy

Retail Development Strategy

552

Cr Luff

Cr Carroll

RESOLVED that Council endorses the general terms of the Consultant's Brief (Annexure 1) for the preparation of a Retail Strategy for the Tweed Shire to be forwarded to a minimum of three suitably qualified Consultants to submit proposals and quotations to respond to this Brief.

Voting - Unanimous

5. Draft Tweed Local Environmental Plan 2000, Amendment No. 31 - Housekeeping Stage 1 (Administrative LEP Anomalies) - Amendment to Exhibited Document GT1/LEP/2000/31 Pt1; LEP-Administrative LEP Anomalies

553

Cr Boyd

Cr Luff

RESOLVED that:

1. Council amends the exhibited draft Tweed Local Environmental Plan 2000, Amendment No. 31 by amending the legend on the zone map within the meaning of

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Tweed Local Environmental Plan by replacing the words "RTA Road" (Clause 22(3)) with the words "Proposed Classified Road";

2. Council forwards the amended Plan to the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration) and requests the Minister to make the Plan in accordance with Section 70 of the Environmental Planning and Assessment Act 1979.

Voting - Unanimous

6. **Development Application DA03/0233 for a Rural Workers Dwelling at Lot 16 DP 1037891, Lot 17 DP 1037891 Pacific Highway, South Murwillumbah**
DA03/0233 Pt1; LN 24176

554

Cr Beck

Cr Marshall

RESOLVED that Development Application DA03/0233 for a rural workers dwelling at Lot 16 DP 1037891, Lot 17 DP 1037891 Pacific Highway, South Murwillumbah be approved subject to the following conditions

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plans Nos 1 of 5 - 5 of 5 prepared by Garry W Fidler Architect and dated 8.12.2002, 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. 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

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- c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.
5. The installation of any onsite sewerage management system shall be in general accordance with the report prepared by HMC Environmental dated Nov 02 or except where varied with the written consent of the Director Environment and Community Services.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. 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: \$4,000

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.

8. Provide engineers certificate on the structural adequacy of the existing structure.

PRIOR TO COMMENCEMENT OF WORK

9. 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.
10. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
 - (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and

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

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

- 11. A sign must be erected on the site in a prominent, visible position stating:
 - a. that unauthorised entry to the work site is prohibited; and
 - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
 - c. Lot number.
- 12. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.
- 13. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. Note All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the PCA prior to commencement of building works.
- 14. Any approval to install any onsite sewerage management system is obtained prior to installation of said system.

DURING CONSTRUCTION

- 15. 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).
- 16. All engineering works required to be approved prior to the issue of a construction certificate are to be constructed in accordance with the approval.

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17. The provision of two (2) off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.
18. 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
19. Provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet. Such to specifically include the following:
20. Details of the intended method of water storage are to be submitted to the Principal Certifying Authority for approval. Please note that the minimum storage capacity required shall be 20,000 litres.
21. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.
22. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays.
23. 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.
24. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. internal drainage, prior to slab preparation;
 - b. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - c. external drainage prior to backfilling.
 - d. completion of work.
25. A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.
26. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.

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27. Area below the spa is to be graded, drained and ventilated.
28. Yard gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
29. The finished floor level of the building should finish not less than 225mm above finished ground level.
30. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
 - * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.

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

31. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
 - i. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
32. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

33. 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.
34. It is a condition of an approval to install, construct or alter a sewage management facility that the facility is not used (or used as altered) until the Council has given the applicant for approval notice in writing that it is satisfied that the facility has been installed, constructed or altered in substantial accordance with the approval.
35. An approval to operate any onsite sewerage management facility is obtained prior to commencement of use of said facility.

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USE

36. The dwelling is to be occupied only by a person engaged in agricultural pursuits on the property.
37. 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.
38. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.
39. It is a condition of this consent to operate a system of sewage management that this clause is complied with.
 - (i) The sewage management facilities used in the operation of the system must be maintained in a sanitary condition and must be operated in accordance with the relevant requirements of this Regulation.
 - (ii) A sewage management facility used in the operation of the system must not discharge into any watercourse or onto any land other than its related effluent application area.
 - (iii) The conditions (if any) of any certificate of accreditation issued by the Director-General of the Department of Health under this Division in respect of the plans or designs for any components of the sewage management facilities must be complied with.
 - (iv) The person operating the system of sewage management must provide details of the way in which it is operated, and evidence of compliance with the relevant requirements of this Regulation and of the conditions of the approval, whenever the Council reasonably requires the person to do so.
40. The effluent disposal system is to be installed in accordance with the Onsite Sewerage Management Design Report prepared by HMC Environmental Services No 2002.60.
- B. Section 94 Contributions were deleted due to the fact that a long term rural workers dwelling was removed from the site and the application is for a dwelling to replace that which existed.

Voting - Unanimous

7. Northern Rivers Farmland Protection Project

Northern Rivers Farmland Protection Project

555

Cr Brinsmead

Cr Beck

RESOLVED that:-

- A. Council requests a review to the Farmland Protection Project Maps in respect of the farmland protection designations over the following areas:

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- i. Land identified in Terranora (Lot 227, DP 755740, Terranora Road, Terranora);
 - ii. Pocket of land at Cudgen (Lot 3, DP 828298, Tweed Coast Road, Cudgen);
 - iii. Future Byrill Creek Dam;
 - iv. Clarrie Hall Dam;
 - v. Cobaki Lakes;
 - vi. Tanglewood;
 - vii. Lot 2, DP 611021, Chinderah;
 - viii. Lot 20, DP 1009550 and Lot 4, DP 876253, Bogangar;
 - ix. Land at Seabreeze Estate and Koala Beach Estate;
 - x. Melaleuca Station, Lot 703 & Part Lot 704, DP 1000580, Chinderah;
 - xi. Tweed Heads West.
- B. Whilst Council agrees with the aim of protecting agricultural land as put forward by the Northern Rivers Farmland Protection Project, Council does not support that the methods of farm protection being advocated by the Project are suited to the great diversity of land types found in the Tweed Shire nor to the diverse needs of the farmers themselves. Council is of the view that the methods of farm protection being advocated by the Project has the serious potential of hastening the decline of horticulture in the Tweed region. Council therefore recommends that the Project needs to be revised in the following ways:
1. The Project needs far more consultation and input from the farming community, taking into consideration its diversity and the diversity of the needs of the farmers themselves.
 2. The Project needs to demonstrate by a transparent and reasonable method that any area being proposed for an agriculture reserve (whether of state, regional or local level of significance) measures up to a recognised criteria of land evaluation. (eg land nominated for the highest level of protection “state significance” – has to meet the criteria of being (i) tracts of “extensive” and “contiguous” the highest quality land, and (ii) land which is free of any major constraints such as serious soil erosion hazards.
 3. The Project needs to recognise that there are sufficient state and local government regulations in place to protect agricultural land, and that farmers do not need yet another layer of regulations to contend with, especially those that are administered from Sydney without local government input or without regional people having some say in their own farm destiny.
 4. The Project needs to recognise the danger of too many regulations may remove from farmers the flexibility required to manage their own economic affairs, or to avail themselves of new niche crops, value adding or agri-tourism opportunities.

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5. The Project's proposal suggesting that there should be no new approvals for even low-key agri-tourism opportunities at Cudgen/Duranbah is an example of what kinds of outrageous interface may come from unnecessary regulatory red tape. The same thing may be said of banning rural workers dwellings at Cudgen/Duranbah.

TEMPORARY ABSENCE FROM MEETING

Cr Luff left the meeting.

556

Cr Youngblutt

Cr Davidson

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 Marshall
Cr Youngblutt

Voting Against

Cr Beck

RETURN TO MEETING

Cr Luff returned to the meeting.

AMENDMENT

Cr Luff

Cr Boyd

PROPOSED that Council requests a review to the Farmland Protection Project Maps in respect of the farmland protection designations over the following areas:

- i. Land identified in Terranora (Lot 227, DP 755740, Terranora Road, Terranora);
- ii. Pocket of land at Cudgen (Lot 3, DP 828298, Tweed Coast Road, Cudgen);
- iii. Future Byrrill Creek Dam;
- iv. Clarrie Hall Dam;
- v. Cobaki Lakes;
- vi. Tanglewood;
- vii. Lot 2, DP 611021, Chinderah;
- viii. Lot 20, DP 1009550 and Lot 4, DP 876253, Bogangar;

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- ix. Land at Seabreeze Estate and Koala Beach Estate;
- x. Melaleuca Station, Lot 703 & Part Lot 704, DP 1000580, Chinderah;
- xi. Tweed Heads West.

