

IN ATTENDANCE

Councillors W J Polglase (Mayor), L F Beck (Deputy Mayor), G B Bell, M R Boyd, R D Brinsmead, B J Carroll, S Dale, D M Holdom, G J Lawrie, J F. Murray.

Also present were Dr John Griffin (General Manager), Mr Reg Norvill (Executive Manager-Office of the General Manager), Mr Bob Missingham (Acting Director Engineering and Operations), Mr Noel Hodges (Director Planning & Environment), Mr Geoff Edwards (Acting Director Environment & Community), Mr Brian Donaghy (Manager Administration Services/Public Officer) and Mrs Meredith Smith (Minutes Secretary)

PRAYER

The meeting opened with a Prayer by Council's Chaplain, Father Harry Reuss.

"Almighty and everliving God, give wisdom and understanding to the members of the Tweed Shire Council.

Teach them in all things to perceive what is right for the people of the Tweed Shire;

Have courage to pursue it, and grace to accomplish it,

Through Jesus Christ our Lord. Amen.

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,

This we ask through Jesus Christ the Prince of Peace. Amen."

CONFIRMATION OF MINUTES

Minutes of the Council Meeting held 2 June 2004

418 RESOLUTION:

Councillor M R Boyd

Councillor G B Bell

RESOLVED that the Minutes of the Council Meeting held Wednesday, 2 June 2004 be adopted as a true and accurate record of proceedings of that meeting.

Voting - Unanimous

APOLOGIES

Councillor H James.

Councillor H James has informed the General Manager that his absence is caused by being out of the Shire.

419 RESOLUTION:

Councillor M R Boyd
Councillor L F Beck

RESOLVED that the apology of Councillor H James be accepted.

Voting - Unanimous

DISCLOSURE OF INTEREST

DECLARATION OF INTEREST

Councillor R D Brinsmead declared an interest in Item 4.

The nature of the interest is that Councillor R D Brinsmead has a family interest in the subject property.

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

Nil. (Note: Item 11 of the Ordinary Agenda was considered in Confidential session)

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

420 RESOLUTION:

Councillor M R Boyd
Councillor L F Beck

RESOLVED that this report be received and noted.

Voting - Unanimous

MAYORAL MINUTE

Mayoral Minute

Councillors,

1. Resort Corp

4 June - Deputy Mayor, Cr. Lynne Beck, in my absence attended the unveiling of Soraya, Dreamtime Beach, Kingscliff apartment project

2. Wintersun

4 June - Deputy Mayor, Cr. Lynne Beck, in my absence attended the Gold Coast Airport Official Wintersun Ball at Greenmount Resort

3. World Environment Day

5 June – In my absence, Cr. Henry James represented Council at the World Environment Day Celebrations held in Knox Park Murwillumbah

4. Lifeworx Christian Church

6 June – attended the Lifeworx Christian Church 10th Anniversary Service at Tweed Heads

5. Tweed Heads South Public School

7 June - Deputy Mayor, Cr. Lynne Beck, in my absence attended Tweed South Public Performing Arts Morning

6. Bangalor Retreat

7 June - Deputy Mayor, Cr. Lynne Beck, in my absence attended the official opening of Bangalor Retreat at Bilambil Heights by the Federal Minister for Ageing, The Hon. Julie Bishop MP

7. RTA

8 June – attended RTA Community Information Session held at Banora

8. Johnny O'Keefe Statue

10 June – unveiling of Johnny O'Keefe Statue at Tweed Heads

9. Casino/Murwillumbah Rail Line Closure

10 June – give evidence at hearing into the closure of the North Coast railway branch line between Casino and Murwillumbah being conducted by the NSW Legislative Assembly.

10. JOK Statue Celebrations

10 June – JOK Statue Celebration Concert at Twin Towns

11. IFEA

11 June – Opening lunch for IFEA Downunder Festivals & Events Conference

12. Murwillumbah Theatre Company

11 June – Murwillumbah Theatre Company production “Rumours”

13. Chillingham Public School Centenary

12 June – Chillingham Public School Centenary Celebration Day

14. Border Park Galaxy

14 June – Border Park Galaxy at Border Park Racecourse

15. Citizenship Ceremony

15 June – Public Citizenship Ceremony at Tweed Heads

INVITATIONS ACCEPTED:

- 18 June – meet with Country Energy representatives to discuss proposed sub transmission stations at Cobaki & Kings Forest
 - 19 June – Rotary Club of Mt. Warning AM – changeover lunch at Duranbah
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- 19 June – St. Joseph's College Deb. Ball
- 20 June – Lindisfarne Thanksgiving & Farewell Service for Peta Smith
- 21 June – Northern Rivers Arts Meeting at Kyogle
- 21 June – Launch CDAT (Tweed Community Drug Action Team) Murwillumbah CC
- 22 June – Murwillumbah Lions Changeover Dinner
- 23 June – Twin Towns Friends Assoc. – Volunteer Awards
- 24 June – meet with GM & representatives SCU to discuss expansion plans
- 25 June – BEX Awards Dinner
- 27 June – Tweed Rotary Changeover Lunch – Banora
- 28 June – Rotary of Murwillumbah Changeover Dinner
- 29 June – Murwillumbah Central Rotary Changeover Dinner
- 30 June – Welcome Annual Ex-Servicemen's Reunion Twin Towns

INFORMATION ON CONFERENCES TO BE HELD - Councillors to advise Mayoral Assistant, Jan Green, if they wish to attend and/or require further details:

- S.U.C.C.E.S.S. (Stakeholders Uniting Communities and Catchments Exchanging Sustainable Strategies – Greening Australia Workshops: Farm Forestry for Catchment Solutions **18 June Tamworth** ; Biodiversity – Remnant Vegetation & Soil health **24 June Orange**; Biodiversity Conservation in the Tweed and Brunswick Area **29 June Tweed Valley**
- Local Government Learning Solutions (Councillor Professional Development Program) one day Workshop/Councillors' Forums **17 June Sydney**, or **4 August Canberra**
- Fourth National Mainstreet Conference "getting down to business" **26-29 September Melbourne**

421 RESOLUTION:

Councillor W J Polglase

RESOLVED that the Mayoral Minute as presented be adopted.

Voting - Unanimous

ITEMS DEFERRED

[ID] [DS] Draft Development Control Plan No. 5 - Development of Flood Liable Land

This item was noted and will continue to be deferred subject to a Workshop on 14 July 2004.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT

1 [DS] Development Application DA03/1702 for a Proposed Community 4 Lot Subdivision at Lot 1 DP 1043885, Carool Road, Carool

422 RESOLUTION:

Councillor L F Beck
Councillor G J Lawrie

RESOLVED that Development Application DA03/1702 for a proposed community 4 lot subdivision at Lot 1 DP 1043885, Carool Road Carool be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plans NosN5/2/DA-NOV03/DA-NOV03 prepared by McLauchlan Surveying and dated November 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 subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual. [GEN0040]
4. The proposed future development of proposed Lot 4 must be subject to and consistent with relevant development consents. This development consent does not permit any uses identified in the Draft Community Management Statement that have not been approved by separate development consent. [GEN0110]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

5. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No K99/1450 relevant at the time of approval of the certificate and Development Consent DA03/1702 have been complied with. [PSC0010]
6. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:
 - i. Easements for sewer, water supply and drainage over **ALL** services on private property.

