

# 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, W M Marshall, P C P Youngblutt.

Also present were Dr John Griffin (General Manager), Mr Mike Rayner (Director Engineering Services), Mr David Broyd (Director Development Services), Mr Geoff Edwards (Acting Director Environment & Community Services), Mr Ian Carpenter (Director Corporate Services), Mr Reg Norvill (Manager Financial and Information Services), Mr Brian Donaghy (Manager Administration Services/Public Officer) and Mrs Kerrie McConnell (Minutes Secretary).

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

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

***“Righteousness exalts a nation,  
but sin is a disgrace to any people.***

*(Proverbs 14:34)*

*Almighty God, Your love for us is everlasting. We thank you for the rains which have fallen in our Shire over these past days. We know, however, that the drought is far from over. God of grace and mercy, we cry out to You, “Send us rain!” Send life-giving rains on a land ravaged by drought and fire to renew, replenish and restore our dry, parched, burnt country.*

*We pray for those whose lives are shattered by fire and drought. Grant them strength and peace. We thank You for the fire fighters of our nation who have fought hard to save life and property over recent times. Let Your abundant blessing be upon them.*

*We pray Your comfort and peace for all whose lives have been devastated by the loss of loved ones, and especially we remember the families of those lost in the Columbia last weekend. We pray for peace in our world and ask for You to guide the leaders of our nations as the world faces the threat of war.*

*Renew our vision for the Shire and help us as Councillors to work together to bring prosperity to our Shire and its people. Enable us to balance with integrity the economic, social and personal needs of our communities. We are a region of immense diversity, with natural beauty and agricultural potential. Guide us, Father God, as we draw on tourist and property development markets.*

*Lord God, guide our thoughts and guard our tongues today; help us to act with grace and dignity. We ask Your blessing for each other and especially for our Mayor, Warren, as he gives leadership within the Shire. Lead us into this year before us; let Your peace be upon us and let Your presence fill this place; for we ask this in the Name of Jesus Christ our Lord.*  
*Amen.”*

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## CONFIRMATION OF MINUTES

64

Cr Boyd

Cr Davidson

**RESOLVED** that the Minutes of the Ordinary Meeting held 22 January 2003 be confirmed as an accurate record of the proceedings of that Meeting.

**Voting - Unanimous**

## ABSENT

Councillor B M Luff.

Councillor Cr Luff has informed the General Manager that her absence is caused by illness.

65

Cr Boyd

Cr Marshall

**RESOLVED** that the apology of Cr Luff be accepted.

**Voting - Unanimous**

## DISCLOSURE OF INTEREST

Nil

## ITEMS TO BE MOVED TO OR FROM CONFIDENTIAL

Nil

## SCHEDULE OF OUTSTANDING RESOLUTIONS

66

Cr Boyd

Cr Davidson

**RESOLVED** that this report be received and noted.

**Voting - Unanimous**

## MAYORAL MINUTE

### 1. Orange City Council

This item was received and noted.

**Councillors' Invitation**

### 2. Dolphin Hotel development Tweed Heads

This item was received and noted.

**DA02/1824Pt.1 – PtyNo. 4040.70**

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**3. Kingscliff Soccer Club**

This item was received and noted.

**Councillors' Invitations**

**4. Citizenship Ceremony**

This item was received and noted.

**Subj - Citizenship**

**5. Murraba Crescent Tweed Heads**

This item was received and noted.

**DA3630/402 Pt.1**

**6. Twin Towns Resort Walk**

This item was received and noted.

**Councillors' Invitations**

**7. Tweed Australia Day Celebrations/Citizenship Ceremony**

This item was received and noted.

**Ceremonies – Australia Day**

**8. Kingscliff Caravan Park**

This item was received and noted.

**Subj.- TCHP Kingscliff Beach DA02/2079**

**9. Drought Discussions**

This item was received and noted.

**Drought**

**10. Road Issues (Sexton's Hill deviation)**

This item was received and noted.

**Roads - General**

**11. Murwillumbah War Memorial**

This item was received and noted.

**Memorials**

**12. TEDC**

This item was received and noted.

**TEDC**

**13. RACQ Care Flight**

This item was received and noted.

**Helicopter Rescue Services**

**14. Radio 97 Interview**

This item was received and noted.