The Amendment was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Davidson
Cr Lawrie
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

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.35pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.30pm.

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

8. Advertisement of Draft Development Control Plan No 51 Version 1.0 - Tweed Coast Strategy

GT1/DCP/51 Pt1; DCP-Tweed Coast Strategy

557

Cr Marshall

Cr Lawrie

RESOLVED that Draft Development Control Plan No 51 Version 1.0 – Tweed Coast Strategy be advertised for public comment for a period of 28 days.

Voting - Unanimous

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9. Crime Prevention Plan

Crime Prevention

Cr Boyd

Cr James

PROPOSED that Council: -

1. Endorses the Terms of Reference for the Crime Prevention Plan Advisory Committee.
2. Endorses the nominations to the Crime Prevention Plan Advisory Committee listed below:
 - Neville Douglas,
 - Graham Eggins,
 - Stewart Crawford,
 - Gordon Levinson,
 - Mike McLoughlin,
 - Yvonne Corrigan,
 - Ken Golding,
 - Jessica Walker,
 - Gary Matthews,
 - Dorothy Sommerville.
3. Delegates to the General Manager to seek and determine further nominations for Membership of the Committee for representation of youth interests, Aboriginal organisations and people with a non-English speaking background.
4. Nominates and endorses Councillor Luff to be a member of the Advisory Committee.

RETURN TO MEETING

Cr Davidson returned to the meeting.

AMENDMENT

558

Cr Brinsmead

Cr Marshall

RESOLVED that:-

1. Endorses the Terms of Reference for the Crime Prevention Plan Advisory Committee.
2. Endorses the nominations to the Crime Prevention Plan Advisory Committee listed below:

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Neville Douglas,
Graham Eggins,
Stewart Crawford,
Gordon Levinson,
Mike McLoughlin,
Yvonne Corrigan,
Ken Golding,
Jessica Walker,
Gary Matthews,
Dorothy Sommerville.

3. Delegates to the General Manager to seek and determine further nominations for Membership of the Committee for representation of youth interests, Aboriginal organisations and people with a non-English speaking background.
4. Nominates and endorses Councillor Beck to be a member of the Advisory Committee.

The Amendment 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

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

Voting For

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

Voting Against

Cr Boyd
Cr Carroll
Cr Luff

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- 10. Pottsville Beach Neighbourhood Centre - Alterations to Additional Building
GT1/S94/15 Pt1; DA02/1921 Pt1; S94 Plan; LN 18799, 41415; Pottsville Neighbourhood
Centre**

559

Cr Boyd

Cr Lawrie

RESOLVED that Council approves expenditure of \$8,473 from Developer Contribution Plan No. 15 for further works in relation to the Council building at the Pottsville Community Centre.

Voting - Unanimous

- 11. Illegal Land Clearing at Lot 156 DP 628026 Creek Street, Hastings Point
PF1431/190 Pt5; LN 18879; Illegal Land Clearing**

560

Cr Marshall

Cr Boyd

RESOLVED that this report be received and noted.

Voting - Unanimous

LATE ITEM

561

Cr Luff

Cr Marshall

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

Voting - Unanimous

- 11a. 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 Vol 2993 Fol 238, No 32-34 Marine Parade, Kingscliff
DA02/1136 Pt2; LN: 11045**

This item was dealt with earlier in the meeting at Minute No 542.

- 11b. Tugun Bypass - Consent for Development Application**

Tugun Bypass

562

Cr Brinsmead

Cr Beck

RESOLVED that Council notes that the Acting General Manager will provide the owners' consent on behalf of Council for the reserves and properties described in the letter from Queensland Mainroads.

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AMENDMENT

Cr Luff

Cr James

PROPOSED that Council defers a response giving consent to Queensland Main Roads until Council receives a presentation from them regarding their proposed Development Application.

The Amendment was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Davidson
Cr Lawrie
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

563

Cr Boyd

Cr Luff

RESOLVED that Council invites representatives from Queensland Main Roads to attend a meeting with Council to bring Council up to date with proposals to construct the C4 option.

Voting - Unanimous

11c. Locality Plans for Cabarita Beach/Bogangar and Kingscliff

GT1/DCP/9 Pt3; GT1/DCP/43 Pt1; GT1/DCP/50 Pt1; DA02/1646 Pt1; LN: 16141

564

Cr Davidson

Cr Youngblutt

RESOLVED that Council:

1. Notes the Club's decision to proceed with the construction of the new clubhouse on the land owned by the Club.

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2. Requests the Club to provide a detailed budget verified by a Quantity Surveyor or contract for the project demonstrating that an operational surf club building can be constructed within the project budget of \$800,000.00.
3. Council provides its contribution upon completion of the Mortgage Agreement by progress payments as previously resolved by Council.
4. Request from the surf Club details in writing of the dates for the demolition of the Council building and the Surf Club garage.

Voting - Unanimous

REPORTS FROM DIRECTOR CORPORATE SERVICES

12. Rural Village Development Program 2002-2003

DW920898; TEDC; Village Development Strategy

565

Cr Marshall

Cr Youngblutt

RESOLVED that:-

1. This report be received and noted.
2. The allocation of funds to the Tumbulgum multi-purpose bus shelter be reallocated to the village entry signs project.

Voting - Unanimous

13. Renewal of Lease Lot 7 (Lot 2) DP 251005 Buchanan Street, South Murwillumbah to N M J & W G Stainlay

PF0850/110; Leases - Council Property; LN 14460

566

Cr Boyd

Cr Luff

RESOLVED that :-

1. Council grants a lease over area 1.762 hectares to Nicola Mina Jean and William George Stainlay for a period of five (5) years at a yearly rental of \$500.00 subject to CPI increases.
2. Any necessary documentation be completed under the Common Seal of Council.

Voting - Unanimous

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14. Making the Rate - 2003/2004

Budget; Rates - Levying

567

Cr Boyd

Cr Luff

RESOLVED that :-

1. Council makes the 2003/2004 rates in accordance with the provisions of sections 405, 406, 493, 494, 495, 496, 501, 553 and 508 of the Local Government Act 1993:-

(a) Ordinary Rates (section 494)

(i) Residential Rate

A Residential Rate of .5072 cents in the dollar on the rateable land value of all applicable rateable land in the Tweed Shire Council area classified Residential with a minimum rate of four hundred and eighty two dollars (\$482.00) in respect of any separate parcel of rateable land.

(ii) Farmland Rate

A Farmland Rate of .3658 cents in the dollar on the rateable land value in the Tweed Shire Council area classified Farmland with a minimum rate of four hundred and eighty two dollars (\$482.00) in respect of any separate parcel of rateable land.

(iii) Business Rate

A Business Rate of .5072 cents in the dollar on the rateable land value of all applicable rateable land in the Tweed Shire Council area classified Business with a minimum rate of four hundred and eighty two dollars (\$482.00) in respect of any separate parcel of rateable land.

(b) Annual Charges (Section 495, 553, 501)

(i) Sewerage Annual Charge

A sewerage annual charge on the rateable land value of all applicable rateable land in the Tweed Shire Council area with an annual charge of four hundred and thirty dollars (\$430.00) in respect of any separate parcel of rateable land.

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(ii) Water Annual Charge

Residential assessments – a service charge of \$106.00

Business assessments – a service charge based on meter size being \$106.00 times the Meter Size Multiplier consumption factors as detailed in Table 1.

A volumetric charge of \$0.62 per kilolitre for all consumption.

Vacant assessments rated to water – a service charge of \$106.00.

Properties will be levied the water service charge in accordance with the Local Government Act including the description of what land may be subject to the water service charge.