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

[PSC0020]

7. Where new state survey marks and/or permanent marks are placed a copy of the locality sketch relating to the marks shall be submitted to Councils Surveyor within two months of the issue of the Subdivision Certificate.

[PSC0060]

8. Prior to registration of the plan of subdivision, a **Subdivision Certificate** shall be obtained.

(i) The following information must accompany an application:

- original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.
- relevant development consent
- detailed subdivision engineering plans endorsed with a construction certificate (where applicable)
- evidence that the applicant has complied with all conditions of consent, that it is required to comply with before a subdivision certificate can be issued (where applicable)
- a certificate of compliance from the relevant water supply authority (where applicable)
- for subdivision involving subdivision works evidence that:
 - the work has been completed, or
 - agreement reached with the relevant consent authority regarding payment of the cost of work or as to the time for carrying out the work, or
 - security given to the consent authority with respect to the completion of the work
- Work as Executed Plans for **ALL** works

(ii) Documentary evidence that **all** matters contained in Section 109J of the Act have been complied with.

(iii) Written evidence from Council that the proposed road/street names have been approved.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

[PSC0090]

9. Prior to the issue of a Subdivision Certificate, a properly dimensioned plan shall be lodged with Council showing the relative position of existing fences, road formation and boundaries. Any encroaching road boundary fence is to

be relocated to the correct alignment prior to issuing a Subdivision Certificate. Any road widening deemed necessary following submission of the plan shall be dedicated at no cost to Council.

[PSC0120]

10. The production of written evidence from Telstra Australia certifying that satisfactory arrangements have been made for the provision of underground telephone supply.

[PSC0170]

11. The production of written evidence from Country Energy certifying that the reticulation of overhead electricity (rural subdivisions) has been completed.

[PSC0180]

12. The two water supply bores and water treatment plants as identified in Watertech correspondence dated 25th February 2004 shall be located entirely within Community Land.

13. The Community Management Statement shall only refer to and identify plans that relate to development consents issued over the subject land. The Community Management Statement shall only allow the tourist accommodation on the site to be used for short term tourist occupation.

[PSCNS01]

Voting For

Cr Polglase
Cr Beck
Cr Bell
Cr Brinsmead
Cr Lawrie
Cr Murray

Voting Against

Cr Boyd
Cr Carroll
Cr Dale
Cr Holdom

2 [DS] Development Application DA04/0127 for a 2 Lot Subdivision at Lot 813 DP 1013074, No. 32 Donegal Court, Banora Point

423 RESOLUTION:

Councillor M R Boyd
Councillor D M Holdom

RESOLVED that Council refuses Development Application DA4/0127 for a 2 Lot Subdivision at Lot 813 DP 1013074, No 32 Donegal Court, Banora Point for the following reasons:-

1. The proposed subdivision is not in keeping with the amenity and character of the locality .
2. The proposed subdivision is not considered acceptable given the intent of the original subdivision and the 88B instrument that prohibits dual occupancy developments.

3. The topography and geotechnical constraints limit the dwelling types which could be constructed on the land.
4. The proposed subdivision may result in an unacceptable impact on Donegal Court with on street car parking due to the gradient of the accessway to the subdivision lots and limited on street parking.
5. The weight of public objection to the proposal from other landowners in Donegal Court.

Voting For

Cr Boyd
Cr Carroll
Cr Dale
Cr Holdom
Cr Lawrie
Cr Murray

Voting Against

Cr Polglase
Cr Beck
Cr Bell
Cr Brinsmead

3 [DS] Development Application DA03/1731 for Proposed Alterations and Additions to an Existing Shopping Centre and Boundary Adjustment at Lot 4 DP 616206 and Lot 1 DP 793260, Meridian Way Tweed Heads

424 RESOLUTION:

Councillor L F Beck
Councillor G J Lawrie

RESOLVED that Development Application DA03/1731 for a proposed alterations and additions to an existing shopping centre and boundary adjustment at Lot 4 DP 616206 and Lot 1 DP 793260, Meridian Way Tweed Heads be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos WD3.01, WD3.02, WD5.01 - Floor Plan, WD5.01 - Roof Plan prepared by Lightwave Corporation Pty Ltd and dated October 2003 and Plan No. 30711_1F Revision B dated 5/4/2004 prepared by TTM Consulting Pty Ltd, 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. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility. [GEN0050]

4. Additional advertising structures/signs to be the subject of a separate development application, where statutorily required. [GEN0070]
5. The proposed future changes of use must be the subject of a separate approval. [GEN0110]
6. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0120]
7. The erection of a building in accordance with a development consent must not be commenced until:
 - (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - (b1) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - (b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work. [GEN0150]
8. The development shall be carried out in accordance with the provisions of the Noise Impact Assessment Report prepared by Greg Alderson and Associates Pty Ltd Report No. 04292 dated 4 March 2004. [GENNS01]
9. All signage is to be fitted with necessary devices capable of permitting the change in intensity of illumination of the sign in order to regulate glare or other like impacts. [GEN0160]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

10. A detailed plan of landscaping is to be submitted and approved by Council's Director, Planning & Environment prior to the issue of a Construction Certificate. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building. [PCC0010]
11. Any carparking floodlighting shall not spill beyond the boundaries of the site. A plan of the lighting shall be approved by the Director Planning & Environment **PRIOR** to the issue of a Construction Certificate. [PCC0030]

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. 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: \$1,860.20
S94 Plan No. 4 (Version 4.0)
(Tweed Heads)

[PCC0050/PSC0005]

14. 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) All new private stormwater services provided to convey runoff from redeveloped hardstand or car park catchments require treatment according to Council's Development Design Specification D7 - Stormwater Quality prior to discharge into the public realm. In cases where the impervious catchment of an existing drainage catchment is reconstructed or extended, stormwater quality control measures shall be inserted into this system prior to discharge to the public realm.
- [PCC0230]
15. (a) 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.
- (b) The Section 68 application shall include all attachments as specified on the application form and Council's Development Design Specification D7 - Stormwater Quality. The applicant shall also specifically address the following stormwater issues:
- i. Identify all new and existing site drainage, including outlets to the public stormwater system;
 - ii. Identify all new and existing stormwater quality control/treatment devices;
 - iii. Identify all erosion and sediment control measures required during construction;
 - iv. Verify that the existing point of discharge for stormwater runoff to the public realm is satisfactory.
- [PCC0240]
16. Erosion and Sediment Control During the Construction Phase of Development
- (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction

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

- (b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
- [PCC0320]
17. Prior to the issue of a construction certificate a schedule of fire safety measures both existing and proposed to be installed in the building is to be prepared and submitted to Council with the Construction Certificate.
18. All works that are to occur in the road reserve for Kennedy Drive including the bus bay, signage and the splitter island must be subject to a Section 138 application which must be accompanied with detailed engineering plans and should reflect works shown on Plan No. 30711_1F Revision B.
19. The proposed footpath from the existing nursery to the proposed pedestrian crossing is to have a link to the existing footpath on Kennedy Drive. Plans detailing such should be submitted to and approved by Council as part of the Construction Certificate process.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

20. 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]
21. **Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003**, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[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 or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW0210]

25. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by Council prior to any discharge to sewer being commenced.

