

IN ATTENDANCE

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

Mr Russell Logan (Aboriginal Mentor Program)

Also present were Dr John Griffin (General Manager), Mr Mike Rayner (Director Engineering Services), Mr David Broyd (Director Development Services), Mr Don Buckley (Director Environment & Community Services), Mr Reg Norvill (Executive Manager - Office of the General Manager), Mr Brian Donaghy (Manager Administration Services/Public Officer) and Mrs Kerrie McConnell (Minutes Secretary)

Councillor B M Luff was not present at the commencement of the meeting.

PRAYER

The meeting opened with a Prayer by Council's Chaplain, Bishop John Grindrod.

"Prayers for the World and the Nation

1. *Peace*

God of the nations, whose sovereign rule brings justice and peace, have mercy on our broken and divided world.

Shed abroad your peace in the hearts of all and banish from them the spirit that makes for war, that all races and peoples may learn to live as members of one family and in obedience to your law, through your Son, Jesus Christ our Lord. Amen

2. *In times of national/international tension*

Almighty God, ruler of all, in whose kingdom peace and righteousness abound; we pray for those who are in conflict

Take away prejudice, cruelty and revenge.

Grant that barriers which divide may crumble, suspicions disappear and hatreds cease, through Jesus Christ our mediator. Amen.

3. *Good government*

Spirit of justice and truth, grant to our governments and all who serve in public life, wisdom and skill, imagination and energy; protect them from corruption and the temptation of self-serving.

Help us to commit ourselves to the common good that our land may be a secure home for all its peoples, through Jesus Christ the Prince of Peace. Amen. "

CONFIRMATION OF MINUTES

Minutes of Council Meeting held 15 October 2003

901 RESOLUTION:

Councillor M R Boyd
Councillor P C P Youngblutt

RESOLVED that the minutes of the Meeting held 15 October 2003 be adopted as a true and accurate record of proceedings.

Voting - Unanimous

Minutes of the Extraordinary Meeting held 22 October 2003

902 RESOLUTION:

Councillor M R Boyd
Councillor P C P Youngblutt

RESOLVED that the minutes of the Extraordinary Meeting held 22 October 2003 be adopted as a true and accurate record of proceedings.

Voting - Unanimous

APOLOGIES

Councillor W J Polglase, Councillor R D Brinsmead, Councillor W M Marshall

Councillor W J Polglase has informed the General Manager that his absence is due to the attendance at a meeting in Canberra.

Councillor R D Brinsmead has informed the General Manager that his absence is caused by being out of the Shire.

Councillor W M Marshall has informed the General Manager that her absence is to due to being unwell.

903 RESOLUTION:

Councillor P C P Youngblutt
Councillor L F Beck

RESOLVED that the apology of Councillor W J Polglase, Councillor R D Brinsmead and Councillor W M Marshall be accepted.

Voting - Unanimous

DELEGATES REPORT - MR RUSSELL LOGAN (ABORIGINAL MENTOR PROGRAM)

Bogangar Renaming Issue

Mr Russell Logan addressed Council on the issue of the renaming of the coastal village Bogangar and the concerns that the Aboriginal community has, for different reasons, with the renaming. He expressed the importance that the name Bogangar has as a part of the heritage of the region.

DISCLOSURE OF INTEREST

Nil.

ITEMS TO BE MOVED FROM ORDINARY TO CONFIDENTIAL - CONFIDENTIAL TO ORDINARY

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

904 RESOLUTION:

Councillor M R Boyd
Councillor G J Lawrie

RESOLVED that this report be received and noted.

Voting - Unanimous

MAYORAL MINUTE

Mayoral Minute

Councillors,

1. Burringbar/Mooball Community Reference Group

16 October – attended meeting of Burringbar Mooball Community Reference Group in Murwillumbah

2. Tweed Future Steering Committee

16 October – attended inaugural meeting at Murwillumbah of the Tweed Futures Steering Committee

3. Silver Jubilee Celebration Election to Papacy of Pope John Paul 11

16 October- attended Silver Jubilee Celebrations of election to Papacy of Pope John Paul 11 held at St Joseph's Parish Church, Frances Street Tweed Heads.

4. Chinderah VIC Project

17 October – attended TACTIC meeting at GC Airport to discuss Chinderah VIC Project

5. Tweed Theatre

17 October – attended opening of Tweed Theatre presentation "Walk This Way" at Tweed Bowls Club.

6. Chillingham Community Centre

18 October – attended opening of Chillingham Community Centre

7. Coloon Kid's Fest

18 October – attended Coloon Kid's Fest at Tweed Heads

8. Centrelink

18 October – attended Centrelink Fun Sports day at Tweed Heads and dinner at Seagulls.

9. Lindisfarne Anglican School

18 October – attended Lindisfarne P & C's bi-annual School Fete at Tweed Heads

10 Stand Awards

18 October – attended Stand Awards Party at Tweed Heads

10. Kingscliff High School

20 October – attended Kingscliff High School for Order of School Initiatives

11. Visit of Japanese Councillors

20 October – attended BBQ for visiting Japanese Councillors at Beach Farm Cudgen

12. Absence of Mayor from duties due to illness

21 – 28 October Mayor absent from duties due to illness

13. Planning Institute Thredbo

28-31 October - apology forwarded for inability of both the Mayor and Deputy Mayor to attend Planning Institute Conference at Thredbo due to ill health. A note of appreciation is given to Councillors James and Luff for kindly substituting for Mayor and Deputy Mayor at this conference on very short notice

14. Casuarina Ocean Festival

1 November – opening ceremony of Casuarina Ocean Festival

15. Murwillumbah Show

1 November – opening of Murwillumbah Show by Hon. Philip Ruddock

16. GM's Group Meeting = Mayors

3 November - attend with GM the GM's Group Meeting + Mayors at Lismore

17. Tweed Ministerial Taskforce

3 November – Tweed Ministerial Taskforce stakeholders' presentation on Economic Development Strategy for Tweed Town Centre

18. Melbourne Cup

4 November – guest of Daily News at Melbourne Cup races at Murwillumbah

19. NRACC

5/6 November – attend NRACC Chair's meeting in Canberra

INVITATIONS ACCEPTED:

- 7 November – NOROC Annual General Meeting Lismore
- 7 November – GC Tourism Awards Presentation Night
- 8 November – Red Cross Celebrity Prison Tweed City Shopping Centre
- 11 November – Remembrance Day Service Murwillumbah – lay wreath
- 11 November – Tweed Futures Steering Committee Meeting
- 12 November – opening Education Centre and Library Tweed Hospital
- 13 November – Bogangar/Cabarita Steering Committee Meeting
- 14 November – Family Centre Community Projects – AGM & Anniversary Celebrations Tweed Heads
- 16 November – Northern Rivers Symphony Orchestra THCC
- 17 November – Opening Community Technology Centre Pottsville
- 18 November – Tweed Futures Steering Committee Meeting
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INFORMATION ON CONFERENCES TO BE HELD - Councillors to advise Mayoral Assistant, Jan Green, if they wish to attend and/or require further details:

- NSW Local Government Community Services Association Annual Conference – **12-14 November Port Macquarie**
 - National Framework for Women in Local government Forum for Local Councils – **27 November Campbelltown**
 - Regional Conference on Integrated Urban Water Management & Water Sensitive Urban Design **20 November Lismore**
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ABSENCES FROM SHIRE BY EXECUTIVE, AND COUNCILLORS:

Executive

Name	Period	Location	Details
DES	6 November 2003 to 7 November 2003	Sydney	Water Directorate & IPWEA Meetings

905 RESOLUTION:

Councillor G Davidson
Councillor M R Boyd

RESOLVED that the Mayoral Minute be adopted.

Voting - Unanimous

COMMITTEE OF THE WHOLE

906 RESOLUTION:

Councillor M R Boyd
Councillor G J Lawrie

*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*

RESOLVED that Council resolves itself into a Confidential Committee of the Whole for Mr Tony Smith from Stacks the Law Firm to provide legal advice in relation to DA03/0273 for Multi-Dwelling Housing Comprising 127 Units at Lot 119 DP 29195, Lot 142 DP 29195, No. 35 Panorama Drive, Tweed Heads West.

Voting - Unanimous

907 RESOLUTION:

Councillor M R Boyd
Councillor P C P Youngblutt

RESOLVED that the Committee resumes in Open Council.

Voting - Unanimous

ITEM DEFERRED

[ID] Development Application DA03/0273 for Multi-Dwelling Housing Comprising 127 Units at Lot 119 DP 29195, Lot 142 DP 29195, No. 35 Panorama Drive, Tweed Heads West (This report is the subject of a further report at Item 15 of this Agenda)

908 RESOLUTION:

Councillor G J Lawrie
Councillor M R Boyd

RESOLVED that in view of the letter from the Department for Infrastructure, Planning and Natural Resources to Council dated 30 October 2003, that DA03/0273 for Multi-Dwelling Housing Comprising 127 Units at Lot 119 DP 29195, Lot 142 DP 29195, No. 35 Panorama Drive, Tweed Heads West be referred to the Minister for Infrastructure, Planning and Natural Resources for determination.