Consumption Scale		Consumption Factors										
kl from	Kl To	Meter size (mm)										
		20	25	32	40	50	80	100	150	200	250	300
0	290	1.000	0.640	0.391	0.250	0.160	0.063	0.040	0.018	0.010	0.006	0.004
291	454	1.000	1.000	0.610	0.391	0.250	0.980	0.063	0.028	0.016	0.010	0.007
455	743	1.000	1.000	1.000	0.640	0.410	0.160	0.102	0.046	0.026	0.016	0.011
744	1,160	1.000	1.000	1.000	1.000	0.640	0.250	0.160	0.071	0.040	0.026	0.018
1,161	1,814	1.000	1.000	1.000	1.000	1.000	0.391	0.250	0.111	0.063	0.040	0.028
1,815	4,640	1.000	1.000	1.000	1.000	1.000	1.000	0.640	0.284	0.160	0.102	0.071
4,641	7,250	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.444	0.250	0.160	0.111
7,251	16,314	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.563	0.360	0.250
16,315	29,000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.640	0.444
29,001	45,314	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.694
Over 45,314		1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000

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Meter Size Charge

20mm	\$106.00
25mm	\$165.63
32mm	\$271.36
40mm	\$424.00
50mm	\$662.50
80mm	\$1,696.00
100mm	\$2,650.00
150mm	\$5,962.50
200mm	\$10,600.00
250mm	\$16,562,50
300mm	\$23,850.00

(iii) Tumbulgum Sewerage Annual Charge

A Tumbulgum Sewerage Annual Charge for all rateable land which will be serviced by the Tumbulgum Sewerage Scheme of the Tweed. A sewerage annual charge of two hundred and fifty dollars (\$250.00) in respect of any separate parcel of rateable land within the Tumbulgum area. The following is a description applicable land:-

LOT 47 SEC 3 DP 1223
LOT 46 SEC 3 DP 1223
LOTS 44-45 SEC 3 DP 1223
LOT 37 SEC 3 DP 1223
LOT 36 SEC 3 DP 1223
LOTS 34-35 SEC 3 DP 1223
LOT 31 SEC 3 DP 1223
LOT 30 SEC 3 DP 1223
LOT 34 SEC 2 DP 1223
LOTS 32-33 SEC 2 DP 1223
LOTS 29-30 SEC 2 DP 1223
LOT 28 SEC 2 DP 1223
LOT 37 SEC 1 DP 1223
LOT 1 DP 357241
LOT 2 DP 357241
LOT 41 SEC 1 DP 1223

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LOT 42 SEC 1 DP 1223
LOTS 43-44 SEC 1 DP 1223
LOT 50 SEC 1 DP 1223
LOT 51 SEC 1 DP 1223
LOT 52 SEC 1 DP 1223
LOT 53 SEC 1 DP 1223
LOT 54 SEC 1 DP 1223
LOT 55 SEC 1 DP 1223
LOTS 56-57 SEC 1 DP 1223
LOTS 58-59 SEC 1 DP 1223
LOT 60 SEC 1 DP 1223
LOT 2 DP 626425
LOT 10 SEC 6 DP 1223
LOTS 5-6 SEC 6 DP 1223
LOTS 11-12 SEC 5 DP 1223
LOT 2 DP 739552
LOT 5 SEC 4 DP 1223
LOT 6 SEC 4 DP 1223
LOT 7 SEC 4 DP 1223
LOT 50 DP 1911
LOT 49 DP 1911
LOT 21 SEC 2 DP 1223
LOT 22 SEC 2 DP 1223
LOT 23 SEC 2 DP 1223
LOT 67 SEC 6 DP 1223
LOT 68 SEC 6 DP 1223
LOT 3 SEC 6 DP 1223 16.08 X 32.18
LOT 2 SEC 6 DP 1223 16.08 X 32.18
COR LOT 1 SEC 6 DP 1223 17.09 X 32.18
COR LOT 36 SEC 1 DP 1223 22.35 X 32.18
LOT 35 SEC 1 DP 1223
LOT 34 SEC 1 DP 1223 14.07/21.11X32.97/32.18
LOT 33 SEC 1 DP 1223 10.0L X 40.84/39.42
COR LOT 1 SEC 4 DP 1223
LOT 2 SEC 4 DP 1223
LOT 9 SEC 4 DP 1223 18.49 X 35.38
LOT 5 SEC 7 DP 1223
LOTS 3/4 SEC 7 DP 1223
COR LOT 1 SEC 7 DP 1223
LOTS 6-7 SEC 7 DP 1223
LOT 30 DP 240589 A0061.0084
LOTS 55/56 SEC 6 DP 1223
LOT 63 & 30-31 SEC 1 DP 1223
LOTS 28/29 SEC 1 DP 1223
LOT 27 SEC 1 DP 1223
LOT 26 SEC 1 DP 1223 10.06X55.32/54.71
LOTS 24/25 SEC 1 DP1223 20.12X55.32/56.72

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LOTS 20/21 SEC 1 DP 1223 20.12X58.04/58.72
LOT 14 SEC 1 DP 1223
LOT 2 DP 799347
LOT 3 DP 799347
LOT 201 DP 865762
LOT 18 SEC 2 DP 1223 & LOT 1 DP 624442
LOT 15 SEC 2 DP 1223 10.06X52.1/52.5
LOTS 9/10 SEC 2 DP 1223 20.12X54.31/55.32
LOT 8 SEC 2 DP 1223
LOTS 6 & 7 DP 1223 SEC 2
LOT 2 DP 563652
LOT 1 DP 584974
LOT 2 DP 584974
LOT 5 SEC 3 DP 1223 10.06X50.29
LOT 6 SEC 3 DP 1223 18.29/8.23X50.29
LOTS 7/8 SEC 3 DP 1223
LOTS 9/10 SEC 3 DP 1223
LOT 11 SEC 3 DP 1223
LOT 12 SEC 3 DP 1223 LOT 48 DP 1911
LOTS 18/20 SEC 3 DP 1223 30.18X50.29
LOT 21 SEC 3 DP 1223 10.06X50.29
LOTS 22/23 SEC 3 DP 1223 20.12X50.29
LOT 24 SEC 3 DP 1223 10.06X50.29
LOTS 25-27 SEC 3 DP 1223
LOT 45 SEC 1 DP 1223
LOT 46 SEC 1 DP 1223
LOT 47 SEC 1 DP 1223
LOT 1 DP 626425
LOT 1 DP 574621
LOT 16 SEC 2 DP 1223
LOT 35 SEC 2 DP 1223
LOT 25 SEC 2 DP 1223
LOT 24 SEC 2 DP 1223
LOT 17 SEC 2 DP 1223
LOT 1 DP 739552
LOT 4 SEC 6 DP 1223
LOT 53 SEC 3 DP 1911
LOT 52 SEC 3 DP 1911
LOT 54 DP 1911
LOT 55 DP 1911
LOTS 64/66 SEC 6 DP 1223
LOT 59 SEC 6 DP 1223
LOT 9 SEC 6 DP 1223
LOT 7-8 SEC 6 DP 1223
LOT 41 DP 812273
LOT 40 DP 812273
LOT 48 SEC 1 DP 1223

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LOT 49 SEC 1 DP 1223
LOT 62 SEC 6 DP 1223
LOTS 26-27 SEC 2 DP 1223
LOT 15 SEC 1 DP 1223
LOT 63 SEC 6 DP 12233
LOTS 9-13 SEC 1 DP 1223
LOT 4 SEC 4 DP 1223
LOT 61 SEC 1 DP 1223
LOT 31 SEC 6 DP 1223
LOT 1 DP 839857
LOT 2 DP 839857
LOT 8 SEC 4 DP 1223
LOTS 29-30 SEC 6 DP 1223
LOT 19 SEC 1 DP 1223
LOT 16 SEC 1 DP 1223
LOT 57 SEC 6 DP 1223
LOT 58 SEC 6 DP 1223
LOT 29 SEC 3 DP 1223
LOT 28 SEC 3 DP 1223
LOT 105 107 DP 1011315
LOTS 60 & 61 SEC 6 DP 1223
LOT 17 DP SEC 1 DP 1223
LOT 18 SEC 1 DP 1223
LOT 4 SEC 1 DP 1223
LOTS 5 & 6 SEC 1 DP 1223
LOT 50 DP 1034037
LOT 51 DP 1034037
LOTS 15-16 SEC 5 DP 1223
LOTS 17-18 SEC 5 DP 1223

(iv) Uki Sewerage Annual Charge

A Uki Sewerage Annual Charge for all rateable land which will be serviced by the Uki Sewerage Scheme of the Tweed. A sewerage annual charge of three hundred dollars (\$300.00) in respect of any separate parcel of rateable land within the Uki area. The following is a description of the applicable land –

LOT 2 DP 535919
LOT 1 DP 535919
LOTS 153 170 DP 755730
LOT 171 DP755730
LOT 152 DP755730
LOT 173 DP755730
LOT 150 DP 719951
LOT 1 DP 774800
LOT 2 DP 973705
LOT B DP970550 18.29X40.23