**Councillors' Invitations**

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**15. Kingscliff Uniting Church**

**Councillor' Invitations**

This item was received and noted.

**16. Kingscliff Soccer Club**

**Councillors' Invitations**

This item was received and noted.

**17. Bilambil Progress Association**

**Residents' & Ratepayers' Association**

This item was received and noted.

**18. GCCC Regional Economic Development Advisory Committee**

**REDAC**

This item was received and noted.

**Adoption of Mayoral Minute**

**67**

**Cr Polglase**

**RESOLVED** that the Mayoral Minute as presented be adopted.

**Voting - Unanimous**

**ITEMS DEFERRED**

Nil

**REPORTS THROUGH GENERAL MANAGER**

**REPORTS FROM DIRECTOR DEVELOPMENT SERVICES**

- 1. Development Application 0545/2000DA.03 for an Amendment to Development Consent 0545/2000DA for a Mixed Industrial/Residential Development Comprising a Factory and Two (2) Residential Units at Lot 188 DP 259164, No. 88 Hastings Road Bogangar**

**DA2380/650 Pt2; 2380.650**

**68**

**Cr Davidson**

**Cr Youngblutt**

**RESOLVED** that Development Application 0545/2000DA.03 for an amendment to Development Consent 0545/2000DA for a mixed industrial/residential development comprising a factory and two (2) residential units at Lot 188 DP 259164, No. 88 Hastings Road Bogangar be approved and the consent modified as follows: -

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\* Modify condition 4 to read as follows:-

4. The development shall be completed in general accordance with Plans Nos G1786 (1-5) prepared by Gavin Duffie revised 15/11/02, except where varied by these conditions.

## ATTENDANCE AT MEETING

Cr Carroll attended the meeting at 3.10pm.

## AMENDMENT

**Cr Boyd**

**Cr James**

**PROPOSED** that Development Application 0545/2000DA.03 for an amendment to Development Consent 0545/2000DA for a mixed industrial/residential development comprising a factory and two (2) residential units at Lot 188 DP 259164, No. 88 Hastings Road Bogangar be approved and the consent modified as follows: -

\* Modify the contribution for condition 1(i)(a)(ii) as follows:-

1. (i)(a)(ii) \$4,282.00

\* Modify condition 4 to read as follows:-

4. The development shall be completed in general accordance with Plans Nos G1786 (1-5) prepared by Gavin Duffie revised 15/11/02, except where varied by these conditions.

The Amendment was **Lost**

### **Voting For**

Cr Boyd  
Cr Carroll  
Cr James

### **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

## 2. Development Application K99/1682 for a Six (6) Lot Subdivision at Lot 2 DP 1014553, Winders Place Banora Point

DA5937/740 Pt3; 5937.740

69

Cr Beck

Cr Youngblutt

**RESOLVED** that Development Application K99/1682 for a six (6) lot subdivision at Lot 2 DP 1014553, Winders Place Banora Point be deferred.

### AMENDMENT

Cr James

Cr Lawrie

**PROPOSED** that Development Application K99/1682 for a six (6) lot subdivision at Lot 2 DP 1014553, Winders Place Banora Point be refused for the following reasons: -

1. The proposed subdivision does not comply with the minimum lot sizes in relation to proposed lot 4 as required by Tweed Local Environmental Plan 2000.
2. The proposed subdivision has not satisfied the objectives of Clause 14 of the Tweed Local Environmental Plan 2000 in respect to intrinsic qualities of the open space for Lake Kimberley.
3. The proposed development is not accompanied by sufficient information in relation to aircraft noise impacts to proposed lots 1 to 3 to enable a proper assessment in relation to Clause 32 of the Tweed Local Environmental Plan 2000.
4. The proposed development is not accompanied by sufficient engineering information in relation to sewer and stormwater and the ability for each proposed allotment to be serviced to enable a proper assessment.
5. The proposed subdivision design is considered to be inadequate in relation to the position of proposed lot 4 and the future integrated housing site.
6. The proposed subdivision is not in the general public interest.