Voting - Unanimous

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES


1 [DS] Draft Tweed Local Environmental Plan 2000, Amendment No 8 - Black Rocks Estate

909 RESOLUTION:

Councillor L F Beck
 Councillor P C P Youngblutt

RESOLVED that: -

1. Council amends the adopted draft Tweed Local Environmental Plan 2000 (Amendment No 8) zone map, as shown in Figure 2, and amends the adopted Written Instrument, as follows:
 - Inserting the following additional aim:
 - “(d) to apply special provisions on soil and water management”.
 - By adopting a new zone map as shown in Figure 2.
 - By amending the Table in Clause 52 by inserting the following in Columns 1 and 2:

Column 1 Shown on the zone map by:	Column 2 Applicable provisions
	Consent must not be granted to development unless the consent authority and the proponent has considered detailed plans of the development and for management of its consequences and made an assessment of the following matters: <ol style="list-style-type: none"> (a) the adequacy of proposed measures in a stormwater management plan for the purpose of maintaining or improving the quality of water leaving the site in both surface and ground waters, such measures to control soil erosion, sediment and stormwater run off, and release of ground water or surface water containing high acidity, nutrients or pollutants, resulting from disturbance and development of the site. (b) where development proposes the filling of land: <ol style="list-style-type: none"> i. whether or not the filling of land would increase the risk or severity of flooding of other land in the vicinity, and ii. the potential impacts of the filling of land on

	<ul style="list-style-type: none"> iii. groundwater quality, and the likely impacts of increased flooding on adjacent flora and fauna habitat, and iv. the quality, volume and source of any fill material and the likely impacts associated with the sourcing and transportation of fill material; and v. the adequacy of the location and justification of the design of environmental buffers between filled areas and environmentally sensitive land eg, riparian areas, wetlands and waterways. <p>(c) the adequacy of proposed drainage systems, particularly in respect of Council's goal that post development drainage should mimic natural (pre-development) flows by utilising such techniques as reuse, detention, retention and infiltration.</p> <p>(d) the extent to which stormwater management and control is consistent with the Tweed Urban Stormwater Management Plan.</p>
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2. Council amends the Legal Agreement between Council and Black Rocks Estate Pty Ltd dated 5 June 2003 prior to forwarding the new adopted Plan to the Department of Infrastructure, Planning and Natural Resources. The Agreement is amended by inserting an amended Annexure A1 (draft Written Instrument) and Annexure A2 (draft zone map) consistent with the amended draft Plan in 1. above.

3. All necessary documentation associated with the amended Legal Agreement in 2. above be completed under the Common Seal of Council.

Voting:

<p>For</p> <p>Cr Davidson Cr Beck Cr Lawrie Cr James Cr Youngblutt</p>	<p>Against</p> <p>Cr Boyd Cr Carroll</p>
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2 [DS] Proposed Activity (PTV02/0063) for a Waste Water Treatment Plant, Associated Infrastructure, Decommissioning Works and Pumping Station at Lot 2 DP 611021, No. 208 Chinderah Road, Chinderah, Lot 32 DP 847319, unnamed Crown Road Reserve and Chinderah

910 RESOLUTION:

Councillor L F Beck
Councillor P C P Youngblutt

RESOLVED that proposed activity PTV02/0063 for a waste water treatment plant, associated infrastructure, decommissioning works and pumping station at Lot 2 DP 611021, No. 208 Chinderah Road, Chinderah, Lot 32 DP 611021, unnamed Crown Road Reserve and Chinderah Road be approved subject to the following conditions: -

1. The development shall be completed in general accordance with the Environmental Impact Statement prepared by GHD dated December 2002, except where varied by these conditions.
2. Environmental Management Plans are to be prepared for the construction and operational phases of the development. In this regard the Environmental Management Plans are to be prepared in accordance with the Environmental Impact Statement and are to detail the proposed mitigation measures, modelling and monitoring programs.
3. An acid sulfate soil management plan is to be prepared for the development prior to commencement of construction.
4. A landscaping plan is to be prepared prior to commencement of construction. In this regard the number, type and size of the species used are to be included in the plan.
5. An erosion and sedimentation control plan is to be prepared prior to commencement of construction.
6. A community consultation plan for the construction phase is to be prepared prior to commencement of construction.
7. The proponent is to consult with the Department of Infrastructure Planning and Natural Resources regarding their requirements for works on Crown Land.
8. All relevant approvals from Government Authorities are to be obtained.
9. A traffic management plan for heavy vehicle movement is to be prepared prior to commencement of construction.
10. 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. 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 throughout the period of construction.
11. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes 17° or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan.
- Such plans shall generally incorporate the following and preferably be prepared by a landscape architect:
- i) Contours and terraces where the height exceeds 1m.
 - ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
 - iii) Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
 - iv) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.
 - v) The landscaping shall be completed to the satisfaction of the Director Development Services **PRIOR** to the operation of the plant.
12. 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.
13. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of fill shall be submitted to the satisfaction of the Director Development Services.
14. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.
15. 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.

16. 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
17. 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.

18. 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.
19. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
20. 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.
21. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
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 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.

24. 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.
25. 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.
26. 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 50 Degrees Celsius:-

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

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. On completion of work a certificate signed by a practising structural engineer is to be submitted to Council to certify the structural adequacy of the structures.
29. 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.
30. 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.

31. Noise from the Plant shall not be permitted to impact the amenity of any premises. Should operational noise from the plant unreasonably impact the amenity of any premises then a noise report shall be prepared and submitted for the consideration of the DECS. Where directed in writing by the DECS, amelioration measures identified in the noise report shall be implemented as directed in writing.
32. Lighting shall not be permitted to impact the amenity of any other premises.
33. Non-structural (effluent and sludge storage ponds) and structural infrastructure shall be constructed so as to prevent groundwater inflows to those structures or discharges/infiltration to groundwater.
34. A management plan shall be submitted to and approved by Council prior to the commencement of any decommissioning works on the existing Kingscliff Sewage Treatment Plant site. All works shall comply with the approved plan.
35. Should any decontamination or remediation works be necessary on the existing Kingscliff Sewage treatment Plant site, then those works shall not be commenced without the separate prior approval of Council.
36. Authority and relevant sections of the approved Management Plan.
37. Irrigation of effluent shall not occur without the prior written approval of Council.
38. Odour from the Plant shall not be permitted to impact the amenity of any premises. Should odour from the plant unreasonably impact the amenity of any premises then a odour report shall be prepared and submitted for the consideration of the DECS. Where directed in writing by the DECS, amelioration measures identified in the odour report shall be implemented as directed in writing.
39. The Plant shall be operated in accordance with the license or operational requirements of the NSW EPA.

Voting - Unanimous

3 [DS] Request for Heritage Funding

911 RESOLUTION:

Councillor L F Beck
Councillor P C P Youngblutt

RESOLVED that an application be made to the Heritage Office for \$7,500 to be applied to the restoration of the Sacred Heart Parish Hall, Murwillumbah and \$7,500 be allocated at the next Budget Review in December 2003.

Voting - Unanimous

4 [DS] Extinguishment of the Right of Carriageway and Easement over the Temporary Coast Road Deviation - SALT Development

912 RESOLUTION:

Councillor P C P Youngblutt
Councillor G J Lawrie

RESOLVED that the request to extinguish the following rights of carriageway and easements be endorsed and executed under the Common Seal of Council subject to dedication of the approved Coast Road deviation and the provision of the public utility services within that Road Reserve: -

1. The right of carriageway and easement for services 20 metres wide over lots 194, 301 and 312 DP 755701 and registered under DP1057595.
2. The easement for services over existing line of pipes over lots 194, 301, 312 DP 755701 and registered under DP1057595.

Voting - Unanimous

5 [DS] Development Application DA03/0757 for Demolition and the Erection of Multi-Dwelling Housing Comprising of 4 x 3 Bedroom Units at Lot C DP 9527, No. 8 Recreation Street Tweed Heads

913 RESOLUTION:

Councillor L F Beck
Councillor G J Lawrie

RESOLVED that Development Application DA03/0757 for Demolition and the Erection of Multi-Dwelling Housing Comprising of 4 x 3 Bedroom Units at Lot C DP 9527, No. 8 Recreation 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 Plans Nos 11002/DA/01-04 prepared by Pat Twohill Designs PTY Ltd and dated May 2003, except where varied by these conditions.

[GEN0010]

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.

[GEN0030]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0120]
4. The erection of a building in accordance with a development consent must not be commenced until:
 - a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
 - b. the person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority; and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
 - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

[GEN0150]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. Section 94 Contributions
 - (i) Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

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

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

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

- a. Tweed Road Contribution Plan: \$1806
S94 Plan No. 4 (Version 4.0)
(Sector 1 - Tweed Heads)
- b. Open Space (Structured): \$1206
S94 Plan No. 5
- c. Open Space (Casual): \$269
S94 Plan No. 5
- d. Shirewide Library Facilities: \$1112
S94 Plan No. 11
- e. Eviron Cemetery/Crematorium Facilities: \$222
S94 Plan No. 13
- f. Emergency Facilities (Surf Lifesaving) \$388
(Remainder of the Shire)
S94 Plan No. 16
- g. Extensions to Council Administration Offices
& Technical Support Facilities \$701.48
S94 Plan No. 18
- h. Cycleways \$260
S94 Plan No. 22
- i. Regional Open Space (Structured) \$1899
S94 Plan No. 26
- j. Regional Open Space (Casual) \$355
S94 Plan No. 26

[PCC0050/PSC0005]

6. 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: 2 ET's @ \$4110 \$8220

Sewer: 2 ET's @ \$3290 \$6580

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.