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LOT A DP971647 18.29X40.23
PH NULLUM LOT 4 SEC 1 DP10909
LOT 11 D.P. 618030
LOT 10 D.P.618030 18.83/19.165 X 37/39.045
LOT 7 SEC 1 DP 10909
PSH NULLUM LOT 8 SEC 1 DP 10909 38.4 FTGE
LOT B DP 369388
LOT A DP 369388
LOT 2 DP 549954
LOT 31 D.P. 624684
LOTS 1-2 DP 8107
LOT 3 DP 8107
LOTS 4/5 DP 8107 90/27.64X28.5/31.85
LOTS 7/8 DP 8107 33.83/34.08X33.68/38.22
LOT 233 DP 721129
LOT 1 DP400980 3.66/18.75X52.86/71.27 IRR
LOT 2 DP400980 21.62/17.86X29.79/32.99
LOT 1 DP 661876
LOT A & PT LOT B DP385579 18.47/9.37X57.12/56.49
PT LOT 183 DP 755730
LOT 1 SEC 3 DP 11045
LOT 2/3 SEC 3 DP 11045
LOT 6 SEC 3 DP 11045
LOT 12 DP 618030
LOT B DP 103527 & LOT 235 DP 727458
LOT A DP 103527
LOT 122 DP755730
LOT 1 DP 103459
LOT 1 DP547960
LOT 1 DP 936275
LOT 127 DP755730 33.22X60.91/58.52
LOT 128 DP755730
LOT 1 DP 571326
LOT 2 DP 571326
LOT 147 DP755730
LOT 146 DP755730
LOT 163 DP 755730
LOT 148 DP755730
LOT 149 DP 755730
LOT 164 DP755730
LOT 160 DP755730
LOT 159 DP 755730
LOT 2 DP 611868 36.26/27.43X22.665/28.93
LOT 1 DP 611868
LOT A DP 399999
LOT B DP 399999 32.92/30X30.51/28.93
LOT 1 DP 609206

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LOT 3 DP 700324 25.43/42.62 X 24.11/44.875IRR
LOT 4 DP 700324
LOT 23 DP 263408
LOT 22 DP 263408
LOT 211 DP 263408
LOT 1 DP 255027
LOT 1 DP 625486
LOT 4 DP 255027
LOT 5 DP 255027
LOT 6 DP 255027
LOT 7 DP 255027
LOT 31 DP 632890
LOT 2 DP 263408
LOT 5 DP 263408
LOT 7 DP 263408 67.8/IRR 116.5 X 53.02/67.10
LOT 4 DP 263408
LOT 161 DP 755730
LOT 20 DP 263408
LOT 25 DP 263408
LOT 18 DP 263408
LOT 232 DP 721129
LOT 2 DP 731343
LOT 1 DP 731343
PARISH NULLUM LOT 9 DP 778348
LOT 10 DP 263408 50X90
LOT 9 DP 263408
LOT 240 DP 729473
LOT 3 DP 792359
LOT 2 DP 792359
LOT 30 DP 632890
LOT 15 DP 263408
LOT 14 DP 263408
LOT 13 DP 263408
LOT 12 DP 263408
LOT 3 DP 814658 SUBJECT TO DRAINAGE EASEMENT
LOT 1 DP 822828 LOT 1 DP 263408
LOT 166 DP 755730
LOT 12 DP 829544
PSH NULLUM LOT 167 DP 755730
PSH NULLUM LOT 165 DP 755730
LOT 1 DP 709540 & LOT 241 DP 729473
LOT 1 DP 870671
LOT 2 DP 870671
LOT 3 DP 871831
LOT 1 DP 861822
LOT 154 DP 755730
LOT 1 DP 876643

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LOT 2 DP 876643
PSH NULLUM LOT 155 DP 755730
LOT 4 SEC 3 DP 11045
LOT 5 SEC 3 DP 11045
LOT 1 DP 1002893
LOT 2 DP 1002893 -
LOTS 1-6 DP 7188 LOTS 2-3 SEC 2 DP 10909 &
LOT 9 DP 825218 LOTS 11-12 DP 838447
LOT 10 DP 825218 SUBJ TO DRAINAGE E'MENT
LOTS 1-2 DP 817081

(v) Bilambil Road Sewerage Annual Charge

A Bilambil Road Sewerage Annual Charge for all rateable land which will be serviced by the Bilambil Road Sewerage Scheme of the Tweed. A sewerage annual charge of three hundred dollars (\$300.00) in respect of any separate parcel of rateable land within the Bilambil area. The following is a description of the applicable land –

LOT 856 DP 32094
LOT 857 DP 32094
LOT 858 DP 32094
LOT 859 DP 32094
LOT 860 DP 32094
LOT 861 DP 32094
LOT 862 DP 32094
LOT 864 DP 32094
LOT 865 DP 32094
LOT 866 DP 32094
LOT 867 DP 32094

(vi) Tweed Heads Streetscaping Special Rate

A Tweed Streetscaping Special Rate of .1313 cents in the dollar on the rateable land value of applicable land in the Tweed Shire Council area. The following is a description of the applicable land –

LOT 7 DP 167898
LOT 1 DP 1052992
LOT A DP 398092
LOT 2 DP 525905
LOTS 2-6 DP 224382
LOT 3 DP 110355
LOT 1 DP 306057
LOT A DP 313926
LOT 1 SP 5287
LOT 2 SP 5287
LOT 3 SP 5287
LOT 4 SP 5287

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LOT 5 SP 5287
LOT 6 SP 5287
LOT 2 DP 229412
LOT 5 DP 549037
LOT 6 DP 549037
LOT 1 SP 10552
LOT 2 SP 10552
LOT 3 SP 10552
LOT 4 SP 10552
LOT 1 DP 534136
LOT 2 DP 101111
LOTS 3-4 DP 420750
LOTS 1-2 DP 420749
COR LOTS 32/35 DP 237678 SPL COR 73.15 X 50.8
LOT 64 DP 237806 16.99X29.26/36.58 SPL COR
LOT 2 DP 549328 14.5/12.14X36.58/36.65
LOT 1 DP 549328 14.33IRR/12.12IRRX36.65/36.58
LOT 61 DP 237806 12.19X36.58
LOT 60 DP 237806 12.19X36.58
LOTS 58/59 DP 237806 24.38X36.58
LOT 57 DP 237806 12.19X36.58
LOT 56 DP 237806 12.19X36.58
LOT 55 DP 237806 12.19X36.58
LOT 54 DP 237806
LOT 53 DP 237806 12.19X36.58
LOT 52 DP 237806
LOT 1 SP 14263
LOT 2 SP 14263
LOT 3 SP 14263
LOT 4 SP 14263
LOT 5 SP 14263
LOT 1 DP 525413
LOT 1 DP 553728 24.38X37.80
LOT 1 DP 777183 SUBJ TO E'MENTS
LOT 9 DP 964880 LOT 1 DP 303503
LOT A DP 332137 49.911 X 50.292
LOT B DP 332137 LOT 1 DP 962785 LOT 1 DP 962784 LOT 2 SEC
1 DP 758279
LOT 100 DP 775892
LOT 3 DP 329933
LOT 1 DP 17554
LOT 2 DP 17554
LOT 3 DP 17554 5.64/5.72 X 25.15/25.32
LOT 4 DP 17554
LOT 5 DP 17554 4.52/4.47X26.42/26.95
LOT 6 DP 17554
LOT 7 DP 17554 29'9/30'XIRR90'10/93'9

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COR LOTS 2 & 3 DP 519757 30.26.92IRR X 43.41/50.
LOT 1 DP 222704 14.99/15.09 X 42.98/43.31
LOT 1 DP 609342
LOTS A & B DP 373378
LOTS 1 & 2 SEC 4 DP 4570 33.35/33.2 X 40.34/39
LOT 30 SEC 4 DP 4043 LOT 1 DP 329246 LOT 2
LOT 6 SEC 4 DP 4570 LOT A DP 341926 &
LOT 10 SEC 4 DP 4570 15.16/15.09 X 33.51/35.08
LOT 11 SEC 4 DP 4570 15.16/15.09 X 35.08/34.62
LOTS 15 SEC 4 DP 4570 LOT 16 SEC 4 DP 4043
LOT 1 SP 14262
LOT 2 SP 14262
LOT 3 SP 14262
LOT 4 SP 14262
LOT 5 SP 14262
LOT 6 SP 14262
LOT 7 SP 14262
LOT 8 SP 14262
LOT 9 SP 14262
LOT 10 SP 14262
LOT 1 SP 32143
LOT 2 SP 32143
LOT 3 SP 32143
LOT 4 SP 32143
LOT 1 SEC 5 DP 759009 & LOT 23 DP 776673
LOT 672 DP 755740 LOT 3 DP 520173 LOT 1 DP 245697 LOTS 2-3
DP 561138 LOT 1 DP 820693
LOT 19 SEC 4 DP 4043 LOTS 12/14 SEC 4 DP 4570
LOT 1 DP 866236
LOT 1 DP 1007168 E'MENT(S)
LOT 2 DP 1007168
LOT 4 DP 1007168
LOT 1 SP 57664
LOT 2 SP 57664
LOT 3 SP 57664
LOT 4 SP 57664
LOT 5 SP 57664
LOT 6 SP 57664
LOT 7 SP 57664
LOT 8 SP 57664
LOT 9 SP 57664
LOT 10 SP 57664
LOT 11 SP 57664
LOT 12 SP 57664
LOT 13 SP 57664
LOT 14 SP 57664
LOT 15 SP 57664