[PCW0220]

26. A minimum 3.0m high acoustic fence shall be constructed along the northern and eastern boundaries of the site in the location as indicated on Plan Exhibit No. 2 dated 14/11/02. The acoustic fence shall be constructed of gapless timbers or similar of minimum 19mm thickness. Pedestrian access shall be restricted to the location as indicated on plan Exhibit No. 2 dated 14/11/02 and a self-closing gate shall be provided which shall be constructed of the same acoustic material as the acoustic fence. This acoustic fence shall be constructed and positioned in place prior to any other construction works commencing on the site and shall be subject to certification by a qualified acoustic engineer.

[PCWNS01]

DURING CONSTRUCTION

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

[DUR0010]

28. 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]
29. The provision of 54 off street car parking spaces, with one space to be allocated to the medical centre for an emergency vehicle. Prior to issue of the Occupation Certificate this space is to be signposted accordingly and inspected by Council. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls. [DUR0050]
30. 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]
31. A garbage storage area shall be provided in accordance with Council's **"Code for Storage and Disposal of Garbage and Other Solid Waste"**. [DUR0090]
32. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council. [DUR0130]
33. All demolition work 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]
34. The principal certifying authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the principal certifying authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979. [DUR0170]
35. 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]
36. 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]
37. Any premises used for the storage, preparation or sale of food are to comply with the relevant provisions of the Food Act, 1989 and Council's adopted Code for the construction of Food Premises. Details of fittings and equipment are to be submitted to the Principal Certifying Authority prior to installation. [DUR0310]
38. 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]
39. 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]
40. 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 Kennedy Drive. 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]
41. Provision to be made for a flood free storage area for stock and equipment susceptible to water damage. [DUR0680]
42. 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]
43. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles. [DUR0880]
44. 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]
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 and prior to occupation of the building. [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. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993. [DUR1090]
48. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard. [DUR1110]
49. 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]
50. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings. [DUR1210]
51. 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]
52. Three speed humps should be provided over the length of the rear service lane with details of such being shown on the engineering plans to accompany a Section 138 application.
53. The following signage is to be installed on Kennedy Drive:-
- i. Relocate bus zone signs from the western side of the western driveway to the east side of the driveway.
 - ii. Installation of 'No Stopping' signs for the remainder of the site on the north side of Kennedy drive.

- iii. Installation of 'No Right Turn' signs at the eastern driveway for westbound traffic on Kennedy Drive.

[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

54. Submission of a further Development Application(s) for the first use of any new shops and professional suites, such to be approved by Council prior to their use or occupation.

[POC0010]

55. 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 and conditions of Consent.

[POC0020]

56. 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]

57. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.

[POC0050]

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

[POC0080]

59. All existing essential fire safety measures are to be certified by a qualified person to the effect that each of the fire safety measures has been assessed and were found to be performing to a standard not less than that to which it was originally designed.

[CON0020]

60. Appropriate arrangements acceptable to Council's Director of Environment and Community Services shall be made for the storage and disposal of waste for all tenancies.

61. The proponent shall provide written confirmation from the Tweed Shire Council waste services contractor confirming that the rear access of the development is able to be accessed and serviced by their vehicles.

62. Prior to issue of the occupation certificate the applicant shall lodge an application for a subdivision certificate with Council in accordance with the relevant conditions of consent.

[POCNS01]

USE

63. The use being restricted to the floor area designated on the approved plan.

[USE0010]

64. 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]

65. No items or goods are to be stored or displayed outside the confines of the premises.
66. All loading/unloading to take place within the boundary of the subject property. [USE0050]
67. A person must not commence a change of building use for the whole or any part of an existing building unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units). [USE0130]
68. 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. [USE0150]
69. Any delivery trucks that are required to remain on site for periods in excess of three (3) minutes shall have their engines turned off. [USE0160]
70. Delivery of goods to the premises shall be restricted to between the hours of 7.00am to 6.00pm Monday to Saturday and 8.00am and 6.00pm Sundays and Public Holidays.
71. The servicing of waste facilities shall be limited to between the hours of 7.00am to 6.00pm Monday to Saturday and 8.00am to 6.00pm Sundays and Public Holidays.
72. The noise power level when measured 1.0m in the northerly direction of each air conditioning and refrigeration unit shall not exceed 55dBA.
73. All air conditioning units, refrigeration units and other fixed mechanical plant shall be acoustically treated where required to the satisfaction of Council's Director of Environment and Community Services so as to avoid the creation of intrusive or unreasonable noise nuisance to any occupant of a neighboring or adjacent residential premises.
74. The noise generated by the operation of any business on the property shall not exceed the noise design criteria as referenced in the Noise Impact Assessment Report prepared by Greg Alderson and Associates Pty Ltd Report No. 04292 dated 4 March 2004 for the dwelling located at 30 Meridian Way, Tweed Heads.
75. All externally fitted artificial lights including security lights shall be shielded where required to the satisfaction of Council's Director of Environment and Community Services so as to prevent the spill of any light and/or glare causing a nuisance to the occupant of any neighboring or adjacent residential premises.
76. Any premises used for the storage, handling or preparation of food for sale are to comply with the requirements of the Food Standards Code.
77. The rear service/vehicular lane is to remain open for vehicular movement at all times. Trucks should be unloaded from the rear only and any forklift usage should be limited to within the loading bay themselves to ensure the laneway is kept clear for customers and reduce the potential for customer and delivery vehicle conflict.
78. The western entry/exit is to provide unrestricted access to the site with entry and exit permissible from both a left and right turn.
79. The eastern entry/exit is to provide unrestricted exit to the site with entry to the site limited to a left turn only.

80. Service vehicles for the development (including the nursery) are not to restrict access to incoming vehicles. This may necessitate the use of large rigid vehicles instead of semi trailers.
81. The proposed 'chemist/doctors surgery' is to have only one consulting room. Any change to the approved plans requires separate development approval.
82. No vehicular access to the site is permissible from Meridian Way.

[USENS01]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

83. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No DA03/1731 have been complied with.
- [PSC0010]
84. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:
 - i. Easements for sewer, water supply and drainage over **ALL** services on private property.
 - ii. Right of way for vehicular access to proposed Lot 2 via car parking spaces 51-54.

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

Note. The right of way over spaces 51-54 are to be deleted in the event of future development over proposed Lot 1 for access purposes.