[PCC0070/PSC0004]

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

- (i) The construction of retaining wall structures or fill batters must at no time result in ponding occurring within neighbouring properties.
- (ii) Sufficient spot heights or contours (extending beyond the subject property boundary) must be submitted, to confirm that the inclusion of retaining wall / batter structures along the property boundaries have no impact on the overland flow paths of stormwater from neighbouring properties. Ponding will not be allowed at the toe of any retaining walls / batters. If required, perimeter drainage must be provided.

[PCC0090]

8. 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.

[PCC0160]

9. 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.

[PCC0190]

10. Development approval only is granted for a driveway from the development to connect with the adjacent public road.

You will be advised separately of the determination of your application to Council for consent under Section 138 of the Roads Act 1993 to construct or modify a driveway on the public road adjacent to your property

You must receive this separate written consent from Council under Section 138 of the Roads Act 1993 prior to the issue of a construction certificate which includes any works on the adjacent public road and prior to any works taking place on the adjacent public road.

[PCC0200]

11. 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 all hardstand/impervious areas (includes driveway, carpark, garage and hardstand landscape areas and excludes roof area) 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.

(ii) The Oil / Grit arrestor proposed must also be sized to treat pollutants potential washout runoff from unit's undercover car parking areas. The installed device must satisfy the following additional requirements.

a. The retained volume of the Oil / Grit arrestor must be no less than 0.5m³ per 1000m² of the 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.

(iii) The proposed car wash bay must be constructed of pervious materials, or else runoff from the bay must be treated to remove oil / grit prior to discharge into the public stormwater system.

[PCC0230]

12. 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.

[PCC0240]

13. 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.

[PCC0310]

14. 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*.

[PCC0320]

- 15. Driveway entrances must be graded to ensure Q100 stormwater runoff from Recreation Street's kerb and gutter does not enter the site.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

16. 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.

[PCW0010]

17. 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.

[PCW0030]

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.

[PCW0040]

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
- (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.

[PCW0050]

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.
- [PCW0060]
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.
- [PCW0070]
22. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.
- [PCW0090]
23. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.
- Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan *"Tweed Shire Council Aus-Spec D7 - Stormwater Quality"* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond has been released.
- [PCW0190]
24. 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.
- [PCW0210]
25. 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.

[PCW0250]

DURING CONSTRUCTION

26. 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).

[DUR0010]

27. The provision of 6 off street car parking spaces. Two of these spaces are to be allocated for visitors only and signposted accordingly. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.

[DUR0050]

28. 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.

[DUR0080]

29. 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.

[DUR0130]

30. A certificate is to be submitted by a Registered Surveyor certifying that all habitable floor areas are constructed above 2.95 metres AHD, and certifying the actual finished level of the total site. Certification of those levels by a registered surveyor must be submitted to the PCA prior to proceedings past floor level to ensure that the floor is above flood level.

[DUR0140]

31. 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.

[DUR0160]

32. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

- a. footings, prior to pouring of concrete
- b. slab, prior to pouring of concrete
- c. frame prior to the erection of brick work or any wall sheeting
- d. final inspection prior to occupation of the building
- e. completion of work
- f. swimming pool safety fencing prior to filling the pool with water

- g. the fire protection of penetrations through any fire rated elements prior to covering
- h. steel reinforcing prior to pouring of concrete
- i. frame
- j. stormwater drainage connection to inter allotment drainage system prior to back filling.

[DUR0170]

33. Ensure adequate turfed area, or other suitable media, is incorporated and maintained into the proposed landscape of the property for use as a car wash-down area.

[DUR0230]

34. A concrete ribbon footpath 1.2 metres wide and 100 millimetres thick is to be constructed on a compacted base along the entire frontage of the site to Recreation Street. The compacted base is to achieve 95% of maximum dry density determined in accordance with AS1289 5.4.1 for a minimum 100mm depth. A full depth construction joint is to be provided at 6.0 metre intervals and 20 millimetre deep groove joints provided every 1.5 metres, the balance area to be graded to the kerb and turfed. The footpath is to have a 3% crossfall which must be attained at each side boundary. This may result in work to be undertaken on the footpath at adjoining properties which must not exceed 1:14 and must be reinstated with turf. The footpaving is to be located 800 millimetres from the property boundary. The concrete footpath gradient shall be parallel to the top of kerb for the full frontage of the site and maintained unvaried across the (any) driveway cross-section. An inspection of the formwork is to be arranged with Council's Engineering Services Division prior to concrete being placed.

[DUR0520]

35. 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.

[DUR0730]

36. The building is to be sited at least one metre horizontally clear of sewer main on site. All footings and slabs within the area of influence of the sewer main are to be designed by a practising Structural Engineer. The engineer is to submit a certification to the Principal Certifying Authority that the design of such footings and slabs will ensure that all building loads will be transferred to the foundation material and will not effect or be affected by the sewer main.

[DUR0830]

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. [DUR0850]
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. [DUR0870]
39. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles. [DUR0880]
40. 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. [DUR0900]
41. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited. [DUR0920]
42. The burning of builders waste on site by open fire is prohibited. [DUR0940]
43. The 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. [DUR0960]
44. 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. [DUR1000]
45. 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. [DUR1020]
46. 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. [DUR1030]
47. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position. [DUR1040]
48. 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. [DUR1070]
49. 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. [DUR1130]
50. The finished floor level of the building should finish not less than 225mm above finished ground level. [DUR1150]
51. 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. [DUR1160]
52. 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.

[DUR1200]
53. 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.

[DUR1210]
54. Landscaping of the site shall be carried out in accordance with the submitted landscaping plans. The landscaping to be completed prior to occupation of the building, to the satisfaction of the Director, Development Services.

[DUR1230]
55. All excavations carried out on-site below 2.0m AHD shall be subject to compliance with the Preliminary Acid Sulphate Soils Management Plan prepared by Martin Findlater and Associates dated May 2003.

[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

56. 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.

[POC0020]

USE

57. 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.

[USE0040]
58. The garages are not to be used or adapted for separate residential habitation or occupation.

[USE0070]

59. All external artificial lighting shall be shielded where required to the satisfaction of Council's Director Environment & Community Services so as to prevent the spill of light or glare causing a nuisance to adjoining or neighbouring residences.

[USENS01]

Voting:

For	Against
Cr Davidson	Cr Boyd
Cr Beck	Cr Carroll
Cr Lawrie	Cr James
Cr Youngblutt	

6 [DS] 37 Lot Industrial Subdivision S96/49 - Lot 2 DP 569304 Tringa Street, Tweed Heads West

914 RESOLUTION:

Councillor H James
Councillor G J Lawrie

RESOLVED that this report be received and noted.

Voting - Unanimous

7 [DS] Development Application S95/0088.01 for an Amendment to Development Consent S95/0088 for a Five (5) Lot Rural Subdivision at Lot 6 DP 815430, No. 72 Howards Road, Burringbar

915 RESOLUTION:

Councillor P C P Youngblutt
Councillor H James

RESOLVED that Development Application S95/0088.01 for an amendment to Development Consent S95/0088 for a five (5) lot rural subdivision at Lot 6 DP 815430, No. 72 Howards Road Burringbar be approved subject to: -

1. Condition No.7(c) be deleted and a NEW Condition No.7(cA) be inserted that reads:

"cA. No dwelling shall be permitted to be located within Lot 5 DP868345 unless in accordance with the plan titled 'Proposed Variation of Building Envelope' ref.2362DE/1 prepared by NC White & Associates dated 4 August 2003, and the dwellings foundations are designed to account for any ground vibration and or air overblast pressure resulting from quarry operations."

2. The Deed of Variation of Covenant prepared by Murwillumbah Lawyers, held on Council's file in this matter, be executed under the Common Seal of Council.

Voting - Unanimous

8 [DS] Development Application DA03/0917 for Multi-Dwelling Housing at Lot 2 Section 6 DP 29748, Lot 3 Section 6 DP 29748, No. 57-59 Tweed Coast Road, Bogangar

916 RESOLUTION:

Councillor L F Beck
Councillor P C P Youngblutt

RESOLVED that: -

1. The State Environmental Planning Policy No. 1 objections to Clause 16 of Tweed Local Environmental Plan 2000 regarding the height of the building be supported and the concurrence of the Director of the Department of Infrastructure Planning and Natural Resources be assumed.
2. That Development Application DA03/0917 for multi dwelling housing at Lot 2 Sec 6 DP 29748 Lot 3 Sec 6 DP 29748, No. 57-59 Tweed Coast Road Bogangar be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects prepared by Grummitt Planning Pty Ltd dated 25 June 2003 and Development Plans with the prefix 0334-DD Nos.1(F), 2(F), 3(C), 4(B), 5(E), 6(G) (as amended in RED) and 7(E) prepared by KP Architects dated April 2003, except where varied by these conditions. [GEN0010]
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0120]
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.

[GEN0150]

- 4. The front boundary fencing is not permitted to exceed 1800mm in height, measured from the finished ground level on the nature strip side of the front boundary.

[GENNS01]

- 5. Notwithstanding Condition No.1 in this series of development consent conditions the driveway access shall be designed and constructed in accordance with the plan, as facsimiled and dated 3 October 2003, prepared by KP Architects to the extent of an inconsistency.