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LOT 16 SP 57664
LOT 17 SP 57664
LOT 18 SP 57664
LOT 100 DP 1021860

(vii) Koala Beach Special Rate

A Koala Beach Special Rate of .0810 cents in the dollar on the rateable land value of applicable land in the Tweed Shire Council area. The following is a description of the applicable land:-

LOT 953 DP 864092
LOT 1 DP 86409
LOT 2 DP 864093
LOT 3 DP 864093
LOT 4 DP 864093
LOT 5 DP 864093
LOT 6 DP 864093
LOT 7 DP 864093 EASEMENT(S) SUBJ TO ROC
LOT 8 DP 864093 SUBJ TO DE & SUBJ TO ROC
LOT 9 DP 864093
LOT 10 DP 864093
LOT 11 DP 864093
LOT 12 DP 864093 SUBJ TO SEWER E'MENT
LOT 13 DP 864093 SUBJ TO DE
LOT 16 DP 864093
LOT 17 DP 864093
LOT 18 DP 864093
LOT 19 DP 864093
LOT 20 DP 864093
LOT 21 DP 864093
LOT 30 DP 864094
LOT 31 DP 864094
LOT 32 DP 864094
LOT 33 DP 864094
LOT 34 DP 864094
LOT 35 DP 864094
LOT 36 DP 864094
LOT 37 DP 864094
LOT 38 DP 864094
LOT 39 DP 864094
LOT 40 DP 864094
LOT 41 DP 864094
LOT 42 DP 864094
LOT 43 DP 864094
LOT 44 DP 864094
LOT 45 DP 864094
LOT 46 DP 864094 SUBJ TO SEWER E'MENT

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LOT 47 DP 864094 SUBJ TO DE
LOT 48 DP 864094
LOT 49 DP 864094 SUBJ TO DE
LOT 50 DP 864094 SUBJ TO DE
LOT 51 DP 864094
LOT 52 DP 864094
LOT 53 DP 864094
LOT 54 DP 864094
LOT 55 DP 864094
LOT 56 DP 864094
LOT 57 DP 864094
LOT 58 DP 864094
LOT 59 DP 864094
LOT 60 DP 864094
LOT 61 DP 864094
LOT 62 DP 864094
LOT 63 DP 864094
LOT 64 DP 864094
LOT 65 DP 864094
LOT 66 DP 864094
LOT 67 DP 864094
LOT 68 DP 864094
LOT 69 DP 864094
LOT 70 DP 864094
LOT 71 DP 864094
LOT 72 DP 864094
LOT 73 DP 864094
LOT 74 DP 864094
LOT 75 DP 864094
LOT 76 DP 864094
LOT 77 DP 864094
LOT 78 DP 864094
LOT 79 DP 864094
LOT 80 DP 864094
LOT 81 DP 864094
LOT 82 DP 864094
LOT 83 DP 864094
LOT 84 DP 864094
LOT 85 DP 864094
LOT 86 DP 864094
LOT 87 DP 864094
LOT 88 DP 864094
LOT 89 DP 864094
LOT 90 DP 864094
LOT 91 DP 864094
LOT 92 DP 864095
LOT 93 DP 864095

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LOT 94 DP 864095
LOT 95 DP 864095
LOT 96 DP 864095
LOT 97 DP 864095
LOT 98 DP 864095
LOT 99 DP 864095
LOT 100 DP 864095
LOT 101 DP 864095
LOT 14 DP 870694 SUBJ TO DRAINAGE E'MENT &
LOT 15 DP 870694
LOT 22 DP 870695
LOT 23 DP 870695
LOT 24 DP 870695
LOT 25 DP 870695
LOT 26 DP 870695
LOT 27 DP 870695
LOT 28 DP 870695
LOT 29 DP 870695
LOT 213 DP 1033384
LOT 214 DP 1033384
LOT 215 DP 1033384
LOT 216 DP 1033384
LOT 217 DP 1033384
LOT 218 DP 1033384
LOT 219 DP 1033384
LOT 220 DP 1033384
LOT 221 DP 1033384
LOT 222 DP 1033384
LOT 223 DP 1033384
LOT 224 DP 1033384
LOT 225 DP 1033384
LOT 226 DP 1033384
LOT 227 DP 1033384
LOT 228 DP 1033384
LOT 229 DP 1033384
LOT 230 DP 1033384
LOT 231 DP 1033384
LOT 232 DP 1033384
LOT 233 DP 1033384
LOT 234 DP 1033384
LOT 235 DP 1033384
LOT 236 DP 1033384
LOT 237 DP 1033384
LOT 238 DP 1033384
LOT 239 DP 1033384
LOT 240 DP 1033384
LOT 241 DP 1033384

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LOT 242 DP 1033384
LOT 243 DP 1033384
LOT 244 DP 1033384
LOT 245 DP 1033384
LOT 246 DP 1033384
LOT 247 DP 1033384
LOT 248 DP 1033384
LOT 249 DP 1033384
LOT 250 DP 1033384
LOT 251 DP 1033384
LOT 252 DP 1033384
LOT 253 DP 1033384
LOT 254 DP 1033384
LOT 255 DP 1033384
LOT 256 DP 1033384
LOT 257 DP 1033384
LOT 258 DP 1033384
LOT 259 DP 1033384
LOT 260 DP 1033384
LOT 261 DP 1033384
LOT 262 DP 1033384
LOT 263 DP 1033384
LOT 264 DP 1033384
LOT 265 DP 1033384
LOT 200 DP 1033384
LOT 201 DP 1033384
LOT 202 DP 1033384
LOT 203 DP 1033384
LOT 204 DP 1033384
LOT 205 DP 1033384
LOT 206 DP 1033384
LOT 207 DP 1033384
LOT 208 DP 1033384
LOT 209 DP 1033384
LOT 210 DP 1033384
LOT 211 DP 1033384
LOT 212 DP 1033384
LOT 451 DP 1040725
LOT 452 DP 1040725
LOT 453 DP 1040725
LOT 454 DP 1040725
LOT 455 DP 1040725
LOT 456 DP 1040725
LOT 457 DP 1040725
LOT 458 DP 1040725
LOT 459 DP 1040725
LOT 460 DP 1040725

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LOT 461 DP 1040725
LOT 463 DP 1040725

(viii) Burringbar-Mooball Sewerage – Annual Charge

A Burringbar-Mooball Sewerage Annual Charge for all rateable land which will be serviced by the Burringbar/Mooball Sewerage Scheme of the Tweed. An annual sewerage charge of three hundred and fifty dollars (\$350.00) in respect of any separate parcel of rateable land within the Mooball/Burringbar area. The following is a description of the applicable land:-

LOT 1 DP 388082
LOT 1 DP 121460 LOT B DP 974349
BURRENBAR SCHOOL & RESIDENCE
PT LOT 1 SEC 1 DP 3090
LOT 6 DP 5114
LOT 5 DP 5114
LOTS 13-14 DP 5114 LOT 1 DP 126083 LOT 1 DP 348185
LOT 3 SEC 1 DP 3090
LOT 2 DP 360551
LOT 1 DP 805475
LOT 3 DP 574439
LOT 1 DP 503384
LOT 7 SEC 1 DP 3090
LOT 8 SEC 1 DP 3090
LOT 10-10A SEC 1 DP 6696
LOT 1 DP 771720
LOT 1A SEC 2 DP 6696
LOTS 2-2A SEC 2 DP 6696
LOTS 3-3A SEC 2 DP 6696
LOTS 4-4A SEC 2 DP 6696
LOT 5 SEC 2 DP 6696
LOT 1 DP 835350
LOT 2 DP 835350
LOT 12 DP 571794
LOT 11 DP 571794 LOT 9 SEC 2 DP 3090
CHURCH
LOT 10 SEC 2 DP 3090
LOT 2 DP 828287
LOT 1 DP 119104 LOT B DP 974349
LOTS 4/5 DP 379207
LOT 3 DP 377857 20.12 X 50.29
LOT 2 DP 377857 20.12 X 50.29
LOT 1 DP 377857
LOT B DP 380818 16.76 X 50.29
LOT A DP 380818 32.59/6.83 X CRK/50.29
LOT 20 DP 261790 21.54/20.115 X 56.525/48.825