The Amendment was **Lost**

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## Voting For

Cr Boyd  
Cr Carroll  
Cr James

## 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 Carroll  
Cr Davidson  
Cr James  
Cr Lawrie  
Cr Marshall  
Cr Youngblutt

## Voting Against

Cr Boyd

### 3. Draft Development Control Plan No 46 and Plan of Management - South Kingscliff Gateway

GT1/DCP/46 Pt2; DCP

70

Cr Boyd

Cr Davidson

**RESOLVED** that Council reviews draft Development Control Plan No 46 and Plan of Management - South Kingscliff Gateway in respect of the request from the Tweed Coast Reserve Trust (dated 29 January 2003) and the submissions received as a result of the exhibition of the draft Plan between 4 December 2001 and 31 January 2002.

**Voting - Unanimous**

### 4. Sewerage Treatment Plant Buffer - Banora Point Sewerage Treatment Plant

GT1/DCP/3 Pt9; DCP

71

Cr Boyd

Cr Marshall

**RESOLVED** that Council endorses the use of the Common Seal of Council to release restrictions on the use of Lot 421 DP1004490, Enterprise Avenue, Tweed Heads South, in accordance with Section 88e(7) of the Conveyancing Act.

**Voting - Unanimous**

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### 5. Amendment to Section 94 Contribution Plan No 16 - Emergency Facilities (Surf Lifesaving)

GT1/S94/16 Pt1; Sect 94

72

Cr Boyd

Cr Davidson

**RESOLVED** that Council:

1. Approves the amended Section 94 Plan No 16 as advertised, and
2. Gives public notice of its decision in accordance with the Environmental Planning and Assessment Regulations 2000, in the Tweed Link, specifying that the amended Contribution Plans come into effect on the date of the notice.

**Voting - Unanimous**

### 5a. Development Application DA02/1841 for the Demolition of Existing Dwelling and Erection of a Multi-Dwelling Housing Development Containing Six (6) Units at Lot 3 Section 6 DP 759009 No. 10 Coral Street, Tweed Heads

DA02/1841

73

Cr Boyd

Cr Lawrie

**RESOLVED** that Development Application DA02/1841 for the demolition of existing dwelling and erection of a multi-dwelling housing development containing 6 units at Lot 3 Sec 6 DP 759009, No. 10 Coral Street Tweed Heads be approved subject to the following conditions: -

#### GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos A-DD-1.02, 1.03, 2.01 to 2.06 inclusive, 3.01, 3.02 and L-DD-1.01 prepared by DBI Design and dated September and October 2002, except where varied by these conditions.
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
3. The erection of a building in accordance with a development consent must not be commenced until:
  - a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
    - (i) the consent authority; or
    - (ii) an accredited certifier; and
  - b. the person having the benefit of the development consent:
    - (i) has appointed a Principal Certifying Authority; and



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- (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
- c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- 4. 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.
  - 5. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all bracing and tie downs, prior to the issue of a construction certificate.
  - 6. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.
  - 7. A. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
    - i. in the case of work to be done by a licensee under that Act:
      - (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

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render out of date any information or declaration previously given under either of those paragraphs.

- B. A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
8. All roof waters are to be disposed of through properly jointed pipes to the street gutter, inter-allotment drainage, or elsewhere if so directed in the conditions of consent. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZ3500.3.2. Note: A detailed stormwater and drainage plan is to be submitted to and approved by the PCA prior to commencement of building works.
9. 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*.
10. Section 94 Contributions
- (i) Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

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

a. Tweed Road Contribution Plan: \$3,349.00

S94 Plan No. 4 (Version 4.0)

(Tweed Heads)

## Heavy Haulage Component

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

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

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

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

S94 Plan No. 5

c. Open Space (Casual): \$487.00

S94 Plan No. 5

d. Shirewide Library Facilities: \$2,012.00

S94 Plan No. 11

e. Eviron Cemetery/Crematorium Facilities: \$396.00

S94 Plan No. 13

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f.	Emergency Facilities (Surf Lifesaving)	\$644.00
	S94 Plan No. 16	
g.	Extensions to Council Administration Offices	
	& Technical Support Facilities	\$1,225.45
	S94 Plan No. 18	
h.	Cycleways	\$470.00
	S94 Plan No. 22	
i.	Regional Open Space (Structured)	\$3,434.00
	S94 Plan No. 26	
j.	Regional Open Space (Casual)	\$644.00
	S94 Plan No. 26	

11. 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: \$14,000.00

Sewer: \$11,463.00

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

**Note:** The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.

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

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construction certificate. Drainage must be installed and operational prior to commencement of any building work.