[PSC0020]

85. Prior to registration of the plan of subdivision, a **Subdivision Certificate** shall be obtained.
 - (i) The following information must accompany an application:
 - original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgment.
 - relevant development consent
 - detailed subdivision engineering plans endorsed with a construction certificate (where applicable)
 - evidence that the applicant has complied with all conditions of consent, that it is required to comply with before a subdivision certificate can be issued (where applicable)
 - a certificate of compliance from the relevant water supply authority (where applicable)

- for subdivision involving subdivision works evidence that:
 - the work has been completed, or
 - agreement reached with the relevant consent authority regarding payment of the cost of work or as to the time for carrying out the work, or
 - security given to the consent authority with respect to the completion of the work
 - Work as Executed Plans for **ALL** works
- (ii) Documentary evidence that **all** matters contained in Section 109J of the Act have been complied with.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

[PSC0090]

86. Prior to the issue of a Subdivision Certificate, a properly dimensioned plan shall be lodged with Council showing the relative position of existing fences, road formation and boundaries. Any encroaching road boundary fence is to be relocated to the correct alignment prior to issuing a Subdivision Certificate. Any road widening deemed necessary following submission of the plan shall be dedicated at no cost to Council.

[PSC0120]

Voting For

Cr Polglase
Cr Beck
Cr Bell
Cr Brinsmead
Cr Lawrie
Cr Murray

Voting Against

Cr Boyd
Cr Carroll
Cr Dale
Cr Holdom

SUSPENSION OF STANDING ORDERS

425 RESOLUTION:

Councillor W J Polglase
Councillor L F Beck

RESOLVED that Standing Orders be suspended to deal with Item 18 of the Agenda.

Voting - Unanimous

18 [ES] Tweed Valley Way - Burringbar Range Slope Stability

426 RESOLUTION:

Councillor L F Beck
Councillor J F Murray

RESOLVED that Council proceeds with the option 1 treatment (i.e. involves the excavation of 8500 cubic metres from the face of the embankment so that a mid-height bench no greater than 4m high to catch fallen rocks could be placed).

Voting - Unanimous

427 RESOLUTION:

Councillor W J Polglase
Councillor L F Beck

RESOLVED that Standing Orders be resumed.

Voting - Unanimous

Councillor Brinsmead declared an interest in Item 4, left the chamber and took no part in the discussion or voting.

The nature of the interest is that Councillor R D Brinsmead has a family interest in the subject property.

4 [DS] Development Application DA03/1359 for Multi-Dwelling Housing Comprising 6 Dwellings at Lot 355 DP 755701, No. 13 Murphys Road, Kingscliff

428 RESOLUTION:

Councillor L F Beck
Councillor G J Lawrie

RESOLVED that: -

- A. The State Environmental Planning Policy No. 1 objection to Clause 32B of the Regional Environmental Plan be approved in accordance with the assumed concurrence of the Director General of the Department of Infrastructure, Planning and Natural Resources.

- B. Development Application DA03/1359 for multi-dwelling housing comprising 6 dwellings at Lot 355 DP 755701 No. 13 Murphys Road, Kingscliff be approved subject to the following conditions: -

"DEFERRED COMMENCEMENT"

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "A". Such evidence is to be provided within 12 months of the date of notification.

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "A". The consent shall become operative and take effect from the date of notification under Section 67 of the Environmental Planning and Assessment Regulations subject to the conditions set out in Schedule "B".

SCHEDULE "A"

Conditions imposed pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 and Section 67 of the Regulations as amended.

- A. The applicant shall submit to Council detailed plans in triplicate of the proposed method of construction to adequately demonstrate that the design of the proposed buildings will ensure compatibility to withstand erosion events as a result of foreshore recession. The building foundation design plans are to be certified by a suitably qualified engineer to withstand the design conditions set out in Coastal Hazard Management Plan prepared by BG Group Consulting Engineers dated August 2003, and be approved by the Director of Planning and the Environment.

SCHEDULE B

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

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plans Nos A03-001 Sheets 1 to 8 inclusive prepared by Pacific Projects and dated 9/9/2003, except where varied by these conditions.
2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.

[GEN0010]

[GEN0030]

3. No retaining walls or similar structures are to be constructed over Council's sewer main.
[GEN0090]
4. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
[GEN0120]
5. The erection of a building in accordance with a development consent must not be commenced until:
 - (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - (b1) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - (b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.
6. Pedestrian access from the subject land to the east shall be denied (except for one pedestrian gate to be accessed for fire fighting purposes only) until such time as a formalised access network within the coastal reserve is provided. Details of the proposed masonry fence is to be submitted and approved by Director of Planning and the Environment prior to the issue of a construction certificate for the development.
[GEN0150]
7. No works are to occur on the adjoining crown reserve to the east or the adjoining road reserve to the north. All fencing on the boundary is to be contained wholly within the subject land. No clearing is to be carried out on the adjoining crown reserve or road reserve.

BUSHFIRE

8. The existing house drainage line is to be capped off at the junction point by a licensed plumber prior to demolition of the existing dwelling.
[GENNS01]

9. Construction shall comply with AS3959 - 1999 level 3 'Construction of Buildings in bushfire prone areas'.
10. Roofing shall be gutterless or have leafless guttering and valleys are to be screened to prevent the build up of flammable material.
11. The proposed structure shall be located no closer than 6 metres from the eastern boundary.
12. The entire property shall be managed as an "Inner Protection Area" as outlines within section 4.2.2 in Planning for Bushfire Protection 2001.
13. All fencing shall be constructed from non-combustible materials.
14. A 1.8 metre high masonry radiant heat shield shall be constructed along the eastern and north boundary adjacent to the fire hazard. A pedestrian access gate is to be provided along this boundary. A bushfire sprinkler system is to be mounted on top of the radiant heat shield. This is to be supplied by a dedicated water supply of at least 10000 litres.
15. Pedestrian access to be provided surrounding the entire structure.

[BFPNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

16. A detailed plan of landscaping is to be submitted and approved by Council's Director, Development Services prior to the issue of a Construction Certificate. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.
[PCC0010]
17. 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]
18. 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: S94 Plan No. 4 (Version 4.0) (Kingscliff - Sector 6)	\$4,732.00
b.	Open Space (Structured): S94 Plan No. 5	\$2,280.00
c.	Open Space (Casual): S94 Plan No. 5	\$487.00
d.	Shirewide Library Facilities: S94 Plan No. 11	\$2,012.00
e.	Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$396.00
f.	Community Facilities (Tweed Coast) (North Coast) S94 Plan No. 15	\$2,460.00
g.	Emergency Facilities (Surf Lifesaving) (REMSHIRE) S94 Plan No. 16	\$690.00
h.	Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$1,224.63
i.	Cycleways S94 Plan No. 22	\$470.00
j.	Regional Open Space (Structured) S94 Plan No. 26	\$3,437.00
k.	Regional Open Space (Casual) S94 Plan No. 26	\$643.00

19. 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. [PCC0050/PSC0005]

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall **NOT** be issued by a Certifying Authority unless all Section 64 Contributions have been paid

and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

Water: \$14,385.00
Sewer: \$11,515.00

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

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

[PCC0070/PSC0004]

20. 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.

Driveways 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%. Driveway entrances must be graded to ensure Q100 stormwater runoff from Murphys Road does not enter the site.