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LOT 19 DP 261790 19.915/18.6 X 48.825/41.705
LOT 18 DP 261790 19.01/18.6 X 39.5/41.705
LOT 17 DP 261790 18.6 X 39.5
LOT 16 DP 261790 18.6 X 39.5
LOT 15 DP 261790 9.913/29.66 X 39.5/41.84
LOT 14 DP 261790 14.205.35.75 X 41.84/51.81
LOT 13 DP 261790 12.285/44.12 X 51.81/38.38
LOT 25 DP 871153
LOT 10 DP 261790
LOT 9 DP 261790
LOT 8 DP 261790 23.14 X 73.56
LOT 7 DP 261790
LOT 6 DP 261790
LOT 1 DP 812763
LOT 7 DP 617837
LOT 6 DP 617837
LOT 5 DP 261790 21.63/20 X 39.875/39.775
LOT 4 DP 261790
LOT 3 DP 261790 20 X 39.515/39.693
LOT 2 DP 261790 21.68/30.035 X 40.02/39.515
LOT 4 SEC 2 DP 2853
LOT 16 DP 712033
LOT 9 SEC 3 DP 2853
LOT 1 DP 107628
PMS 03320 BARRINGBAR
LOT 1 DP 780313
LOT D DP 366531
LOT 7 DP 383174
LOT 10 SEC 1 DP 2853
LOT 3 DP 124444
LOT 1 DP 872622
LOT 2 DP 872622
LOT 2 DP 124444
LOT 6 DP 381443
LOT 1 DP 379905
LOT 1 DP 972819
LOT 3 DP 607681
LOT 4 DP 607681 18.665/17.14 X 43.76/50.795
LOT 2 DP 228425
LOT 12 DP 866170
LOT 11 DP 866170
LOT 17 SEC 1 DP 2853
LOT 16 SEC 1 DP 2853
LOT 15 SEC 1 DP 2853
LOT 14 SEC 1 DP 2853
LOT 11 SEC 1 DP 2853
LOT 14 DP 716554

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LOT 9 SEC 1 DP 2853
LOT 1 DP 124444
LOT 2 DP 124445 1
LOT 1 DP 124445
LOTS 1/3 DP 124446
LOT 1 DP 379525 40.23IRR/40.18X40.23
LOT 1 DP 383810
LOT A DP 403665 20.12X50.29
LOT B DP 408782
LOTS 8/9 DP 383174 16.76 X 40.94
LOT 1 DP 378287
LOT 1 DP 398418 LOT 1 DP 227947 &
LOT 1 DP 231691
LOT 2 DP 231691
LOT 15 DP 631001
LOT 1 DP 124646
LOT 1 DP 1026551 SRA LEASE 209214
LOT 1 DP 384342
LOT 3 DP 828280
LOT 8 SEC 3 DP 2853 20.12 X 50.29
LOT 27 DP 597517
LOTS 24/26 DP 597517
LOT 15 DP 716554
LOT 1 SEC 3 DP 2853
LOT 2 DP 812763
LOT 5 DP 877090 25.055/CREEK X 70.980/93.190
LOT 1 DP 124443 LOT 4 DP 877090
LOTS 12/13 DP 5726 40.23X50.29
LOTS 10/11 DP 5726
LOTS 8/9 DP 5726 40.23X50.29
LOTS 6/7 DP 5726
LOT 14 DP 631001
LOT 3 DP 5726
LOT 2 DP 5726 17.17/37.19X50.29/54.1
LOT C DP 366351
LOT A DP 420797 & LOT F DP 370478
PH MOOBALL LOT 3 DP 26048
LOT 1 DP 231846 SUBJ TO R O W
PH MOOBALL LOTS 1/2 DP 26048
LOT 2 DP 534493
LOT A DP 354678
LOT B DP 365259 24.38X 41.76/42.14 ABT
LOT 1 DP 369445 23.11X41.58/41.76
LOT 1 DP 129581
LOTS A/B DP 403876 LOT 2 DP 316482 LOT3 DP659959
LOTS D/E DP 370478 VOL 6312 FOL 76 & VOL 6263
LOT C DP 370478

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LOT 4 SEC 2 DP 17414
LOT 3 DP 329318 22.10X40.23
LOT 1 DP 329318 LOT 1 DP 393596 LOT 1 DP 123205
LOTS 1/2 DP 316479
LOT 3 SEC 1 DP 17414 ABT 30.48/21.11X40.23/39.07
LOT 4 SEC 1 DP 17414
LOT 5 SEC 1 DP 17414
LOT 6 SEC 1 DP 17414 25.7X39.14
LOT 7 SEC 1 DP 17414
LOT 8 SEC 1 DP 17414 25.3/26.47X39.07
LOT 9 SEC 1 DP 17414 25.88X39.07
LOT 10 SEC 1 DP 17414 24.71/27.15X39.07
LOT B DP 363236 VOL 6486 FOL 70
LOT A DP 363236 VOL 5985 FOL 159
LOT 1 DP 332658
LOTS A/D DP 6624
LOT E DP 6624
LOT 1 DP 571077
LOT 3 DP 542839
LOT 1 DP 517616 IRR24.54/24.38X28.96/30.4
LOT 1 DP 705526
LOT 5 DP 563017
LOT 2 DP 705526
LOT 1 DP 701606 22.56/20.81 X 103.6/93.55
LOT 2 DP 701606 28.2/20.8 X 93.55/81.09
LOT 1 DP 801130
LOTS J & K DP 6624
LOT I DP 6624
LOT 3 DP 621019
LOT 2 SEC 3 DP 3090
LOT 3 SEC 3 DP 3090
LOT 4 SEC 3 DP 3090 20.12 X 50.2
LOT 5 SEC 3 DP 3090
LOTS 6/7 SEC 3 DP 3090
LOT 1 DP 134112 & LOT 1 DP 444022
LOT 2 DP 603957 20.75 X 50.29
LOT 1 DP 603957 19.5 X 50.29
COR LOT 21 DP 5726 28.55 X 50.29
COR LOT 1 SEC 4 DP 3090 20.12 X 50.29
LOT 2 SEC 4 DP 3090 20.12 X 50.29
LOT 3 SEC 4 DP 3090 20.12 X 50.29
LOT 4 SEC 4 DP 3090 20.12 X 50.29
LOT 5 SEC 4 DP 3090
LOT 6 SEC 4 DP 3090
LOT 7 SEC 4 DP 3090
LOTS 14/15 DP 5726

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(ix) Dobbys Crescent Sewerage Annual Charge

A Dobbys Crescent Sewerage Annual Charge for all rateable land which will be serviced by the Dobbys Crescent Sewerage Scheme of the Tweed. An annual sewerage charge of four hundred and fifty dollars (\$450.00) in respect of any separate parcel of rateable land within the Dobbys Crescent area. The following is a description of the applicable land:-

LOT 1 SEC 2 DP 30148 & LOT 1 DP 781539
LOT 1 SEC 1 DP 30148
LOT 2 SEC 2 DP 30148 35.05X40.23
LOT 2 SEC 1 DP 30148 IRR24.51/IRR26.7X
LOT 3 SEC 2 DP 30148 21.34X40.23
LOT 3 SEC 1 DP 30148
LOT 4 SEC 2 DOBBYS CRES DP 30148 21.34 X 40.23
LOT 4 SEC 1 DP 30148
LOT 5 SEC 2 DP 30148
LOT 1 DP 781535 IRR 24.65/25.05 X 45.8/49.1
LOT 6 SEC 2 DP 30148
LOT 2 DP 781535
LOT 7 SEC 2 DP 30148
LOT 7 SEC 1 DP 30148 24.38.53.06/52.45
LOT 8 SEC 2 DP 30148
LOT 28 DP 212092
LOT 9 SEC 2 DP 30148 21.34X55.4
LOT 32 DP 1013881
LOT 10 SEC 2 DP 30148
LOT 31 DP 1013881
LOT 11 DP 212092
LOT 25 DP 212092
LOT 12 DP 212092 VOL 9332
LOT 24 DP 212092 16.46/25.3X45.26/40.23
LOT 13 DP 212092 20.4/18.29 X 49.78/52.5
LOT 14 DP 212092 19ARC /22.45 IRR X 37.97/49.78
LOT 15 DP 212092 13.87/27.43 X 37.97/38.15
LOT 16 DP 212092
LOT 17 DP 212092
LOT 18 DP 212092 19.58/31.34 X 25.35/49.66
LOT 19 DP 212092
LOT 23 DP 212092 21.35/18.30 X 38.89/39.99
LOT 22 DP 212092 21.35/18.30 X 37.97/38.89
LOT 21 DP 212092
LOT 20 DP 212092

2. In accordance with section 566(3) of the Local Government Act 1993 that the maximum rate of interest payable on overdue rates and charges be 9%.