All fill and cut batters shall be obtained wholly within the subject land.

### 13. Permanent Stormwater Quality Treatment

- (a) Permanent stormwater quality treatment shall comply with "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development" . New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the "deemed to comply" provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.
- (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.
- (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
- (d) Specific requirements:
  - (i) Runoff from the car wash bay must be bunded and treated to remove pollutants prior to discharge. If levels permit, discharged of the treated runoff must be made into the sewer network and a Tweed Shire Council Trade Waste application will be required. If connection to the sewer network is not achievable, connection must be made to the stormwater network.
  - (ii) Runoff from all hardstand/impervious areas (includes driveway, basement, visitor carpark areas and excludes roof areas) must be pre-treated to remove oil and grit, prior to discharge into the public stormwater system. Roof water runoff does not require treatment and must be discharged downstream of any pollutant treatment device. In order to minimise the size of any pollutant treatment device required for the development, the exposed

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driveway ramp areas should be minimised by roofing and the associated roof water discharged without treatment.

14. A construction certificate application for works that involve any of the following:-

- connection of a private stormwater drain to a public stormwater drain
- installation of stormwater quality control devices
- erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under section 68 of the Local Government Act 1993.

Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

15. All piped stormwater discharged towards Hill Street must be via a new standard manhole, connected to the existing pipe drainage network in Hill Street. 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.

16. All piped stormwater discharge towards Coral Street must be via a new standard manhole, connected to the existing pipe drainage network in Coral Street. 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.

### **PRIOR TO COMMENCEMENT OF WORK**

17. 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.

18. 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.

19. 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.

- 20. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
  - (a) a standard flushing toilet connected to a public sewer, or
  - (b) if that is not practicable, an accredited sewage management facility approved by the council, or
  - (c) if that is not practicable, any other sewage management facility approved by the council.
- 21. A sign must be erected on the site in a prominent, visible position stating:
  - a. that unauthorised entry to the work site is prohibited; and
  - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
  - c. Lot number.
- 22. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:
  - i. The person must, at the person's own expense:
    - a. preserve and protect the building from damage; and
    - b. if necessary, underpin and support the building in an approved manner.
  - ii. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of

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intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.

23. 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.
24. 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.

25. Prior to commencement of any works on the site a plumbing and drainage inspection fee of \$690 is to be submitted to Council.
26. An application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.

### DURING CONSTRUCTION

27. 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).
28. All engineering works required to be approved prior to the issue of a construction certificate are to be constructed in accordance with the approval.
29. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.
30. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:
  - a. A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.
  - b. The chute shall be located in a position approved by the Principal Certifying Authority.
  - c. A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.



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31. 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.
32. 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.
33. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
  - a. footings, prior to pouring of concrete
  - b. slab, prior to pouring of concrete
  - c. final inspection prior to occupation of the building
  - d. the fire protection of penetrations through any fire rated elements prior to covering
  - e. frame

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.

34.
  - 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.
35. All fire service connections are to be compatible with those of the NSW Fire Brigade.
36. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the Director, Engineering Services. Twenty four (24) hours notice is to be given to Council's Engineering Services Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction. Paving bricks are not acceptable unless laid on a 100mm thick concrete base.
37. 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.
38. 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.
39. 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.

## Minutes - Meeting of Tweed Shire Council

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40. 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.
41. 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.
42. 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.
43. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
44. 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.
45. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
46. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.
47. 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.
48. 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:-
  - \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
  - \* 50<sup>0</sup>C 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.

## Minutes - Meeting of Tweed Shire Council

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49. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
- i. All required erosion and sedimentation control devices have been installed and are operational.
  - ii. Required toilet facilities have been provided on the site.
  - iii. A sign has been erected on the site identifying:
    - Lot number
    - Builder
    - Phone number of builder or person responsible for site.
  - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
  - v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.
50. 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.
51. The burning of builders waste on site by open fire is prohibited.
52. A garbage storage area shall be provided in accordance with Council's "**Code for Storage and Disposal of Garbage and Other Solid Waste**".
53. 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.
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.
54. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.