[GENNS02]

- 6. The balcony / deck area extending of Unit Nos. 1 & 4 extending off the north-west elevation is not approved.

[GENNS03]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- 7. Section 94 Contributions
 - (i) Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

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

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

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

- a. Tweed Road Contribution Plan: \$14,364
S94 Plan No. 4 (Version 4.0)

(Sector 7a - Cabarita)

b.	Open Space (Structured): S94 Plan No. 5	\$2,520
c.	Open Space (Casual): S94 Plan No. 5	\$538
d.	Shirewide Library Facilities: S94 Plan No. 11	\$2,224
e.	Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$444
f.	Community Facilities (Tweed Coast) (South Coast) S94 Plan No. 15	\$3,504
g.	Emergency Facilities (Surf Lifesaving) (REMSHIRE) S94 Plan No. 16	\$777
h.	Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$1,402.96
i.	Cycleways S94 Plan No. 22	\$520
j.	Regional Open Space (Structured) S94 Plan No. 26	\$3,798
k.	Regional Open Space (Casual) S94 Plan No. 26	\$710

[PCC0050/PSC0005]

8. 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:	6 additional units @ \$4,110	\$24,660
Sewer:	6 additional units @ \$3,290	\$19,740

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.

[PCC0070/PSC0004]

10. 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.

[PCC0310]

11. 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.

The Section 138 application shall be accompanied with design details for the construction of the pedestrian / cycle path.

[PCC0190]

12. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, and submitted to Council, prior to issue of the Construction Certificate. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.

[PCC0040]

13. 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.

[PCC0240]

14. 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*.

[PCC0320]

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

[PCC0090]

16. 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 all hardstand/impervious areas (including all driveway and undercover car park areas, all hardstand walkway or podium areas and any hardstand landscape areas and excluding all roof area) 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.
 - (ii) In addition to the sizing provisions specified in Council's Development Design Specification D7 - "Stormwater Quality", the Oil / Grit arrestor proposed must also be sized to satisfy the following requirements.
 - a. The retained volume of the Oil / Grit arrestor must be no less than 0.5m^3 per 1000m^2 of the basement / undercover car park area.
 - b. The minimum retained volume of an Oil / Grit arrestor is 0.75m^3 .
- 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.
- (iii) The proposed oil/grot arrestor must be located such that it can be serviced by appropriate machinery at all times.
 - (iv) Unless constructed of pervious materials (grass pavers), runoff from the proposed car wash bay must be treated to remove oil and grit prior to discharge.

Other Conditions

- (a) All stormwater discharge from site (including roof water) is to be piped, via a 300mm dia (minimum) stormwater network through a legally registered easement (minimum width 1.5m) in Lot 13 Section 6 DP 30043 (54 Hastings Street Bogangar) and discharged into the kerb and gutter of Hastings Street via standard Council kerb adaptors, as detailed in Farr Engineers drawing 203124 Sk1. The easement through Lot 13 Section 6 DP 30043 must contain an overland flow path of trapezoidal

dimensions with minimum depth of 300mm. No discharge is allowed onto neighbouring properties.

- (b) The driveway entrance must be designed in accordance with DCP2 and AS2890.1 (section 3.4(a)) with the maximum driveway gradient for 6m from the property boundary not exceeding 1:20 or 5%.
- (c) Driveway entrances must be graded to ensure Q100 stormwater runoff from the Tweed Cost Road does not enter the site.
- (d) Ground anchors to retain sacrificial sheet piling will not be allowed in Council property without removal on completion, or substantial compensation. Similar if these devices are proposed to penetrate adjoining private land, then approval from the appropriate landowner will be required. If the landowner is Council, approval by Councils Director of Engineering Services will be required.

[PCC0230]

17. Prior to the issue of a Construction Certificate the window arrangement of Unit Nos.1 & 4 on the north-west elevation shall be redesigned to accommodate smaller windows and shall include the provision of and details of external privacy screening devices. The amended design drawings shall be submitted to Council's Director Development Services for approval.

[PCCNS01]

18. Design details for the construction of the pedestrian / cycle path shall be submitted for approval with the Construction Certificate.

[PCCNS02]

PRIOR TO COMMENCEMENT OF WORK

19. 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.

[PCW0010]

20. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:

- (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
- (ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and
- (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.

[PCW0050]

21. 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.

[PCW0060]

22. 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.

[PCW0070]

23. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:

- i. The person must, at the person's own expense:
 - a. preserve and protect the building from damage; and
 - b. if necessary, underpin and support the building in an approved manner.
- ii. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.

[PCW0080]

24. 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.

[PCW0090]

25. 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.

[PCW0180]

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.

[PCW0210]

27. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of the Director, Development Services. The sign is to remain in place until the Subdivision Certificate is issued.

[PCW0030]

DURING CONSTRUCTION

28. 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).

[DUR0010]

29. 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.

[DUR0080]

30. 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.

[DUR0130]

31. 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

[DUR0170]

32. 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.

[DUR0200]

33. 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.

[DUR0210]

34. If the work involved in the erection or demolition of a building:

- a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
- b. building involves the enclosure of a public place,

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

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

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

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

[DUR0220]

35. 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.
[DUR0470]
36. 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.
[DUR0900]
37. 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.
[DUR0960]
38. All new residential dwellings (and extensions comprising over 50% of the original floor area) are to fully comply with Council's 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.
[DUR1000]
39. 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.
- [DUR1020]
40. 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.
[DUR1030]
41. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
[DUR1040]

42. 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.

[DUR1070]

43. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.

[DUR1100]

44. 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.

[DUR1160]

45. The building is to be sited at least one metre horizontally clear of sewer main on site. All footings and slabs within the area of influence of the sewer main are to be designed by a practising Structural Engineer. The engineer is to submit a certification to the Principal Certifying Authority that the design of such footings and slabs will ensure that all building loads will be transferred to the foundation material and will not effect or be affected by the sewer main.

[DUR0830]

46. 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.

[DUR1200]

47. Swimming Pools (Building)

- A. The swimming pool is to be installed and access thereto restricted in accordance with Council's "Code for the Installation of New Swimming Pools" and Australian Standard AS 1926-1986 (Copy of code enclosed).
- B. Swimming pools shall have suitable means for the drainage and disposal of overflow water.
- C. The pool filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
- D. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction.
- a. Steel reinforcing prior to the pouring of concrete.
- b. Swimming pool safety fencing prior to filling the pool with water.
- E. In the event that Council is not utilised as the inspection/certifying authority:-
- a. Within seven (7) days of the filling of the pool a Compliance Certificate in the prescribed form shall be submitted to Council together with the prescribed fee, by the Accredited Certifier to certify that all works have been completed in accordance with the approved plans and conditions of Consent and that the swimming pool safety fencing has been installed and complies with AS 1926.
- b. The Certifying authority is to be given 24 hours notice in writing for an inspection of the swimming pool safety fencing prior to filling the pool with water.

[DUR1280]

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

[DUR1290]

49. The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering Services Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.

[DUR0430]

50. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.

[DUR0490]

51. 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.

[DUR1210]

52. 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.

[DUR0040]

53. 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.

[DUR0730]

54. 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.

[DUR0850]

55. 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.

[DUR0870]

56. 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.

[DUR0910]

57. All excavated soils shall be handled and treated in accordance with the Acid Sulfate Soils Management Plan prepared by Gilbert & Sutherland, as annexed at Appendix E of the Statement of Environmental Effects referred to in Condition No.1 of this series of development consent conditions.

[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

58. 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.

[POC0020]

59. 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).

[POC0030]

60. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.

[USE0170]

Voting - Unanimous

- 9 [DS] Development Applications DA02/2086 & DA02/2088 for Tourist Accommodation at Lots 12 and 13 Section 6 DP 14895 and Lots 16, 17 and 18 Section 2 DP 14895 Lorna Street, Kingscliff**

Councillor L F Beck
Councillor G J Lawrie

PROPOSED that Council: -

1. Reconfirms support for Tourist and other development which conforms with the zoning at Seaside City.
2. Supports approval of Development Applications DA02/2086 and DA02/2088 subject to the appropriate conditions.

3. Requests that the court hearing for Bed & Breakfast Development Application DA02/2087 be adjourned until after a meeting with landowners convened by the Mayor and then further consideration by Council.

917 RESOLUTION:

Councillor L F Beck
Councillor P C P Youngblutt

RESOLVED that an extension of 2 minutes be granted to Councillor G J Lawrie.

Voting - Unanimous

918 AMENDMENT

Councillor M R Boyd
Councillor B J Carroll

RESOLVED that this matter be deferred until after the meeting with landowners, which is to be convened by the Mayor.