Voting - Unanimous

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15. Membership of NOROC

DW893745; NOROC

568

Cr Marshall

Cr Youngblutt

RESOLVED that Council becomes a member of NOROC at an annual fee of \$12,000 for 2003/2004 as per discussions and agreement with Chairperson, Cr Joy Matthews.

Voting For

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

Voting Against

Cr Beck
Cr Carroll
Cr Davidson
Cr James
Cr Luff

569

Cr Brinsmead

Cr Youngblutt

RESOLVED that the Mayor or his delegate be the Council representative on NOROC.

Voting – Unanimous

LATE ITEM

570

Cr Marshall

Cr Davidson

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

Voting - Unanimous

15a. Renewal of Council's Insurance Portfolio for the period 1 July 2003 to 30 June 2004

Insurance - General

571

Cr Marshall

Cr Youngblutt

RESOLVED that Council enters into an insurance contract with various parties for the following policies for the period 1 July 2003 to 30 June 2004 on the following basis and premiums:-

1. Industrial Special Risk Premium \$116,775.25 (including GST)

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

Minutes - Meeting of Tweed Shire Council

Total Asset Value

Section 1:	\$86,072,000.00
Section 2: Consequential Loss	\$10,000,000.00
Total:	\$96,072,000.00

Limits of Liability:

Sections 1 & 2 combined	\$250,000,000.00
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Sub-limits of Liability:

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

Section 1 – Material Loss or Damage

	New Limit \$
Accidental damage	2,000,000
Accidental damage - artworks	200,000
Burglary/theft (other than money)	2,000,000
Money (including whilst in transit)	1,000,000
Removal of debris	5,000,000
Reproduction of records	5,000,000
Extra cost of reinstatement	2,000,000
Expediting costs	100,000
Fusion	20,000
Transit – artworks	50,000
Visiting art exhibition (static risk) – any one exhibition	500,000
Visiting art exhibition (static risk) – any one item	100,000
Property in open air (including theft)	100,000
Damage to glass	Replacement Value
General property	100,000
Liability to Make Enquiries	100,000
Loss of Land Value	50,000
Landscaping	10,000
Docks, wharves and piers	50,000
Bridges, canals, dams, reservoirs, roadways, tunnels and railway tracks	50,000
Flood	N/A
Subsidence	N/A
Personal Property/Social Clubs	20,000
Boiler explosion	20,000

Section 2 - Consequential Loss

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	New Limit \$
Item 1 - Gross Profit	Nil
Item 2 - Claims Preparation Costs and Proving Costs	Nil
Item 3 - Payroll	Nil
Item 4 - Increased Cost of Working	10,000,000
Item 5 - Computer breakdown increased cost of working	Nil
Item 6 - Loss of Gross Rentals	Nil
Item 7 - Accounts Receivable	Nil
Indemnity Period as defined	12 months

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

Deductibles:

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

2. Motor Vehicle Premium \$115,877.30 (including GST)

Insurer: Zurich Financial Services Australia Ltd

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

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

Deductibles:

- Insured to bear the first each and every loss \$1,000.00
- Automatic repair authority \$2,500.00

Automatic additions and deletio **Premium \$3,551.46 (including GST)**

Insurer: Associated Marine Insurers Agents Pty Ltd

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

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Sum Insured:

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

Deductible:

\$250.00

4. Fidelity Guarantee Premium \$1,808.82 (including GST)

Insurer: Statewide Mutual

Sum Insured:

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

Deductible:

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

5. Statewide Mutual Liability Premium \$578,586.00 (including GST)

Insurers: Lloyd and London Underwriters

Public liability cover	\$200,000,000.00
Professional Indemnity	\$200,000,000.00

Deductible – any one claim \$25,000.00

Voting - Unanimous

REPORTS FROM DIRECTOR ENGINEERING SERVICES

16. Water Restrictions – Proposal for Consistent Water Restrictions for the North Coast

Drought - Water Restriction; DW907044

572

Cr Boyd
Cr Luff

RESOLVED that Council adopts the Proposal for Guiding Principles for Consistent Water Restrictions for the North Coast as presented by the NSW Premier’s Department on the 13 May 2003.

Minutes - Meeting of Tweed Shire Council

AMENDMENT

Cr Beck

Cr Brinsmead

PROPOSED that as the Tweed Shire is well serviced with water storage and plans are being considered for extra storage on land already purchased for that purpose to ensure water for the future that:-

1. Council draws up a set of water use principles for the use of water in the Shire, recognising this shire's water potential.
2. The Premiers Department be notified of this recommendation.

The Amendment was **Lost**

Voting For

Cr Beck

Voting Against

Cr Polglase
Cr Boyd
Cr Brinsmead
Cr Carroll
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

17. Application to Close Road - Adelaide Street, Tweed Heads - Application by Police and Community Youth Club

GR3/12/7 Pt2; Road Closures - Terranora; Adelaide Street; LN 14691

573

Cr Marshall

Cr Lawrie

RESOLVED that:-

Minutes - Meeting of Tweed Shire Council

1. Council raises no objection to the closure of part of the road reserve adjacent to Lot 1 in DP 133066 being Adelaide Street, Tweed Heads;
2. The road closure be consolidated with Lot 1 in DP 133066 following transfer to Council;
3. The applicants bear the survey and administrative costs in relation to the road closure and Council cover the cost of consolidation;
3. Easements are created where necessary over any existing public authority services;
4. All necessary documentation be endorsed and executed under Common Seal of Council.

Voting - Unanimous

18. Effluent Discharge from Vessels to the Tweed River
Estuary Management; Area 5 - Tweed River; Pollution - Water

574

Cr Boyd

Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

19. Funding for Aboriginal Advisory Committee Support
Aboriginal Employment; Aboriginal Matters

575

Cr Boyd

Cr Carroll

RESOLVED that Council accepts this offer from Yabur Yulgun Aboriginal Corporation to fund a support position for Council's Aboriginal Advisory Committee for two (2) days per week provided Council is included in the selection process.

Voting - Unanimous

20. Processing of Recyclables from Lismore
Garbage - Depot Stotts Creek; Garbage - Recycling

576

Cr Boyd

Cr Luff

RESOLVED that :

1. Council approves Solo Waste to process recyclables from Lismore City Council at the Materials Recovering Facility; and
2. Any waste material or recyclables that are not recycled attracts the prescribed disposal charge.

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3. The contract be for a period of five (5) years.

Voting - Unanimous

21. Tweed River Regional Art Gallery

New Art Gallery; DA3488/12 Pt5; LN: 41900; LN: 24177

577

Cr Boyd

Cr Davidson

RESOLVED that Council authorises the Director Environment & Community Services to expend all community funds, donated for the purpose of the construction of the new gallery, on the new art gallery and reports to Council through the quarterly budget review process.

Voting - Unanimous

REPORTS FROM COMMITTEES/WORKING GROUPS

1. Minutes of the Local Traffic Committee Meeting held Thursday 19 June 2003

Traffic Committee

1. Clothiers Creek Road, Nunderi (Business Arising)

R1160 Pt7; DW897422

578

Cr Boyd

Cr Luff

RESOLVED that:-

1. 70 km/h speed zones be placed on Clothiers Creek Road from 100m east of Norths Lane to the westernmost village sign approximately 1.3kms long and
2. 70 km/h speed zones be placed on Norths Lane from Clothiers Creek Road to 100m north of Seven Oaks Road.

Voting - Unanimous

2. Boyd Street & Brett Street, Tweed Heads

R0700 Pt1; DW897406; 899355; DA0700/515 Pt1; LN: 32564

579

Cr Boyd

Cr Luff

RESOLVED that 2 hour parking be provided on both sides of Brett Street between Boyd and Wharf Streets, Tweed Heads.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

2. Boyd Street, Tweed Heads

R0700 Pt 1

580

Cr Boyd

Cr Luff

RESOLVED that "Keep Clear" pavement markings be installed on the road pavement outside the rear of the Police Station on Boyd Street, Tweed Heads.

Voting - Unanimous

7. Eucalyptus Drive, Banora Point

R1917 Pt1

581

Cr Boyd

Cr Luff

RESOLVED that the applicant be informed that approval has been given for Eucalyptus Drive to be temporarily closed from 5 July to 20 July 2003 inclusive subject to the receipt of a traffic management plan.