[PCC0190]

21. 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) Roofwater
- (i) All roof drainage is to be discharged to infiltration trenches/devices. Infiltration trenches/devices shall be designed in accordance with the following criteria:
- As a minimum requirement, trench/devices are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) and infiltrate this storm within a 24 hour period, with a safety factor of 2, before surcharging occurs
 - Surcharge overflow from the infiltration area is to be to the street gutter by visible surface flow.
 - Runoff is to be pre treated prior to discharge to infiltration areas. (to minimise periods between major cleaning/maintenance overhauls).
 - If the site is under strata or community title, the strata/community title plan is to ensure that the infiltration area(s) are contained within common areas that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
- (e) Infiltration
- (i) Infiltration areas are to be sized with a safety factor of 2 (this is to allow for long term deterioration in infiltration rate).
- (ii) Runoff entering infiltration trenches/basins shall be pre-treated to remove sediment and gross pollutants.
- (iii) The infiltration rate for infiltration devices shall be determined as follows:
- Conduct percolation tests on the site in accordance with Appendix B of A.S. 1547-1994, Disposal Systems for Effluent from Domestic Premises,
 - If the above calculation yields a result <6m/day, this rate may be used for design,
 - If the result is >6m/day, the rate for design may not exceed 6m/day unless this rate is confirmed by independently determining the coefficient of permeability of the soil in accordance with AS 1289.6.7.3.

Notwithstanding these tests, the maximum infiltration rate that may be used for design and sizing purposes is 12m/day.

- (f) Runoff from the car wash bay is to be discharged into an infiltration pit on the site.
- (g) Basement runoff is treated in accordance with the requirements and sizing criteria of section 7.12.2 of Development Design Specification D7 - Stormwater Quality. Basement runoff is to be collected and pumped in accordance with the requirements of section 8 of AS/NZ 3500.3.2 1998. Pumped basement runoff is to be discharged into the infiltration devices referred to in (d) and (e) above.

[PCC0230]

22. 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]

23. The peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the ARI 100 year design storm, shall be 200 l/s/ha. This may be achieved by on site detention (OSD), on site retention or a combination of both. Detention storage may be incorporated into surface depressions in landscaping or aboveground car parking areas. The maximum water depth under design conditions in aboveground vehicle parking areas shall be 200mm. OSD devices including discharge control pits (DCP) are to comply with standards in The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook, Third Edition, December 1999" except that permissible site discharge (PSD) and site storage requirements (SSR) in the handbook do not apply to Tweed Shire. All these works and the connection to Councils drainage system shall be constructed in accordance with design calculations, plans and specifications to be submitted with the construction certificate application and approved by the Director of Engineering Services.

[PCC0260]

24. Pursuant to Section 68 of the Local Government Act, 1993 to ensure there is no unacceptable discharge to Councils sewerage system an approved pre-treatment device (eg. Oil/grease traps, separators, etc) shall be installed to details approved prior to the issuing of a

Construction Certificate. The development will be required to meet discharge standards in accordance with Councils Trade Waste Policy.

[PCC0290]

25. 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]

26. 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]

27. Prior to the issue of a construction certificate detailed plans are to be provided to the satisfaction of and approval by the Director of Engineering Services detailing kerb and gutter to the frontage of the site to Murphys Road. The plans shall detail the widening of the road shoulder to the new kerb line and sealing. Details of the pavement depth are to be indicated on the plans.

28. The kerb and gutter and sealed road shoulder is to be extended (and a 6m wide reinforced layback crossing provided for the un named road) to the north to join with the existing kerb and gutter and sealed shoulder adjacent to No. 17 Murphy's Road, provided Council is satisfied there is sufficient fall for the kerb and gutter to drain to the north. If Council considers there is insufficient fall the following alternative works are required: -

- A stormwater collection pit is required in the kerb and gutter adjacent to the development site, to be provided with a 375mm

diameter pipeline extending under Murphy's Road to the adjacent playing field with discharge headwall and scour protection.

Working drawings (consistent with Council's Development Design Specifications) of the works required above must be approved by the Director of Engineering Services prior to the issue of a construction certificate.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

29. 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]
30. 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]
31. 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]
32. 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]

33. 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]

34. **Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003**, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0070]

35. 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]

36. 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]

37. 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]

38. 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]

39. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW0210]

40. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.

[PCW0230]

41. The subject land shall be provided with fencing during construction which is to contain all construction activity on the subject land. The fence shall not impact on the adjoining coastal reserve or road reserve. The fence along the southern boundary shall be provided with a dust screening material to reduce the nuisance impacts to the adjoining residential property.

[PCWNS01]

DURING CONSTRUCTION

42. 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]

43. 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]

44. The provision of 12 off street car parking spaces. Two of the off street car parking spaces are to remain in common property and be marked for visitors. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.

[DUR0050]

45. 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]
46. 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. [DUR0100]
47. 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]
48. The principal certifying authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the principal certifying authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979. [DUR0170]
49. 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]
50. 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]
51. 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]
52. 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]

53. 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.
54. 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.
55. 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 Murphys Road. 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.
56. 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.
57. 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.
58. 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.

[DUR0430]

[DUR0470]

[DUR0520]

[DUR0670]

[DUR0850]

[DUR0870]

59. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles. [DUR0880]
60. 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]
61. 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]
62. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited. [DUR0920]
63. 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. [DUR0930]
64. 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]
65. 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 and prior to occupation of the building. [DUR1020]
66. 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]
67. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position. [DUR1040]

68. 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]
69. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard. [DUR1110]
70. 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]
71. 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]
72. 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]
73. 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]

74. 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]

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

[DUR1290]

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

77. The site shall not be dewatered.

78. Lighting shall not be permitted to impact the amenity of any premise.

79. All wastes shall be collected, stored and disposed to the satisfaction of the Director of Environment and Community Services. Wastes shall be placed at the kerb in wheelie bins for collection.

80. The kerb and gutter works to the frontage of Murphys Road and the widening and sealing to the new kerb line shall be completed in accordance with the plans approved by Engineering Services Division.

[DURNS01]

81. All demolition work 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]

82. 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]

83. The proposed units shall be constructed in accordance with the NatHers Certificate prepared by Mark Thomas date 9/9/2003.

[DUR1000]

84. The footpath area is to be graded to the kerb and turfed for the full frontage of the site.

[DUR0510]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

85. 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 and conditions of Consent.

[POC0020]

86. 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]

87. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.

[POC0050]

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

[POC0080]

USE

89. 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]

90. All trade materials, product and plant to be kept within confines of the building at all times.

[USE0120]

91. A Strata Certificate shall not be issued for a Strata Plan or a Strata Plan of Subdivision unless the provision of the Strata Schemes (Freehold Development) Act 1973 and/or the Strata Schemes (Leasehold Development) Act 1986 have been complied with.

[USE0140]

92. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.

[USE0160]

Voting - Unanimous

RETURN TO MEETING

Councillor R D Brinsmead returned to the meeting.