Voting:

The Amendment was **Carried**

For	Against
Cr Davidson	Cr Beck
Cr Boyd	Cr Youngblutt
Cr Carroll	Cr Lawrie
Cr James	

Voting:

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

For	Against
Cr Davidson	Cr Beck
Cr Boyd	Cr Lawrie
Cr Carroll	Cr Youngblutt
Cr James	

A RESCISSION MOTION HAS BEEN RECEIVED FOR ITEM 9 FROM COUNCILLORS BECK, LAWRIE AND MARSHALL

10 [DS] Development Application 0689/2000DA for a Storage & Launching Facility for Tweed Coast Sea Rescue Squad at Lot 7018 DP 755701 Coast Road, Hastings Point

919 RESOLUTION:

Councillor P C P Youngblutt
Councillor L F Beck

RESOLVED that Development Application 0689/2000DA for storage and launching facility for Tweed Coast Sea Rescue Squad at Lot 7018 DP 755701 Coast Road, Hastings Point 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 P112WD02 and 03 prepared by Glen Petersen Architects and dated 1/6/99, Launching Plan No. P112 dated August 2000, and Plan No A1 - 288 prepared by Richard Harry Engineering and dated June 2003, except where varied by these conditions. [GEN0010]
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. [GEN0030]
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. [GEN0150]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

4. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, and
-

submitted to Council, prior to issue of the Construction Certificate. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.

[PCC0040]

5. Prior to the issue of the Construction Certificate a detailed Engineering Plan to be prepared and certified by a suitably qualified geotechnical/ structural engineer showing the location of the proposed development and accessway. Details to also include batters, rock retaining walls and drainage works required for the driveway and there location within the Peninsular Street Road Reserve. Cross Sections to also be provided indicating where these works lie in terms of the highest astronomical tide of Cudgera Creek. (On December 24, 2003 the Highest astronomical tide is predicted at 2.09m which will reach R.L 1.065 m AHD)

The plans to also include the following detail

- i) Construction materials;
- ii) Traffic Control Plan;
- iii) Details on Retaining walls;
- iv) Guardrail/ Barrier kerb on creek side of driveway;
- v) A two metre wide pedestrain strip between the road pavement and the retaining walls;
- vi) A handrail at the top of the retaining wall adjacent to the road.

[PCCNS01]

6. Prior to the issue of the Construction Certificate all necessary permits are to be obtained from NSW Fisheries under Sections 201 and 205 of the Fisheries Management Act 1994. Should such permits not be required a letter from NSW Fisheries to be submitted with the Construction Certificate advising that such permits are not required.

[PCCNS02]

7. 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*. [PCC0320]
8. Prior to the issue of the Occupation Certificate, an application is to be submitted to and approved by Council' Director Engineering Services to connect to the sewer. Full engineering details to be provided of the package pump station and rising sewer main to connect with Council's existing infrastructure. [PCCNS03]
9. 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. [PCC0190]
10. 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. [PCC0240]

PRIOR TO COMMENCEMENT OF WORK

11. 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. [PCW0010]
12. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:

- (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
- (ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and
- (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.

[PCW0050]

13. 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.

[PCW0060]

14. 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.

[PCW0070]

15. 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.

[PCW0090]

16. 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.

[PCW0190]

17. 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.

[PCW0030]

DURING CONSTRUCTION

18. 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.

[DUR0850]

19. 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.

[DUR0870]

20. 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.

[DUR0900]

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.

[DUR0910]

22. 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.

[DUR0960]

23. 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 and driveway 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
- [DUR0170]
24. 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).
- [DUR0010]
25. All engineering works required to be approved prior to the issue of a construction certificate are to be constructed in accordance with the approval.
- [DUR0020]
26. 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.
- [DUR0040]
27. 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.
- [DUR0200]
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.
 - 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. [DUR1200]
29. 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. [DUR0260]
30. Prominently displayed signs and symbols must be provided to identify for disabled persons all routes and areas where architectural barriers do not exist. Such access must comply with the requirements of Australian Standard AS 1428 Parts 1 and 2. [DUR0270]
31. 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. [DUR0280]
32. 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. [DUR1020]
33. 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. [DUR1030]
34. 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. [DUR1160]

35. 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.
[DUR1130]
36. 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.
[DUR0080]
37. 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.
[DUR0980]
38. All earth works to comply with the Acid Sulphate Soils Management Plan prepared by HMC Environmental Services dated April 2002.
[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

39. Prior to the issue of the Occupation Certificate all retaining walls are to be certified by a suitably qualified geotechnical/ structural engineer. The certification is to state that the walls have been designed and constructed in accordance with AS4678 - 2002 - Earth Retaining Structures and are structurally sound.
[POCNS01]
40. 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.
[POC0040]
41. 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.
[POC0020]
42. Portable fire extinguishers containing an extinguishing agent suitable for the risk being protected must be installed in accordance with Australian Standard AS 2444 "Portable Fire Extinguishers - Selection and Location" and Part E1.6 of the Building Code of Australia.
[POC0070]
43. Prior to the Issue of the Occupation Certificate, a lease agreement is to be entered into with Tweed Shire Council in respect to the boat shed and driveway constructed within the Peninsula Street Road Reserve.

[POCNS02]

44. Prior to the issue of the Occupation Certificate, Tweed Coast Sea Rescue to obtain Public Liability Insurance to a minimum value of \$30,000,000. Documentary Evidence of this to be supplied to Council. Public Liability Insurance to be maintained at all times and to cover all functions of Tweed Coast Sea Rescue Inc and the use of the Boat Shed facility.

[POCNS03]

USE

45. 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.

[USE0160]

46. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.

[USE0170]

47. Lighting shall not be permitted to impact upon the amenity of any surrounding premises.

[USENS01]

48. Activities carried out at the premises shall not be permitted to impact upon the amenity of any surrounding premises.

[USENS02]

49. The rescue boat shed shall be used only for purposes directly associated with rescue activities such as the launching and storage of rescue watercraft. The premises shall not be used for mechanical repairs. The rescue boat shed shall not be used for social gatherings or sporting events such as the launching of fishing or recreational vessels or watercraft.

[USENS03]

50. All wastes shall be collected, stored and disposed of to the satisfaction of the Director Environment and Community Services.

[USENS04]

51. Any fuels, oils or chemicals shall be stored such that there is no risk of spill or discharge to the environment or creek.

52. Safe public access for fishers shall be maintained along the foreshore in front of the facility.

53. Mangroves and marine vegetation not to be damaged, removed or destroyed through the use of the boat shed and launching facility unless prior approval is obtained from NSW Fisheries and a permit under Section 205 of the Fisheries Management Act 1994 is issued.

[USENS05]

GENERAL TERMS OF APPROVAL UNDER SECTION 201 OF THE FISHERIES MANAGEMENT ACT (Permit To Carry Out Dredging Or Reclamation Work)

1. A permit under Section 201 of the *Fisheries Management Act 1994* for dredging and reclamation activities must be obtained prior to commencement of works, if these works are to occur below the highest astronomical tide of Cudgera Creek.
2. Environmental safeguards (silt curtains, booms, etc) are to be utilised during construction/installation of the facility, including the driveway and retaining wall, to ensure there is no escape of turbid plumes into the aquatic environment. Erosion and sediment controls must be in place prior to, during and after the commencement of works.
3. Only clean rock fill is to be used for the revetment works.
4. Sand, gravel, silt, topsoil or other materials must not be stockpiled within 50 metres of the water unless adequately contained by sediment control measures.

GENERAL TERMS OF APPROVAL UNDER SECTION 205 OF THE FISHERIES MANAGEMENT ACT (Permit to cut remove damage or destroy marine vegetation on public water land or an aquaculture lease on the foreshore of any such land or lease)

1. A permit under section 205 of the *Fisheries Management Act 1994* for harm to marine vegetation (seagrass, mangroves, seaweed) must be obtained prior to commencement of works, if the works are to harm marine vegetation.
2. Mangroves that are harmed under a section 205 permit issued under the *Fisheries Management Act 1994* shall be replaced with compensatory plantings of the same species at a ratio of 2:1 within the Cudgera Creek estuary.

Voting - Unanimous

- 11 **[DS] Development Application DA02/1136.03 for an Amendment to Development Consent DA02/1136 for a Mixed Commercial/Tourist Accommodation Development Including 8 Tourist Units at Lot 3 DP 964996 & Lot 2 DP 979921, 32-34 Marine Parade, Kingscliff**

920 RESOLUTION:

Councillor P C P Youngblutt
Councillor L F Beck

RESOLVED that the matter be deferred to allow further discussions with the applicant and Solicitors and a further report be considered by Council at its meeting of 19 November 2003.

Voting - Unanimous

- 12 [DS] Development Application D90/0016.01 for an Amendment to Development Consent D90/0016 for the Erection of Factory Complex at Lot 3 DP 603333 (Lot 6 SP 38152) Ourimbah Road, Tweed Heads

921 RESOLUTION:

Councillor M R Boyd
Councillor H James

RESOLVED that Development Application D90/0016.01 for an amendment to Development Consent D90/0016 for the erection of factory complex at Lot 3 DP 603333, Ourimbah Road, Tweed Heads be approved subject to the following conditions: -

1. Condition No. 1 be amended to read
 1. Development to be generally in accordance with Plans No. 1 to 4 dated 4 February, 1990, received by Council on 6 February 1990, and Plans No. 5, 6 and 7 dated February 2003, except where varied by these conditions.
2. Condition No. 5 be amended to read
 5. The provision of thirty three (33) on site car parking spaces in accordance with Council's adopted car parking code. Car Parking Space No. 18 to be designated a staff parking space for the owner/ operator of the adjacent building. The car port over spaces No. 19 and 20 is to be designed and constructed to not affect these car space. Details to be submitted with the Construction Certificate.
3. Add New Condition as Condition 18
 18. Prior to the issue of the Occupation Certificate the Development Statement is to be amended and registered with the Land and Property Information Office

AMENDMENT

Councillor G J Lawrie
Councillor L F Beck

PROPOSED that Development Application D90/0016.01 for an amendment to Development Consent D90/0016 for the erection of factory complex at Lot 3 DP 603333, Ourimbah Road, Tweed Heads be approved, subject to the following conditions: -

1. Condition No. 1 be amended to read
 2. Development to be generally in accordance with Plans No. 1 to 4 dated 4 February, 1990, received by Council on 6 February 1990, and Plans No. 5, 6 and 7 dated February 2003, except where varied by these conditions.
2. Condition No. 5 be amended to read
 5. The provision of thirty three (33) on site car parking spaces in accordance with Council's adopted car parking code. Car Parking Space No. 18 to be designated a staff parking space for the owner/ operator of the adjacent building. The car port over spaces No. 19 and 20 is to be designed and constructed to not affect these car space. Details to be submitted with the Construction Certificate.