## Minutes - Meeting of Tweed Shire Council

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56. 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.
57. Any proposed cooling tower installation must also include details on the proposed means of back flow prevention to the water supply prior to installation.
58. All external artificial lighting is to be shielded where required to the satisfaction of Council's Director Environment and Community Services to prevent such lighting causing a nuisance to adjoining residential areas and premises.
58. All externally located mechanical plant or mechanical plant located inside the basement carpark area is to be acoustically treated where required to the satisfaction of Council's Director Environment and Community Services. If so required by Council's Director of Environment and Community Services an appropriately qualified acoustic consultant is to be engaged to determine appropriate sound attenuation requirements that are to be implemented to prevent the emissions of offensive noise from such mechanical plant.
60. The hot water systems installed shall comply with the requirements of Development Control Plan No.39 - Energy Smart Homes Policy.
61. In accordance with DCP2 and AS2890.1 (section 3.4(a)) the maximum driveway gradient for 6m from the property boundary must not exceed 1:20 or 5%.
62. The driveway access should be turned such that it is as close as possible to 90 degrees to Hill Street, so as to assist in sight distance for users.

### **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

63. 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.
64. A person must not commence occupation or use of the whole or any part of a new building (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).
65. Prior to occupation of the building a Occupation Certificate is to be obtained. If Council is requested to issue the Occupation Certificate, the application must be accompanied by relevant Compliance Certificates or documentary evidence of compliance.
66. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required

## Minutes - Meeting of Tweed Shire Council

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essential fire safety measure has been designed and installed in accordance with the relevant standards.

### USE

67. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
68. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.
69. Owners of buildings served by plant involving the operation of "cooling towers", "evaporative condensers" or "tepid water systems" must submit to Council, half yearly, a report detailing the maintenance, cleansing and chemical treatment of such plant every three (3) months in accordance with Part 6 of the NSW Public Health Act.

### S68 STORMWATER (where separate S68 approval is required)

70. The erosion and sediment control works shall be carried out in accordance with Council's *Code of Practice for soil and water management on construction sites*.
71. No stormwater discharge is allowed onto neighbouring properties.
72. All stormwater discharge from site must be via gravity means only.
73. Any overland flow discharge from the site under a major storm event must be minimised and discharged as sheet flow. The steep, heavily landscaped batter that exists south of the site must be protected against scour.

**Voting - Unanimous**

## REPORTS FROM DIRECTOR CORPORATE SERVICES

### 6. Enforcement Guidelines for Council

**Ombudsman; ICAC; 688862**

74

**Cr Boyd**

**Cr Davidson**

**RESOLVED** that the General Manager schedule a Council briefing workshop to explore the practical applications of the guidelines in relation to responding to allegations of unlawful activities, use of discretion, option for action after investigation, strategies for prevention of unlawful activities and the powers available to Council.

**Voting - Unanimous**

## Minutes - Meeting of Tweed Shire Council

### 7. World Heritage Rainforest Centre - Proposal to undertake Building Extensions Tourist Info Centre-Mbah; NPWS; 4040.2750

75

Cr Lawrie

Cr Youngblutt

**RESOLVED** that :-

1. Council approves the extension of the office component of the World Heritage Rainforest Centre in accordance with the proposal as submitted by National Parks and Wildlife Service.
2. The current lease due to expire on 30 June 2003 not be extended in its current form with Tweed and Coolangatta Tourism Inc.
3. Council negotiates a lease effective from 1 July 2003 with National Parks and Wildlife Service for the complex and incorporate a commercial rate turn for the additional building component within the World Heritage Rainforest Centre.

**Voting For**

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

**Voting Against**

Cr Beck

### 8. Rural Village Development Program TEDC; Village Development Strategy; Budget

76

Cr Boyd

Cr Marshall

**RESOLVED** that:

1. The rural village projects for Tumbulgum, Mooball, Chillingham, Tyalgum and Uki as identified in the report be funded at the level nominated from Council's 2002/03 Budget allocation for Village Development Program.
2. Funded projects are conditional on the recipient communities providing a regular (quarterly) progress report on the individual projects.

**Voting - Unanimous**

# Minutes - Meeting of Tweed Shire Council

## 9. Quarterly Budget Review - 31 December 2002

**Budget**

77

Cr Boyd

Cr Davidson

**RESOLVED** that :-

1. The Quarterly Budget Review Statement as at 31 December 2002 be adopted.
2. The expenditure and income as detailed below be voted and adjusted in accordance with the revised total expenditure and income for the year.