5 [DS] Draft Management Plan - Building Services Unit Fees

429 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

RESOLVED that Council advises Mark Stapleton and Associates Pty Ltd that their submission has been reviewed and that Council is satisfied that Building Services Unit fees and charges proposed in the 2004/2005 Management Plan Budget are equitable and reflect Council's costs in providing these Services.

Voting - Unanimous

6 [DS] Draft Tweed Local Environmental Plan 2000, Amendment No 52 - Multi-Dwelling Houses in Zones 3(a) and 3(b)

430 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

RESOLVED that Council:

- (a) Amends Clause 4 of the adopted draft Tweed Local Environmental Plan 2000 Amendment No 52 by omitting the following:

"Tweed Local Environmental Plan 2000 is amended by omitting the current reference to multi-dwelling housing in item 4 of the Land Use Table for zones 3(a) and 3(b) and inserting in its place the following:

Multi-dwelling housing (unless attached to shops, commercial premises or other non-residential development and provided that no residential dwelling constructed at ground level fronts a primary and/or secondary street having a streetscape consistent with that of a commercial district)"

And replacing it with the following:

“Tweed Local Environmental Plan 2000 is amended as set out in Schedule 1.”

- (b) Inserts Schedule 1 into draft Tweed Local Environmental Plan 2000 Amendment No 52 as follows:

"Schedule 1 Amendments

[1] Clause 11 The Zones

Omit “(unless located above non-residential ground floor level development)” wherever occurring in the matter relating to multi-dwelling housing in Item 4 for Zone 3(a) and 3(b) in the Table to the clause and insert in its place the following:

“(unless referred to in clause 51B)”

[2] Clause 51B

Insert after clause 51A:

51B Multi-dwelling housing in Zone 3(a) and 3(b)

(1) Objective

The provisions of this clause allow multi-dwelling housing on land zoned 3(a) or 3(b) provided that the multi-dwelling housing meets certain criteria to ensure the development does not undermine the commercial use of the land and the objectives of the zones.

- (2) *This clause applies to land within zones 3(a) and 3(b)*
- (3) *Despite the Table to clause 11, a person may, with the consent of the Council, carry out development on land within zone 3(a) or 3(b) for the purpose of multi-dwelling housing, subject to subclause (4).*
- (4) *The multi-dwelling housing on land to which this clause applies:*
- a. *Must be attached to shops, commercial premises or other non-residential development on the same site, and*
 - b. *If located at ground level or within 2.4 metres of ground level no dwelling or car parking area is permitted to occupy frontage of any street listed in schedule 9 (Commercial Streets).*

[3] Schedule 9

Insert after Schedule 8

“Schedule 9 (Commercial Streets)

<i>(Clause 51B)</i>	<i>Simpson Drive</i>	<i>Bilambil Heights</i>
	<i>Hastings Road</i>	<i>Bogangar</i>
	<i>Rosewood Avenue</i>	<i>Bogangar</i>
	<i>Tweed Coast Road</i>	<i>Bogangar</i>
	<i>Palm Avenue</i>	<i>Cabarita Beach</i>
	<i>Pandanus Parade</i>	<i>Cabarita Beach</i>
	<i>Marine Parade</i>	<i>Fingal Head</i>
	<i>Prince Street</i>	<i>Fingal Head</i>
	<i>Marine Parade</i>	<i>Kingscliff</i>
	<i>Pearl Street</i>	<i>Kingscliff</i>
	<i>Seaview Street</i>	<i>Kingscliff</i>
	<i>Sutherland Street</i>	<i>Kingscliff</i>
	<i>Turnock Street</i>	<i>Kingscliff</i>
	<i>Brisbane Street</i>	<i>Murwillumbah</i>
	<i>Commercial Road</i>	<i>Murwillumbah</i>
	<i>King Street</i>	<i>Murwillumbah</i>
	<i>Murwillumbah Street</i>	<i>Murwillumbah</i>
	<i>Queen Street</i>	<i>Murwillumbah</i>
	<i>Queensland Road</i>	<i>Murwillumbah</i>
	<i>Wharf Street</i>	<i>Murwillumbah</i>
	<i>Wollumbin Street</i>	<i>Murwillumbah</i>
	<i>Coronation Avenue</i>	<i>Pottsville</i>
	<i>Elisabeth Street</i>	<i>Pottsville</i>
	<i>Overall Drive</i>	<i>Pottsville</i>
	<i>Philip Street</i>	<i>Pottsville</i>
	<i>Banks Avenue</i>	<i>Tweed Heads</i>
	<i>Bay Street</i>	<i>Tweed Heads</i>
	<i>Beryl Street</i>	<i>Tweed Heads</i>
	<i>Boyd Street</i>	<i>Tweed Heads</i>

<i>Brett Street</i>	<i>Tweed Heads</i>
<i>Ducat Street</i>	<i>Tweed Heads</i>
<i>Enid Street</i>	<i>Tweed Heads</i>
<i>Florence Street</i>	<i>Tweed Heads</i>
<i>Frances Street</i>	<i>Tweed Heads</i>
<i>Keith Compton Drive</i>	<i>Tweed Heads</i>
<i>Recreation Street</i>	<i>Tweed Heads</i>
<i>Sands Street</i>	<i>Tweed Heads</i>
<i>Stuart Street</i>	<i>Tweed Heads</i>
<i>Terranora Terrace</i>	<i>Tweed Heads</i>
<i>Wharf Street</i>	<i>Tweed Heads</i>
<i>Kennedy Drive</i>	<i>Tweed Heads/Tweed Heads West</i>
<i>Dry Dock Road</i>	<i>Tweed Heads South</i>
<i>Kirkwood Road</i>	<i>Tweed Heads South</i>
<i>Minjungbal drive</i>	<i>Tweed Heads South</i>
<i>Scenic Drive</i>	<i>Tweed Heads West</i>
<i>Gull Place</i>	<i>Tweed Heads West</i>

- (c) Forwards the amended draft Local Environmental Plan 2000, Amendment No. 52, to the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration) and requests the Minister to make the Plan in accordance with section 70 of the Environmental Planning and Assessment Act 1979.

Voting - Unanimous

7 [DS] SALT External Sewer Rising Main - Acceptance of a Bond as Security for Uncompleted Works

431 RESOLUTION:

Councillor R D Brinsmead
Councillor J F Murray

RESOLVED that Council endorses the Applicants request to accept a bond for the uncompleted works as security for the construction of the 375dia. sewer rising main.

Voting - Unanimous

8 [DS] Draft Development Control Plan No 50 - Bogangar/Cabarita Beach Locality Plan

432 RESOLUTION:

Councillor M R Boyd
Councillor S M Dale

RESOLVED that this item be deferred.

Voting - Unanimous

REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER

9 [OGM] Sustainable Finances - Health Check Workshops

433 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

RESOLVED that Councillor(s) interested in attending the Workshop to be held at Tweed Heads on 5 July 2004 should advise Council's Manager Administration Services.