Voting:

The Amendment was **Lost**

For	Against
Cr Beck	Cr Boyd
Cr Lawrie	Cr Carroll
Cr Youngblutt	Cr Davidson
	Cr James

Voting:

The Motion was **Carried**

For	Against
Cr Davidson	Cr Beck
Cr Boyd	Cr Lawrie
Cr Carroll	Cr Youngblutt
Cr James	

A RESCISSION MOTION ON ITEM 12 HAS BEEN RECEIVED FROM COUNCILLORS LAWRIE, YOUNGBLUTT AND BECK

13 [DS] Tweed Shire Better Communities Program - A Crime Prevention Strategy

922 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

RESOLVED that Council endorses the proposals of the Advisory Committee to consult the community by means of:

- Circulating an issue paper for feedback from local stakeholders; and
- Holding forums to discuss identified major local issues.

Voting - Unanimous

14 [DS] Tweed Heads West Industrial Area

923 RESOLUTION:

Councillor L F Beck
Councillor P C P Youngblutt

RESOLVED that this item be deferred.

Voting - Unanimous

15 [DS] Development Application DA03/0273 for Multi-Dwelling Housing Comprising 127 Units at Lot 119 DP 29195, Lot 142 DP 29195 No. 35 Panorama Drive, Tweed Heads West

924 RESOLUTION:

This item was dealt with at Minute No. 908.

REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER

16 [OGM] Invitation to attend Youth Environment Congress 13 November 2003

925 RESOLUTION:

Councillor L F Beck
Councillor G J Lawrie

RESOLVED that any Councillor able to attend be authorised to attend the Youth Environment Congress on 13 November 2003 at Byron High School and advise the General Manager of their attendance by 11 November 2003.

Voting - Unanimous

17 [OGM] Corporate Quarterly Report - July to September 2003

926 RESOLUTION:

Councillor P C P Youngblutt
Councillor G J Lawrie

RESOLVED that:-

1. This report be received and noted.
2. This report be placed in the libraries for public information.

Voting - Unanimous

18 [OGM] Tweed Economic Development Corporation (TEDC) Quarterly Performance Report - July to September 2003

927 RESOLUTION:

Councillor M R Boyd
Councillor G J Lawrie

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM DIRECTOR ENGINEERING SERVICES

19 [ES] Draft Development Control Plan No. 5 - Development of Flood Liable Land

928 RESOLUTION:

Councillor G J Lawrie
Councillor P C P Youngblutt

RESOLVED that:-

1. Council adopt the draft Development Control Plan No.5 – Development of Flood Liable Land – Version 2.1, as a basis for exhibition and community discussion/consultation.
2. Draft Development Control Plan No.5,Version 2.1 – Development of Flood Liable Land, be exhibited as required by the Environmental Planning and Assessment Regulations to repeal and replace the current version.

Voting - Unanimous

20 [ES] Tweed River Estuary Ecosystem Health Monitoring Program 2000 - 2001

929 RESOLUTION:

Councillor M R Boyd
Councillor G J Lawrie

RESOLVED that the Tweed River Estuary Ecosystem HEAIR Monitoring Report be received and noted.

Voting - Unanimous

21 [ES] Closure of Pathway Created in DP238224 - Blue Waters Crescent, Tweed Heads South

930 RESOLUTION:

Councillor G J Lawrie
Councillor P C P Youngblutt

RESOLVED that:-

1. Council approves the closure of the pathway between Lots 26 & 27 in DP 238224 located at Blue Waters Crescent, Tweed Heads under the provisions of the Roads Act 1991 and the Roads Regulations;
2. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by the State Valuation Office;
3. The title of the pathway be consolidated with the applicant's land;
4. Easements be created over public authority reticulation services, if any; and
5. All necessary documentation be executed under Common Seal of Council.

Voting:

For	Against
Cr Davidson	Cr Boyd
Cr Beck	Cr Carroll
Cr Lawrie	Cr James
Cr Youngblutt	

22 [ES] Federal Assistance Grant - Roads Allocation

931 RESOLUTION:

Councillor P C P Youngblutt
Councillor M R Boyd

RESOLVED that the additional \$106,000 approved in the September Quarterly Budget Review of the Federal Assistance Grant Roads component for 2003/04 be allocated to the sealing of gravel roads where residents are making contributions to the works as per the existing Policy.

Voting - Unanimous

TEMPORARY ABSENCE FROM MEETING

Councillor P C P Youngblutt left the meeting.

23 [ES] Tweed Shire Coastline Management Study Stage 2 - Management Objectives

932 RESOLUTION:

Councillor M R Boyd
Councillor H James

RESOLVED that this report be received and noted.

Voting - Unanimous

24 [ES] Fish Unlimited Project - Habitat Restoration Works in the fingal Peninsular Wetlands

933 RESOLUTION:

Councillor M R Boyd
Councillor G J Lawrie

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

RETURN TO MEETING

Councillor P C P Youngblutt returned to the meeting.

25 [EC] David Rankin Exhibition 1967-2003

Councillor L F Beck
Councillor G J Lawrie

PROPOSED that Council does not authorise the Art Gallery Director to visit New York at ratepayers expense and that Council funding for the Art Gallery not be used for that purpose.

Voting:

The Motion was **Lost**

For	Against
Cr Beck	Cr Boyd
Cr Lawrie	Cr Carroll
Cr Youngblutt	Cr Davidson
	Cr James

934 RESOLUTION:

Councillor B J Carroll
Councillor M R Boyd

RESOLVED that Council:

1. Accepts the sponsorship for the exhibition and votes to expend the funds for the purpose of development and touring of an exhibition of Australian artist David Rankin.
2. Authorises the Art Gallery Director to meet and discuss in New York with the artist and curator the nature and terms of the exhibition.

Voting:

For	Against
Cr Davidson	Cr Beck
Cr Boyd	Cr Lawrie
Cr Carroll	Cr Youngblutt
Cr James	

A RESCISSION MOTION HAS BEEN RECEIVED FOR ITEM 25 FROM COUNCILLORS BECK, LAWRIE AND MARSHALL

26 [EC] Enclosure of Buildings Contrary to the Provisions of Development Control Plan No 5 - Development of Flood Liable Land

935 RESOLUTION:

Councillor H James
Councillor B J Carroll

RESOLVED that this item be deferred to seek legal advice.

Voting - Unanimous

27 [EC] Travel Funding for Disability Access Committee Members

936 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

RESOLVED that Council allocates \$1,000.00 of the Disability Access budget to provide reimbursement only to Disability Access Committee members with a disability who require special transport to attend Disability Access Committee meetings, and that this issue be reviewed annually.

Voting - Unanimous

28 [EC] Vandalism of Dune Vegetation at Casuarina

Councillor L F Beck
Councillor P C P Youngblutt

PROPOSED that Council publishes an article in the Tweed Link addressing the concerns.

937 AMENDMENT

Councillor H James
Councillor M R Boyd

RESOLVED that Council assist in deterring further vandalism of vegetation within the dunes at Casuarina as requested by the Casuarina Beach Dune Monitoring Committee by:

1. Assisting in erecting signs, supplied by the Department of Infrastructure, Planning and Natural Resources, at the locations of most concern.

2. Publishing an article in the Tweed Link addressing the concerns.
3. Producing and posting flyers to Casuarina residents and landowners, that include further supporting information in relation to dune care and vandalism.

Voting:

The Amendment was **Carried**

For	Against
Cr Davidson	Cr Beck
Cr Boyd	Cr Youngblutt
Cr Carroll	
Cr James	
Cr Lawrie	

Voting:

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

For	Against
Cr Davidson	Cr Beck
Cr Boyd	Cr Youngblutt
Cr Carroll	
Cr Lawrie	
Cr James	

A RESCISSION MOTION ON ITEM 28 HAS BEEN RECEIVED FROM COUNCILLORS BECK, YOUNGBLUTT AND LAWRIE

29 [EC] Proposed Dedication of 20 Metre Firebreak - Bogangar

938 RESOLUTION:

Councillor H James
Councillor M R Boyd

RESOLVED that Council notifies Darryl Anderson Pty Ltd that it is not prepared to consider acceptance of dedication, as open space, of a 20 metre wide firebreak (within Lot 20 DP 1009550) at the rear of the western lots within the village of Bogangar until:

1. The proposed reserve is formally part of a development application.
2. The application includes details with regard to filling, clearing, drainage, fire-vehicle access and any other works required to satisfy the Rural Fire Service.