GENERAL FUND		NEGATIVE (Contribute to Deficit \$)	POSITIVE (Contribute to Surplus) \$
1.	Legal & associated costs: Tweed Valley Regional Art Gallery Foundation	50,000	
2.	Murwillumbah auditorium – increased operational costs	10,000	
3.	Australia Day 2003 Costs	3,000	
4.	Workers' Compensation – premium		270,000
5.	Building Services – Income		200,000
	Building Services – Operational Costs	10,000	
6.	Development Services – Income		230,000
	Legal Costs	85,000	
	DA Management (Including Benchmarking)	20,000	
7.	Festival events co-ordination	5,000	
8.	Historical interpretative signage Murwillumbah	15,000	
9.	Postage	10,000	
10.	Minute Manager – Software, implementation and training	50,000	
11.	Information Systems	45,000	
12.	Waste Management Income		200,000
13.	LGOV NSW – 2002/03 subscription increase	2,000	
14.	Council Saleyards – capital works	15,000	
15.	Directional & tourist signage	30,000	

# Minutes - Meeting of Tweed Shire Council

GENERAL FUND		NEGATIVE (Contribute to Deficit \$)	POSITIVE (Contribute to Surplus) \$
16.	Surf Lifesaving Services – Annual agreement for provision of beach lifesaving services	2,000	
17.	Farmers’ Market Proposal	10,000	
18.	Tweed Valley Regional Art Gallery Construction – Sec 94 & Sec 64 Fees	117,000	
19.	Asset Management – Software and implementation costs	80,000	
20.	Records Management trainee – to assist with increased workload (correspondence & development applications, etc)	15,000	
21.	Employees Leave Entitlements Reserve. Council is required to provide a cash reserve to fund future leave entitlements. This contribution will increase the level of Council’s cash reserve for these entitlements.	301,000	
22.	Banner Structure Replacement - Murwillumbah	25,000	
<b>TOTAL</b>		<b>900,000</b>	<b>900,000</b>

**Voting - Unanimous**

**10. Banora Point Community Centre**

**DA1393/320 Pt2 - DW715817; Banora Pt Comm Ctr; 1393.320**

78

Cr Beck

Cr James

**RESOLVED** that the:

1. Letter from the Banora Point Residents Association be received and noted
2. General Manager’s reply be endorsed.

**Voting - Unanimous**



# Minutes - Meeting of Tweed Shire Council

## 11. In Kind and Real Donations - 1 October 2002 to 31 December 2002

**Donations**

79

Cr Marshall

Cr Boyd

**RESOLVED** that this report be received and noted.

**Voting - Unanimous**

### LATE ITEM

80

Cr Boyd

Cr Marshall

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

**Voting - Unanimous**

## 11a. 3rd World Water Forum

**Conferences - Seminars - General**

81

Cr Polglase

Cr Davidson

**RESOLVED** that Council endorses action by the General Manager to authorise the attendance of Mr Michael Rayner (Director Engineering Services) and Mr Mark Tunks (Environmental Health Officer) at the 3rd World Water Forum.

**Voting - Unanimous**

### REPORTS FROM DIRECTOR ENGINEERING SERVICES

## 12. Sale of Proposed Lots 1, 3, 5 and 7 and Lease of Proposed Lots 2, 4, 6 and 8 to be Created by Road Closure Plan at Chinderah Bay Drive, Chinderah

**R1071 Pt2; Chinderah Bay Drive; Road - Closures - General**

82

Cr Boyd

Cr Davidson

**RESOLVED** that Council approves the road closure and purchase of part of Chinderah Bay Drive Chinderah to enable the development of kiosk, office and picnic facilities adjacent to proposed marina on the foreshore land at Chinderah, in accord with the terms as previously resolved by Council.

**Voting - Unanimous**

## Minutes - Meeting of Tweed Shire Council

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### 13. Classification of Land As Operational

**GS4/95/5 Pt18; Subj: Land Transfer; Sewer Pumping Stations**

83

Cr Boyd

Cr Marshall

**RESOLVED** that the land proposed to be transferred to Council as a sewer pump station, described as proposed Lot 144 in the subdivision of Lot 465 in DP 1043544 be classified as Operational under section 31 of the Local Government Act, 1993.