Voting - Unanimous

10 [OGM] Management Plan 2004/2008 and Budget 2004/2005

Councillor D M Holdom
Councillor S M Dale

PROPOSED that Council's 2004/2008 Management Plan and 2004/2005 Budget be adopted subject to:-

1. An application be made to the Minister for Local Government, for a variation to General Income of 2.0% above the allowable limit of 3.50% for the period of seven (7) years, for the purpose of allocation \$466,000.00, in the first year, being for asset management - improvements, to roadworks \$316,000.00, drainage \$100,000.00 and footpaths \$50,000.00.

2. An "opinion" in accordance with section 495 (2) of the Local Government Act 1993 has been formed on the Special Rate proposed to be levied in 2004/2005.

434 AMENDMENT

Councillor G J Lawrie
Councillor G B Bell

RESOLVED that:-

1. Council's 2004/2008 Management Plan and 2004/2005 Budget be adopted;
2. An application be made to the Minister for Local Government for a variation to General Income of 4% above the allowable limit of 3.5% for the period of seven (7) years for the purpose of allocation \$932,000 in the first year, being \$466,000 for sealing rural roads, which contain school bus routes and \$466,000 for asset management - improvements to roadworks \$316,000, drainage \$100,000 and footpaths \$50,000.
3. An "opinion" in accordance with Section 495 (2) of the Local Government Act 1993 has been formed on the Special Rate proposed to be levied in 2004/2005.

The Amendment was **Carried**

Voting For

Cr Polglase
Cr Beck
Cr Bell
Cr Brinsmead
Cr Carroll
Cr Lawrie
Cr Murray

Voting Against

Cr Boyd
Cr Dale
Cr Holdom

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

Voting For

Cr Polglase
Cr Beck
Cr Bell
Cr Brinsmead
Cr Carroll
Cr Lawrie
Cr Murray

Voting Against

Cr Boyd
Cr Dale
Cr Holdom

11. [OGM] Festival Funding - Kingscliff Art, Food & All That Jazz Festival

435 RESOLUTION:

Councillor B J Carroll
Councillor S M Dale

RESOLVED that this item be deferred to be discussed in Confidential session (Minute No C 99 refers).

Voting - Unanimous

12 [OGM] Monthly Investment Report for Period Ending 31 May 2004

436 RESOLUTION:

Councillor M R Boyd
Councillor G J Lawrie

RESOLVED that this report be received and noted.

Voting - Unanimous

a12 [OGM] Crown Reserve - Lot 490 DP47021 Kingscliff

437 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS

13 [ES] Classification of Land as Operational

438 RESOLUTION:

Councillor B J Carroll
Councillor M R Boyd

RESOLVED that :

1. The land proposed to be transferred to Council as a Drainage Reserve, described as proposed Lot 80 in the subdivision of Lots 51 in DP 828862 and Lot 74 in DP 841709 be classified as "operational" pursuant to section 31 of the Local Government Act, 1993; and
2. All necessary documentation be executed under the common seal of Council.

Voting - Unanimous

14 [ES] Deferral of Works Program Project

439 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

RESOLVED that Council:-

1. Defers the programmed works on McAuleys Road to the 2004/2005 Works Program
2. The \$70,000 be allocated to the storm damage funding
3. McAuleys road retains its priority in the listing of roadworks.

Voting For

Cr Polglase
Cr Bell
Cr Boyd
Cr Brinsmead
Cr Carroll
Cr Dale
Cr Holdom
Cr Lawrie
Cr Murray

Voting Against

Cr Beck

15 [ES] Provision of Sewer Main through Crown Reserve

440 RESOLUTION:

Councillor B J Carroll
Councillor S M Dale

RESOLVED that Council:-

1. Endorses this proposal and notes the benefit the main may provide to any future development on the subject land.
2. Commences negotiations with the Department of Lands to acquire an easement over the pipeline and to negate monetary compensation for the easement via in-kind on-ground restoration work for the reserve.

Voting - Unanimous

16 [ES] Draft Plan of Management for Banora Point Community Reserve

441 RESOLUTION:

Councillor J F Murray
Councillor G B Bell

RESOLVED that the draft Plan of Management for the Banora Point Community Reserve, being Lot 1 DP1009649 on Leisure Drive, Banora Point, be adopted.

Voting - Unanimous

17 [ES] Tweed Valley Floodplain Risk Management Study

442 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

RESOLVED that:-

1. Subject to availability of subsidy from the Department of Planning Infrastructure and Natural Resources, Council commences preparation of a "Floodplain Risk Management Study".

2. One representative each from the CMA, SES and DIPNR be invited to join the Floodplain Management committee.

Voting - Unanimous

18 [ES] Tweed Valley Way - Burringbar Range Slope Stability

This item was dealt with earlier in the Meeting at Minute No 426.

19 [ES] Coastline Management - Draft Plan, Financial Implications and Public Exhibition

443 RESOLUTION:

Councillor M R Boyd
Councillor R D Brinsmead

RESOLVED that Council:-

1. Notes the Plan has identified over \$12M of works following extensive community consultation over a 18 month period.
2. Adopts in principle the philosophy of developing commercial opportunities within the Tweed Coast Reserve to enable the identified Coastal Management Plan works to be implemented.
3. Acknowledges that the primary sources of funding could include realising opportunities through:-
 - a. Lot 490
 - b. Expansion of the Tweed Coast Holiday Parks business
 - c. Levying of a special rate in the Kingscliff CBD
 - d. Increasing Council rates shire wide
4. On the recommendation of the Tweed Coastal Committee, places the Draft Tweed Shire Coastline Management Plan on Public Exhibition for eight weeks from Monday 21 June to Monday 16 August 2004.

Voting For

Cr Polglase
Cr Bell
Cr Boyd
Cr Brinsmead
Cr Carroll
Cr Dale
Cr Holdom
Cr Lawrie
Cr Murray

Voting Against

Cr Beck

20 [ES] Banora Point Western Drainage Scheme - Maintenance

444 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY

21 [EC] Policy Amendment - Sale of Dog/Cat to New Owner

445 RESOLUTION:

Councillor J F Murray
Councillor R D Brinsmead

RESOLVED that the following fees be adopted:-

1. The fee of \$160 for the purchase of a dog from Council's impounding facility;
2. The fee of \$110 for the purchase of a cat from Council's impounding facility;
3. A microchipping fee of \$30 for animals released back into the care of their owners.

Voting For

Cr Polglase
Cr Bell
Cr Boyd
Cr Brinsmead
Cr Carroll
Cr Dale
Cr Holdom
Cr Lawrie
Cr Murray

Voting Against

Cr Beck

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

Nil.

DELEGATES REPORTS

Nil.

OUTSTANDING INSPECTIONS

Nil.

ITEMS OF INFORMATION AND INTEREST

Nil.

ORDERS OF THE DAY

1 [NOM] Modification Works on the Clarrie Hall Dam

NOTICE OF MOTION:

446 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

RESOLVED that a report on the Modification Works on the Clarrie Hall Dam be brought forward to the next meeting of Council.

Voting - Unanimous

2 [NOM] Findings Covering Mammals and biodiversity on the Land West of Gold Coast Airport

NOTICE OF MOTION:

447 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

RESOLVED that Council extends an invitation to Dr Stephen Phillips, Lecturer, Ecology and Conservation Biology, Griffith University, to address Council on his findings covering mammals and biodiversity on the land west of Gold Coast Airport.