3. The application includes sufficient detail for Council to come to a conclusion on whether maintenance of the reserve can be undertaken efficiently.
4. The application includes a full assessment of the environmental impacts of the proposed firebreak.
5. Works to create the firebreak have all necessary approvals and have been completed in accord with approvals.

Voting:

For	Against
Cr Davidson	Cr Beck
Cr Boyd	
Cr Carroll	
Cr Lawrie	
Cr James	
Cr Youngblutt	

30 [EC] Conducting a Disability Access Survey in Tweed Shire

939 RESOLUTION:

Councillor M R Boyd
Councillor P C P Youngblutt

RESOLVED that Council maintains the present system of addressing and/or funding current issues and new issues as they arise, and that Council does not nominate staff or members of the Disability Access Committee to be part of a Disability Access Survey.

Voting - Unanimous

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

1 Minutes of the Aboriginal Advisory Committee Meeting held Tuesday 12 September 2003

940 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

RESOLVED that the Minutes of the Aboriginal Advisory Committee be adopted with the exception of the following items.

Voting - Unanimous

5. Local Government Aboriginal Network Conference, Wollongong

941 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

RESOLVED that Council notes the resolution of 17 September 2003 to send Mr Russell Logan and another member to the 16th Annual NSW Local Government Aboriginal Network Conference and that no further action is required.

Voting - Unanimous

2 Minutes of the Tweed Shire Council Disability Access Committee Meeting held Thursday 18 September 2003

942 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

RESOLVED that the Minutes of the Tweed Shire Council Disability Access Committee be adopted with the exception of the following items.

Voting - Unanimous

2. Draft Footpath Trading Policy

943 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

RESOLVED that Council gives approval to extend the period for public comment on the Draft Footpath Trading Policy for a period of one month from the existing date.

Voting - Unanimous

944 8. Regional Access Meeting and Survey of Access Needs

945 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

RESOLVED that Council considers the request of this Committee to nominate five members who are able to conduct a survey of the disability access needs of the Shire with an accompanying Council officer from Engineering, Works (Road Safety) or Environment and Health departments.

Voting - Unanimous

15. Murwillumbah Railway Station

946 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

RESOLVED that Council refers the matter of reinstatement of the pedestrian crossing for access to the Murwillumbah Railway Station to the Traffic Committee.

Voting - Unanimous

16. Committee Membership

947 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

RESOLVED that Council agrees that the positions of three absentee members be declared vacant in order to accept the following into the positions created:

- Paige Ridgeway, representing Spinal Chord Injuries Australia.
- Cr Barbara Carroll, representing Tweed Valley Respite Service.
- Jeff Needham, previous Committee member.

Voting - Unanimous

3 Minutes of the Tweed Coastal Committee Meeting Held Wednesday 8 October 2003

948 RESOLUTION:

Councillor M R Boyd
Councillor H James

RESOLVED that the Minutes of the Tweed Coastal Committee be adopted with the exception of the following items.

Voting - Unanimous

2. Duranbah Beach Dune Management Plan - Tom Alletson

949 RESOLUTION:

Councillor M R Boyd
Councillor H James

RESOLVED that Council:-

1. Receive and note the final draft of the Duranbah Beach Dune Management Plan.
2. Place the draft Duranbah Beach Dune Management Plan on public exhibition.

Voting - Unanimous

4 Minutes of the Tweed River Committee Meeting held Wednesday 8 October 2003

950 RESOLUTION:

Councillor M R Boyd
Councillor H James

RESOLVED that the Minutes of the Tweed River Committee be adopted with the exception of the following items.

Voting - Unanimous

4. International Riverfoundation - Tom Alletson

951 RESOLUTION:

Councillor M R Boyd
Councillor H James

RESOLVED that Council supports the International Riverfoundation by becoming a member.

Voting - Unanimous

5 Minutes of the Local Traffic Committee Meeting Held Thursday 16 October 2003

952 RESOLUTION:

Councillor M R Boyd
Councillor H James

RESOLVED that the Minutes of the Local Traffic Committee be adopted with the exception of the following items.

Voting - Unanimous

14. Ourimbah Road, Tweed Heads West

953 RESOLUTION:

Councillor M R Boyd
Councillor H James

RESOLVED that:-

1. A B-double route be approved on Ducat Street (from Kennedy Drive to Ourimbah Road) and Ourimbah Road provided that:-
2. Sufficient area is leased to enable to manoeuvring of the b-double on site so that it enters and leaves the premises in a forward direction and the applicant supplies documentary evidence in this regard.
3. Hours of operation for B-doubles on Ducat Street and Ourimbah Road are between 5:00am to 7:00am and 6:00pm to 11:00pm.
4. The approval be renewed for two (2) years only and then reviewed.

Voting - Unanimous

6. Covent Gardens Way, Banora Point

954 RESOLUTION:

Councillor M R Boyd
Councillor H James

RESOLVED that double centre lines be provided on Covent Gardens Way on the curve between Honeyrtle Drive and the public reserve.

Voting - Unanimous

6. Banora Terrace & Yvonne Crescent, Bilambil Heights

955 RESOLUTION:

Councillor M R Boyd
Councillor H James

RESOLVED that the manhole on the north east of Banora Terrace remain as is.

Voting - Unanimous

7. Chinderah Bay Drive and Waugh Street B Double Routes

956 RESOLUTION:

Councillor M R Boyd
Councillor H James

RESOLVED that the Local Traffic Committee recommendation of 18 September 2003 (item 7) be amended for B-doubles not to travel along Chinderah Bay Drive from Fingal Road to Waugh Street, Fingal Bay off ramp to Chinderah Bay Drive and Waugh Street during school bus hours, being 8:00 - 9:30am and 2:30 - 4:00pm Monday to Friday.

Voting - Unanimous

11. Chinderah Bay Drive and Waugh Street B Double Routes

957 RESOLUTION:

Councillor M R Boyd
Councillor H James

RESOLVED that the Local Traffic Committee recommendation of 18 September 2003 (item 11) be amended for B-doubles not to travel along Chinderah Bay Drive from Fingal Road to Waugh Street, Fingal Bay off ramp to Chinderah Bay Drive and Waugh Street during school bus hours, being 8:00 - 9:30am and 2:30 - 4:00pm Monday to Friday.

Voting - Unanimous

2. Marine Parade, Kingscliff

958 RESOLUTION:

Councillor M R Boyd
Councillor H James

RESOLVED that two (2) reserved car parking spaces close to the front of the Cudgen Headland Surf Life Saving Club be installed by linemarking.

Voting - Unanimous

4. Machinery Drive, Tweed Heads South

959 RESOLUTION:

Councillor M R Boyd
Councillor H James

RESOLVED that the applicant be advised that one way traffic flow in the Machinery Drive loop is unacceptable because of:-

1. Restrictions on westbound movement in Machinery Drive near Amber Road.
2. Amber Road traffic heading west has a very inefficient circuitous route which introduces weaving problems.
3. There is a potential for vehicle conflict at the intersection points particularly from Amber Road heading west.
4. The loop itself has significant industrial traffic movements which if mixed with through traffic would be undesirable.

Voting - Unanimous

5. Marine Parade, Kingscliff

960 RESOLUTION:

Councillor M R Boyd
Councillor H James

RESOLVED that two-hour parking be installed on Marine Parade from Turnock Street to the zebra crossing to the north.

Voting - Unanimous

8. Park Street, Tweed Heads

961 RESOLUTION:

Councillor M R Boyd
Councillor H James

RESOLVED that the "No Parking" signage on Steep Street adjacent to the Croquet Club be designated as "90° nose to kerb" parking.

Voting - Unanimous

6 Minutes of the Tweed Futures Steering Committee Meeting held Tuesday 21 October 2003

962 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

RESOLVED that the Minutes of the Tweed Futures Steering Committee be adopted with the exception of the following items.

Voting - Unanimous

3. Role of the Committee

963 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

RESOLVED that Council supports Community and Business representatives on the Committee with assistance in kind (printing etc) as well as reimbursement of out of pocket expenses incurred in providing consultation and involvement in the Tweed Futures Steering Committee.

Voting - Unanimous

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.35 pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.40 pm.

ATTENDANCE AT MEETING

Councillor B M Luff attended the meeting at 7.40 pm.

DELEGATES REPORTS

Nil.

OUTSTANDING INSPECTIONS

Nil.

ITEMS OF INFORMATION AND INTEREST

Nil.

ORDERS OF THE DAY

1 [NOR] Seaside City - Local Environmental Study and Draft Local Environmental Plan

This item was withdrawn by Cr Lawrie.

2 [NOM] New Strategic Plan

Councillor M R Boyd
Councillor H James

PROPOSED that as an integral part of the development of a new strategic plan, Council undertakes to conduct a comprehensive questionnaire survey to obtain the widest possible collection of Tweed people's opinions on the direction that want to see the Tweed take for the future.

Voting:

The Motion was **Lost**

For

Cr Boyd
Cr Carroll

Against

Cr Davidson
Cr Beck
Cr James
Cr Lawrie
Cr Luff
Cr Youngblutt

3 [NOM] Scientific Forum - New Strategic Plan

Councillor M R Boyd
Councillor H James

PROPOSED that a scientific forum be convened as part of the consultation program in the development of a new strategic plan to seek out and identify those issues of a scientific nature which could have significance for future generations of Tweed residents.