Voting - Unanimous

5. Ingram Place, Murwillumbah

R2625 Pt1

582

Cr Beck

Cr Brinsmead

RESOLVED that no action be taken and that the Local Traffic Committee be advised.

Voting For

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

Voting Against

Cr Polglase
Cr Boyd
Cr Carroll
Cr James
Cr Luff

583

Cr Boyd

Cr Luff

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

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

2. **Minutes of the Tweed River Committee Meeting held Wednesday 11 June 2003**
Tweed River Committee

3. **Riparian Rehabilitation**

Riparian Projects

584

Cr Luff

Cr Marshall

RESOLVED that Council approve the allocation of \$35,000 from the Water Unit budget towards the Lower Oxley River Riparian Rehabilitation project.

Voting - Unanimous

585

Cr Luff

Cr Marshall

RESOLVED that the balance of the Minutes of the Tweed River Committee Meeting be adopted.

Voting - Unanimous

3. **Minutes of the Tweed Coastal Committee Meeting held Wednesday 11 June 2003**
File No: Coastal Committee

2. **Dredging Cudgen Creek**

Cudgen Creek

586

Cr Marshall

Cr Youngblutt

RESOLVED that a workshop be organised so that the Department of Infrastructure Planning and Natural Resources report on Cudgen Creek Dredging can be presented to all Councillors.

Voting - Unanimous

587

Cr Marshall

Cr Luff

RESOLVED that the balance of the Minutes of the Tweed Coastal Committee Meeting be adopted.

Voting - Unanimous

DELEGATES REPORTS

Nil.

OUTSTANDING INSPECTIONS

Nil.

Minutes - Meeting of Tweed Shire Council

ITEMS OF INTEREST & INFORMATION

Nil.

ORDERS OF THE DAY

1. Knox Park - Duck Pond

Parks – Knox Park; Notice of Motion

588

Cr Beck

Cr Polglase

RESOLVED that this item be deferred pending further information being distributed to Councillors.

Voting - Unanimous

2. CSR Readymix Quarry at Terranora

Quarries – CSR Readymix; PF5430/1443 Pt3; Notice of Motion; LN: 26795

589

Cr Lawrie

Cr Marshall

RESOLVED that the Director Development Services advise Council upon receipt from the State Government of its request to Council to comment on the development application lodged for the expansion of the Readymix Quarry at Terranora.

Voting - Unanimous

TEMPORARY ABSENCE FROM MEETING

Cr Beck left the meeting.

3. District Shopping Centre - Kingscliff

Kingscliff – Review Strategic Issues; GT1/29/3 Pt2; Notice of Motion

590

Cr Brinsmead

Cr Marshall

RESOLVED that Council:

1. Determines it does not favour locating a district shopping centre of any kind (whether a traditional “big box” style or shopping centre or the town centre style of shopping centre) on Turnock Street, Kingscliff.
2. Makes this determination so that no further time and resources be spent on planning for it, making provision for it, or allowing its possible location on Turnock Street to influence any planning decisions.

Minutes - Meeting of Tweed Shire Council

Voting For

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

Voting Against

Cr James
Cr Luff

RETURN TO MEETING

Cr Beck returned to the meeting.

4. Tweed Link

Tweed Link; Notice of Motion

Cr Brinsmead
Cr Youngblutt

PROPOSED that Council should phase out its own newspaper (The Tweed Link) and investigate other options to advertise its public notices.

591

Cr Boyd
Cr Luff

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

Voting - Unanimous

592

Cr Beck
Cr Youngblutt

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

Voting - Unanimous

PROCEDURAL MOTION

593

Cr Youngblutt

RESOLVED that the Motion be put.

Voting - Unanimous

The Motion was **Lost**

Minutes - Meeting of Tweed Shire Council

Voting For

Cr Beck
Cr Brinsmead
Cr Lawrie
Cr Marshall
Cr Youngblutt

Voting Against

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

5. Cudgen Creek

Cudgen Creek; Estuary Management; Notice of Motion

594

Cr Brinsmead

Cr Youngblutt

RESOLVED that Council brings forward a report on the effect that farming practices at Cudgen are having on the water quality of the area, especially Cudgen Creek and estuary system after heavy rains and in preparing this report, monitor and measure the water pollution levels of the Cudgen Creek system before and after heavy rains.

595

Cr Beck

Cr Youngblutt

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

Voting For

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

Voting Against

Cr Luff

596

Cr Youngblutt

Cr Lawrie

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

Minutes - Meeting of Tweed Shire Council

Voting For

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

Voting Against

Cr Luff

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

6. Vehicle Access to Beaches

Licence – Beach Vehicle; Notice of Motion

597

Cr Brinsmead

Cr Beck

RESOLVED that Council brings forward a report on the application, for a licence to drive on to the beach for commercial purposes, from TBS Coach Tours including suitable conditions of approval should council determine to approve the application.

Voting For

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

Voting Against

Cr James
Cr Luff

Minutes - Meeting of Tweed Shire Council

7. Noxious Weeds – Camphor Laurel

Noxious Weeds; Notice of Motion

598

Cr Youngblutt

Cr Lawrie

RESOLVED that Council seeks County Council support in advertising its intention to declare Cinnamomum camphora (Camphor Laurel) a noxious weed in the Tweed Shire and seek community comment.

Voting For

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

Voting Against

Cr James
Cr Luff

WORKSHOPS PREVIEW

Nil.

QUESTION TIME

Report – Bray Park Weir

Weirs-Bray Park

Cr Marshall

Asked can Councillors be provided with a full copy of the draft report on the Bray Park Weir which was supplied to Council approximately two (2) weeks ago?

The Acting Director Engineering Services responded that Manager Water is able to comply with this request.

COMMITTEE OF THE WHOLE

599

Cr Marshall

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

Minutes - Meeting of Tweed Shire Council

interest, by reason of the confidential nature of the business to be transacted, and made the following recommendations to Council:-

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

1. Contract EC2003-55 Supply & Installation of Bus Shelters

Bus - Shelter Sheds; Contract/Quotations - General

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*

C120

That Council accepts the offer from Argon Aluminium for Supply and Installation of 22 Bus Shelters for the sum of \$114,554, incorporating minor changes to the design of the shelters.

Voting - Unanimous

2. Land Acquisition for Road Widening - Fraser Drive and Leisure Drive, Tweed Heads

R2150 Pt2; LN 35488; Land Acquisitions; Leisure Drive; Fraser Drive

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*

C121

That:-

1. Council approves the acquisition of land from Twin Towns Services Club and that compensation will be provided on the following terms:-
 - \$50,000.00 cash contribution
 - Provision of kerb and guttering works along Fraser and Leisure Drive
 - Filling an existing drain along Leisure Drive
 - Restoration of fencing, landscaping, signage and all damage to the Club's property.
2. The acquisition proceeds under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991 for the purposes of the Roads Act, 1993; and
3. All necessary documentation be endorsed under the Common Seal of Council.

Voting - Unanimous

Minutes - Meeting of Tweed Shire Council

DECLARATION OF INTEREST

Cr Youngblutt

Declared an interest in Item No 3, left the Chamber and took no part in the discussion and voting.

The nature of the interest is that Cr Youngblutt is a Tenderer for the parks maintenance contract.

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

3. HQ2003-72 - Parks Maintenance Contracts

Parks - Maintenance & Improvements; Quotations - Parks & Reserves

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

C122

That Council awards Contract HQ2003-72 for maintenance of Council parks until 30 June 2005 as follows:

1. Lots 1 and 2 be awarded to Tweed Coast Mowing.
2. Lots 3, 4 and 5 be awarded to Frank P Gaudron.

Voting - Unanimous

TEMPORARY ABSENCE FROM MEETING

Cr Brinsmead left the meeting.

4. Park Naming - Jack Evans Boatharbour

Parks - Naming; Jack Evans Boat Harbour

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

C123

That with reference to the naming of areas within the Jack Evans Boatharbour, Council:

1. Refers the resolution C110 of 6 November 2002 regarding the naming of the Old Border Caravan Park site to the Aboriginal Advisory Committee for consideration and comment whilst advising that a final decision cannot be made until the final form of the area is determined by adoption of a plan of management.
2. Calls for comment regarding the naming of the large grassed area off Coral street (the old Water World site) in recognition of Reverend Doctor John W. Follent, M.B.E. Council to liaise with Mr Stafford prior to calling for comment to determine appropriate name.
3. Names the grassed area bounded by Tweed Terrace and Boundary Street "Carlin Park" and erects appropriate signage.

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Voting - Unanimous

600

Cr Luff

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 10.30pm.



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 82 of these Minutes**

Chairman