Voting For

Cr Boyd
Cr Carroll
Cr Dale
Cr Holdom
Cr Lawrie
Cr Murray

Voting Against

Cr Polglase
Cr Beck
Cr Bell
Cr Brinsmead

3 [NOM] Information in Relation to the Land Affected by the C4 Route West of the Gold Coast Airport

NOTICE OF MOTION:

Councillor M R Boyd
Councillor B J Carroll

PROPOSED that Council requests the Queensland Department of Main Roads to make available to Council all the latest relevant environmental and archaeological information it has in relation to the land affected by the C4 route west of the Gold Coast Airport.

The Motion was **Lost**

Voting For

Cr Boyd
Cr Carroll
Cr Dale
Cr Holdom

Voting Against

Cr Polglase
Cr Beck
Cr Bell
Cr Brinsmead
Cr Lawrie
Cr Murray

4 [NOM] Surf Life Saving

NOTICE OF MOTION:

448 RESOLUTION:

Councillor M R Boyd
Councillor D M Holdom

RESOLVED that Council takes all appropriate steps to ascertain from the Surf Life Saving authorities what basis of truth there is to the allegations made by Mr Garry Raso in his presentation to Council on 9 June 2004.

Voting - Unanimous

5 [NOM] Advertising Space-Tweed Link - Disability Service Providers

NOTICE OF MOTION:

449 RESOLUTION:

Councillor M R Boyd
Councillor B J Carroll

RESOLVED that:-

1. In view of the extremely important work done by a diverse range of disability service providers in the Tweed Community, Council suitably acknowledges their invaluable work by providing each service with free space in the Tweed Link equivalent to 200 words in which it can provide a brief summary of the most significant aspects of its service.
2. Each disability service provider be invited to compile its 200 words on a roster basis.

Voting - Unanimous

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.30 pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.25pm.

WORKSHOPS

Nil.

QUESTION TIME

Nil.

COMMITTEE OF THE WHOLE

450 RESOLUTION:

Councillor B J Carroll
Councillor G J Lawrie

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

Voting - Unanimous

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

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT IN COMMITTEE

1 [DS] Application to Modify Development Consent 98/79 Involving Unauthorised Enclosing of Ground Floor of Dwelling in a Flood Prone Area

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 92 AMENDMENT

That:-

1. This matter be deferred to allow Councillors to make an inspection of the premises.
2. Council re-considers this issue upon completion of the workshop on DCP No 5 which is scheduled to be held on 14 July 2004.

The Amendment was **Carried**

Voting For

Cr Polglase
Cr Beck
Cr Bell
Cr Brinsmead
Cr Lawrie
Cr Murray

Voting Against

Cr Boyd
Cr Carroll
Cr Dale
Cr Holdom

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

Voting For

Cr Polglase
Cr Beck
Cr Bell
Cr Brinsmead
Cr Carroll
Cr Holdom
Cr Lawrie
Cr Murray

Voting Against

Cr Boyd
Cr Dale

**REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER
IN COMMITTEE**

Nil.

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

**2 [ES] EC2004-073 Supply and Delivery of Pressure Pipe and Various
Water Service Fittings**

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 93 RESOLUTION:

That:-

1. Push Fit Poly Fittings, Metered Standpipes and Short Barrelled Gibaults be withdrawn from the tender.
2. The recommended prices and suppliers listed in the body of the report be awarded supply contracts for the period 1 July 2004 to 30 June 2006.
3. Council votes the expenditure.

Voting - Unanimous

3 [ES] Industrial Relations Commission Claim - Tweed Shire Council Vs Shang

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 94 RESOLUTION:

That on the advice of Stacks the Law firm that Council makes an offer of settlement in the sum of \$50,000 plus costs agreed or assessed and if the offer is not accepted within 28 days proceeds to preparation of the matter for hearing on a defendant basis.

Voting - Unanimous

4 [ES] EC2004-085 Expressions of Interest - Wetland Restoration Works and Environmental Monitoring for the Piggabeen Road Deviation

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 95 RESOLUTION:

That the following consultants be short listed to provide quotations to undertake the wetland restoration and environmental monitoring works for the Piggabeen Road Deviation under EC2004-085:-

- GeoLINK
- Environmental & Earth Sciences Pty Ltd
- SMEC
- Sinclair Knight Merz
- Ecosure

Voting - Unanimous

5 [ES] EC2004-080 Concept Road Design of Kirkwood Road Tweed Heads South

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 96 RESOLUTION:

That:-

1. The tender from Parsons Brinckerhoff Pty Ltd be awarded for the lump sum contract price of \$213,640 exclusive of GST.
2. All documentation is to be completed under the Common Seal of Council.
3. The Director Engineering and Operations be given delegated authority to approve variations up to 20% of the initial contract price.
4. Council votes the expenditure.

Voting - Unanimous

6 [ES] EC2004-091 Supply & Spraying of Bituminous Surfacing at Various Locations

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

C97 RESOLUTION

That:-

1. Pioneer Road Services be awarded the contract for EC2004-091, Supply & Spraying of Bituminous Surfacing at Various Locations as the primary contractor based on their alternate rise and fall submission.
2. The ranking order of contractors as detailed in this report be endorsed.
2. All documentation is to be completed under the Common Seal of Council.
3. The Director Engineering and Operations be given delegated authority to approve variations up to 20% of the initial contract price.
4. Council votes the expenditure.

The Motion was **Carried**.

Voting For

Cr Polglase
Cr Beck
Cr Boyd
Cr Brinsmead
Cr Carroll
Cr Dale
Cr Holdom
Cr Murray

Voting Against

Cr Bell
Cr Lawrie

7 [ES] EC2004-072 Supply of Pavement Linemarking Services

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 98 RESOLUTION:

That:-

1. The Schedule for the supply and application of thermoplastic markings be withdrawn from the tender and fresh quotations be sought.
2. The submission from Linemarking Australia Pty Ltd for the Supply of Pavement Linemarking Services for the period 1 July 2004 to the 30 June 2006 be accepted.

Voting - Unanimous

ITEM TRANSFERRED FROM THE ORDINARY COUNCIL AGENDA TO BE CONSIDERED IN-COMMITTEE

11 [OGM] Festival Funding - Kingscliff Art, Food & All That Jazz Festival

C 99 RESOLUTION:

That Council does not accept this report until a full audited reported is received from the Kingscliff and District Chamber of Commerce and Minutes of their Committee be provided, authorising the payment of individual payments made.

The Motion was **Carried**

Voting For

Cr Polglase
Cr Beck
Cr Bell
Cr Brinsmead
Cr Lawrie
Cr Murray

Voting Against

Cr Boyd
Cr Carroll
Cr Dale
Cr Holdom

451 RESOLUTION:

Councillor J F Murray
Councillor L F Beck

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

Voting - Unanimous

There being no further business the Meeting terminated at 8.40pm.



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 61 of these Minutes**

Chairman

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