**Voting - Unanimous**

### 14. Tweed District Water Supply – Drought Management Strategy - Level 3 Restrictions

**Water Restrictions; Water Management - General; Water Supply - General; Drought**

84

Cr Boyd

Cr Lawrie

**RESOLVED** that Council introduces Level 3 water restrictions as contained in this report, effective immediately.

**Voting - Unanimous**

## REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

### 15. Entomological Control Report

**Noxious - Insects and Pests**

85

Cr Youngblutt

Cr Beck

**RESOLVED** that this report be received and noted.

**Voting - Unanimous**

### 16. Illegal Building Work - Lot 84 DP32024 No. 62 Lalina Avenue, Tweed Heads West DA02/1525 Pt1; Ppty: 3010.500

86

Cr Lawrie

Cr Marshall

**RESOLVED** that this report be received and noted.

**Voting - Unanimous**

## REPORTS FROM COMMITTEES/WORKING GROUPS

### TEMPORARY ABSENCE FROM MEETING

Cr Youngblutt left the meeting.

## Minutes - Meeting of Tweed Shire Council

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1. **Minutes of the Tweed River Committee Meeting held Wednesday 11 December 2002**

**Tweed River Committee**

2. **Correspondence In - Policy for Boat Ramps and Pontoons  
Boat Ramps, Pontoons; Insurance – Risk Management**

87

**Cr Marshall**

**Cr Davidson**

**RESOLVED** that Council refers the issue of public liability with regard to private boat ramps and pontoons to the Risk Management Officer of Council for assessment.

**Voting - Unanimous**

88

**Cr Marshall**

**Cr Davidson**

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

**Voting - Unanimous**

### TEMPORARY ABSENCE FROM MEETING

Cr Lawrie left the meeting.

2. **Minutes of the Tweed Coastal Committee Meeting held Wednesday 11 December 2002**

**File No: Tweed Coastal Committee**

4. **Draft Program 2002 - 2003**

**Tweed Coastal Committee**

89

**Cr Marshall**

**Cr Boyd**

**RESOLVED** that Council adopt the Tweed Coast Estuary Management Plan Implementation program for 2002 – 2003.

**Voting - Unanimous**

90

**Cr Marshall**

**Cr Boyd**

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

**Voting - Unanimous**

# Minutes - Meeting of Tweed Shire Council

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## DELEGATES REPORTS

Nil

## OUTSTANDING INSPECTIONS

Nil

## ITEMS OF INTEREST & INFORMATION

Nil

## RETURN TO MEETING

Cr Lawrie returned to the meeting.

## RETURN TO MEETING

Cr Youngblutt returned to the meeting.

## ORDERS OF THE DAY

### 1. Pacific Highway - Current Usage and Transport of Goods

**R4031 Pt16; R4031; Notice of Motion**

91

Cr Polglase

Cr James

**RESOLVED** that this item be deferred due to Cr Luff not being in attendance.

**Voting - Unanimous**

### 2. State Emergency Services

**SES; Budget; Notice of Motion**

92

Cr Boyd

Cr Carroll

**RESOLVED** that:-

1. In view of the recent advice provided to Council by Mr Brian Sheahan, Local Controller of the Tweed SES which identifies a site at the end of Murwillumbah Street and within the boundary of the Murwillumbah Sewerage Treatment Plant as the most suitable one on which to construct the new SES headquarters/operational centre, Council now proceeds with this project as expeditiously as possible.
2. In consultation with Mr Sheahan, Local Controller of the Tweed SES, that a more realistic and updated line item for the operation of the Tweed SES be included in Council's 2003/2004 budget.

**Voting - Unanimous**

# Minutes - Meeting of Tweed Shire Council

## 3. Naming - Reserve

**Parks - Naming; Notice of Motion**

93

Cr Boyd

Cr Beck

**RESOLVED** that Council finalises the decision it made in 1983 to name the lowland rainforest remnant adjacent to the North Tumbulgum – Dulguigan Road “Skinners Reserve”.

**Voting - Unanimous**

## 4. Naming - Wharf

**Wharves - Wharfs; Notice of Motion**

94

Cr Boyd

Cr Marshall

**RESOLVED** that in view of the significant service provided by the Skinner, Lowes Coy Limited’s boats “Florrie”, “Pearl”, “Uki”, “Mystery”, “Mebbin”, “Booyong”, “Emma Pyers”, between Tweed Heads and Murwillumbah between 1888 and 1934, Council advertises its intention to name the new wharf beside the Tweed River Regional Art Gallery, the “Skinner, Lowes Wharf”.