Voting:

The Motion was **Lost** on the casting vote of the Deputy Mayor

For	Against
Cr Boyd	Cr Davidson
Cr Carroll	Cr Beck
Cr James	Cr Lawrie
Cr Luff	Cr Youngblutt

4 [NOM] Membership of Tweed Futures Steering Committee

Councillor B J Carroll
Councillor B M Luff

PROPOSED that the membership of the Tweed Futures Steering Committee be expanded to include Terry Watson as a further business representative and Steve Dale as a further community representative.

964 RESOLUTION:

Councillor B M Luff
Councillor H James

RESOLVED that an extension of 1 minute be granted to Councillor B J Carroll.

Voting - Unanimous

965 AMENDMENT 1

Councillor G J Lawrie
Councillor P C P Youngblutt

RESOLVED that the membership of the Tweed Futures Steering Committee be expanded to include Terry Watson as a further business representative and Maggie-Ann Layborne as a further community representative.

Voting:

Amendment 1 was **Carried** on the casting vote of the Deputy Mayor

For	Against
Cr Davidson	Cr Boyd
Cr Beck	Cr Carroll
Cr Lawrie	Cr James
Cr Youngblutt	Cr Luff

AMENDMENT 2

Councillor H James
Councillor B M Luff

PROPOSED that the membership of the Tweed Futures Steering Committee be expanded to include Terry Watson as a further business representative and Mr Paul Hopkins as a further community representative.

Voting:

Amendment 2 was **Lost** on the casting vote of the Deputy Mayor

For	Against
Cr Boyd	Cr Davidson
Cr Carroll	Cr Beck
Cr James	Cr Lawrie
Cr Luff	Cr Youngblutt

AMENDMENT 3

Councillor M R Boyd
Councillor H James

PROPOSED that the membership of the Tweed Futures Steering Committee be expanded to include Terry Watson as a further business representative and Cr Barbara Carroll.

Voting:

Amendment 3 was **Lost** on the casting vote of the Deputy Mayor

For	Against
Cr Boyd	Cr Davidson
Cr Carroll	Cr Beck
Cr James	Cr Lawrie
Cr Luff	Cr Youngblutt

Voting:

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

For

Cr Davidson
Cr Beck
Cr Boyd
Cr Carroll
Cr Lawrie
Cr Luff
Cr Youngblutt

Against

Cr James

WORKSHOPS

Nil.

QUESTION TIME

[QT] Disability Access

Councillor B M Luff

Asked what resolutions does Council have in relation to consideration of a policy regarding provision of access for persons with disabilities in new developments or redevelopments?

The General Manager advised that the question is taken on notice.

[QT] Council's Animal Pound

Councillor B M Luff

Asked what is the current situation with regard to the contract proposed to be made by Council in relation to the provision of services at Council's Animal Pound?

The General Manager advised that contract documents have been prepared and the contract will proceed as in accordance with the tender regulations.

URGENCY MOTION

Vote of Thanks - Director Development Services, Mr David Broyd

966 RESOLUTION:

Councillor B M Luff
Councillor M R Boyd

RESOLVED that Council and previous Councils thanks Mr David Broyd who leaves the position of Director Development Services for his commitment to his work, the excellence of his knowledge and ability, and above all for the civility and professionalism that he has constantly shown towards other staff, councillors, residents and applicants for development.

Voting - Unanimous

COMMITTEE OF THE WHOLE

967 RESOLUTION:

Councillor M R Boyd
Councillor B M Luff

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

Voting - Unanimous

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

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES IN COMMITTEE

1 [DS] Terranora Village Shopping Centre

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

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

C 196 RESOLUTION:

That Council approves the issue of a notice of intention to issue Order No. 16 under Section 121B of the Environmental Planning and Assessment Act, 1979 (as amended) against the owner of Lot 1 DP 848875 Cnr Terranora Road and Henry Lawson Drive, Terranora, being Terranora Village Shopping Centre Pty Ltd notifying that because of the age of the development consent and state of the property it is intended to issue a notice to complete the development referred to in Development Consent 95/320 within twelve (12) months from the date of service of the Order. Any representations as to why Council should not issue the Order may be made to Council at its Community Access meeting on Wednesday 10 December 2003.

The Motion was **Carried**

For	Against
Cr Davidson	Cr Beck
Cr Boyd	Cr Youngblutt
Cr Carroll	
Cr Lawrie	
Cr James	
Cr Luff	
Cr Marshall	

REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

- 2 [ES] Water Pumping Station 13A Contract No. EC2003-139 Pumping Station Building and Associated Works and Contract No. EC2003-152 Mechanical and Electrical Works**

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (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

C 197 RESOLUTION:

That:-

1. Council accepts the tender from Alan Telfer & Co Pty Ltd for the Construction of Water Pump Station 13A - Building Works for the lump sum price of \$275,674.54 GST exclusive (EC2003-139).
2. Council accepts the tender from Alan Telfer & Co Pty Ltd for the Mechanical and Electrical Works associated with Water Pump Station 13A for the lump sum price of \$290,799.10 GST exclusive (EC2003-152).
3. All documentation be completed under the Common Seal of Council.
4. The Director Engineering Services be given delegated authority to approve variations up to 20% of the initial contract price.
5. Council votes the expenditure.

Voting - Unanimous

3 [ES] Tender - Hastings Point Sewage Treatment Plant - Augmentation - EC2003-107

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (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

C 198 RESOLUTION:

That:-

1. Brian Bradshaw Constructions Pty Ltd be awarded the lump sum contract for the price of \$2,313,105 excluding GST. Funding is to be sourced from Section 64 Developer Contributions (90%) and the Asset Replacement Reserve (10%).
2. All documentation be completed under the Common Seal of Council.
3. The Director Engineering Services be given delegated authority to approve variations up to 20% of the initial contract price.
4. Council votes the expenditure.

Voting - Unanimous

4 [ES] Acquisition of Land for the Purposes of a Reservoir at Duranbah

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

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

C 199 RESOLUTION:

That:-

1. Council approves the purchase of part Lot 14 in DP 869748, being an amended and increased area of 2934m², from Brutfan Pty Ltd for the pro-rata nett amount of \$195,600.00;
2. All necessary documentation be endorsed under the Common Seal of Council.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

5 [EC] Unauthorised Enclosure of Ground Floor of Dwelling in a Flood Liable Area

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(b) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (b) the personal hardship of any resident or ratepayer

C 200 AMENDMENT

That Council issues to the owner a Notice of Intention to issue an Order under the provisions of Section 121B 13 of the Environmental Planning and Assessment Act 1979 to do such things as are necessary to bring into compliance with the relevant development standards by removing the unauthorised window and door enclosures that have been unlawfully erected on the ground floor area of the dwelling premises situated at Lot 10 DP 1021779 No 1A Anne Street, Chinderah within sixty (60) days of the date of the Order.

Voting:

The Amendment was **Carried**

For

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

Against

Cr Beck
Cr Youngblutt

Voting:

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

For

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

Against

Cr Beck
Cr Youngblutt

6 [EC] Naming of Open Space at Banora Point - Tuckeroo Springs

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (a) personnel matters concerning particular individuals (other than councillors)

C 201 RESOLUTION:

That Council calls for comment of the naming of the linear open space bounded by Clonakilty Close and Glen Ayr Drive, extending from Kintyre Crescent to Darlington Drive "Tuckeroo Springs".

Voting - Unanimous

7 [EC] Naming of the Park in Jack Evans Boat Harbour, off Coral Street (old Water World Site) Tweed Heads as "John Follent Park"

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (a) personnel matters concerning particular individuals (other than councillors)

C 202 RESOLUTION:

That Council names the area in Jack Evans Boat Harbour, off Coral Street in Tweed Heads (old Water World site) as 'John Follent Park' and erect appropriate signage.

Voting - Unanimous

8 [EC] Regulatory Action-Tweed Heritage Caravan Park

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2(a) and (g) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (a) personnel matters concerning particular individuals (other than councillors)
(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

C 203 RESOLUTION:

That Council commences legal action against Mr Anthony Colin Cole for failure to seek approval under Section 68 of the Local Government Act, 1993 and against the owners of the Park, Mr Robert Scott and Mr Vincent Pental (Tweed Heritage Caravan Park Pty Ltd), under Section 669 of the Act.

Voting:

For	Against
Cr Davidson	Cr Beck
Cr Beck	
Cr Boyd	
Cr Carroll	
Cr Lawrie	
Cr James	
Cr Luff	
Cr Marshall	
Cr Youngblutt	

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES IN COMMITTEE

LATE ITEM

C 204 RESOLUTION:

That Item A1 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

Voting - Unanimous

A1 [DS] Further Report on Development Application DA03/0273 for Multi-Dwelling Housing Comprising of 127 Units at Lot 119 DP 29195, Lot 142 DP 29195, No 35 Panorama Drive, Tweed Heads West

Confidential Nature of this Item: The Local Government Act 1993 Clause 10A(2) (g) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

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

C 205 RESOLUTION:

That this report be received and noted.

Voting - Unanimous

968 RESOLUTION:

Councillor H James
Councillor B M Luff

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

Voting - Unanimous

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



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 2 of these Minutes

Chairman