**Voting - Unanimous**

## 5. Fire Risk to Property

**Bldg Code; Bushfire Protection; Fire Services; Notice of Motion**

95

Cr Polglase

Cr Davidson

**RESOLVED** that this item be deferred due to Cr Luff not being in attendance.

**Voting - Unanimous**

## WORKSHOPS PREVIEW

Nil

## QUESTION TIME

**Boat Ramps & Signage – Tweed River Water Ski Club**

**Boat Ramps**

Cr Marshall

What action has been taken in regard to the boat ramp and signage on the banks of the Tweed River at the rear of what used to be “Simmo’s Supermarket”, Murwillumbah for the “Tweed River Water Ski Club” which was brought to Council’s attention in September 2000?

The Director Development Services will provide a response upon investigation.

# Minutes - Meeting of Tweed Shire Council

## Kynnumboon Bridge

## Bridges - Kynnumboon

### Cr Boyd

What is the status of the parcel of land which adjoins the eastern approach to the new Kynnumboon Bridge?

The Director Engineering Services will investigate and provide a response to Council.

## Court Case – Tweed Shire Council –v- Moran

## Art Gallery – Doug Moran Art Prize

### Cr Beck

Will Tweed Shire Councillors be given a report on the court case – Tweed Shire Council –v- Moran?

The General Manager advised that Councillors will be notified upon receipt of the outcome of the Court Case.

## COMMITTEE OF THE WHOLE

96

### Cr Marshall

### Cr Lawrie

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

### Voting - Unanimous

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

## REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

## REPORTS FROM DIRECTOR CORPORATE SERVICES IN COMMITTEE

### 1. Kings Forest

**Kings Forest Development; GT1/LEP/2000/20 Pt6; LEP-Kings Forest-20**  
*Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)*  
*(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege*

### C17

That Council notes the action taken by the General Manager in this matter.

# Minutes - Meeting of Tweed Shire Council

## Voting For

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

## Voting Against

Cr Beck

## REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

### 2. Smart House Sale - 1 Glebe Place, Tweed Heads South

Sustaining the Tweed

*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*

C18

That:-

1. Council accepts the offer of \$340,000.00 (GST inclusive) from Ms Schelling; and
2. All necessary documentation be endorsed under the Common Seal of Council.

**Voting - Unanimous**

### 3. EC2002-171 Manufacture, Supply, Delivery and Unloading of 375mm Pressure Pipe, DICL Fittings and Valves

Contracts/Quotations - Annual Supply

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

*(d) commercial information of a confidential nature that would, if disclosed:*

- (i) prejudice the commercial position of the person who supplied it, or*
- (ii) confer a commercial advantage on a competitor of the council, or*
- (iii) reveal a trade secret*

C19

That:-

- a) The contract for the Manufacture, Supply, Delivery and unloading of 5000.5 metres of 375mm pressure pipe and polythene sleeving with a total price of \$591,309.13 be awarded to Tyco Water Pty Ltd.
- b) The contract for the Manufacture, Supply and Delivery of DICL fittings with a total price of \$52,063.00 be awarded to P&L Pipelines.
- c) The contract for the Manufacture, Supply and Delivery of air and sluice valves with a total price of \$16,395.50 be awarded to Crevet Pipelines.

**Voting - Unanimous**

# Minutes - Meeting of Tweed Shire Council

## 4. Tender EC2002-172 - Supply & Delivery of One (1) Mobile Elevated work Platform (EWP)

Contract/Quotations - Annual Supply

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

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

C20

That Council:-

1. Accepts the tender from Gold Coast Isuzu for the supply of the Isuzu FSR 700 with the Nifty Lift NL 140 RKT EWP for the sum of \$213,615.00 (inclusive of GST).
2. Sells the existing EWP to W&P Machinery Sales for the price of \$26,372.00 (inclusive of GST).
3. Advises the unsuccessful tenderers.

**Voting - Unanimous**

97

Cr Lawrie

Cr Youngblutt

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

**Voting - Unanimous**

There being no further business the Meeting terminated at 5.30pm.



**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 32 of these Minutes**

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**Chairman**