

IN ATTENDANCE

Councillors W J Polglase (Mayor), G B Bell, M R Boyd, R D Brinsmead, B J Carroll, S Dale, D M Holdom, H James, 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 Mike Rayner (Director Engineering and Operations), Mr Noel Hodges (Director Planning & Environment), Mr Don Buckley (Director Environment & Community), Mr Brian Donaghy (Manager Administration Services/Public Officer), Mrs Maree Morgan and Miss Alyson Morgan (Minutes Secretaries)

PRAYER

The meeting opened with a Prayer by the Reverend John Grindrod.

Lord, we are greatly enriched in our lives by the people of Greece, in our history, thinking and by their presence amongst us. Athens gave us the inheritance of Government by democracy. The Olympic Games, at this time, teach us humbly to lose and with thanksgiving win, to share our emotions for justice, peace and tolerance.

Lord, in this Council help us to shine as people who lead with integrity and charity and the value we set on other peoples lives, especially in this time of Festival.

Praise be to you, Eternal God, for the loving care for us all declared in the life and words of our Lord Jesus Christ and Lord.

Thank you for the rain, could we have some more please.

AMEN.

CONFIRMATION OF MINUTES

Minutes of the Ordinary Council Meeting held Wednesday 4 August 2004

573 RESOLUTION:

Cr M R Boyd
Cr G B Bell

RESOLVED that the Minutes of the Council Meeting held Wednesday 4 August 2004 be adopted as a true and accurate record of proceedings of that meeting.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Beck

APOLOGIES

Cr L F Beck

Cr L F Beck (Deputy Mayor) informed the General Manager that her absence was caused by being out of the Shire.

574 RESOLUTION:

Cr B J Carroll
Cr J F Murray

RESOLVED that the apology of Cr L F Beck be accepted.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Beck

DISCLOSURE OF INTEREST

Cr G B Bell declared an interest in Mayoral Minute Item 13.

The nature of the interest is that Cr G B Bell is Chairman of the Tweed Heads Bowls Club.

Cr R D Brinsmead declared an interest in Items 5 and 8 of the Confidential Agenda.

The nature of the interest is that Cr R D Brinsmead has family interests involving these items.

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

Nil

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

575 RESOLUTION:

Cr M R Boyd
Cr G B Bell

RESOLVED that this report be received and noted.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Beck

MAYORAL MINUTE

Mayoral Minute for Meeting held 18 August 2004

Councillors,

1. Regional Arts NSW

5 August – attended meeting of Northern Rivers Arts Committee at Murwillumbah

2. Uki Sewerage System

5 August – attended opening of Uki Sewerage System

3. NSW Sugar Mills

6 August – attended funding announcement at Condong sugar Mills

4. Tweed Red Cross

6 August – attended the Annual General Meeting of Tweed Red Cross organisation

5. Tweed Financial Planning Services

6 August – attended opening of new office of Tweed Financial Planning Services & Derepas Accounting in Tweed Heads

6. Leukaemia Foundation

6 August – attended Tackle Leukaemia Ball at Seagulls

7. Water Management Conference

9-12 August – attended Water Management Conference in Moama

8. Northern Rivers Symphony Orchestra

14 August – attended performance by Northern Rivers Symphony Orchestra at Seagulls

9. Mooball Village

15 August – attended opening of Mooball Toilet Block

10. Murwillumbah Wollumbin High School

16 August – attended assembly at Wollumbin High School Murwillumbah

11. Murwillumbah Hospital Auxiliary

16 August – Murwillumbah Hospital Auxiliary AGM

12. National General Assembly of Local Government

7-10 November – Cr. Warren Polglase has indicated an interest in attending the National General Assembly of Local Government being held in Canberra from 7- 10 November 2004. Costs involved are - Registration fee \$725; air fare (estimate) \$350; accommodation \$540. Approval for his attendance is requested.

INVITATIONS ACCEPTED:

- 19 August – Tweed Futures Steering Committee – Murwillumbah
- 20 August – opening Greenmount Timber Building Supplies
- 22 August – (Banana Festival) All Saints Anglican Church Thanksgiving Service
- 23 August – Northern Rivers Arts – Board of Directors Meeting
- 23 August – Sports Advisory Committee – Sports Field Bus Tour
- 25 August – Twin Towns Friends Association (Sing-a-long & Lunch)
- 26 August – Lot 490 Steering Committee Mtg
- 27 August - TEDC Board Meeting
- 27 August – Launch Tweed Heads CBD Masterplan by Minister Diane Beamer
- 27 August – Lindisfarne “World of Business Luncheon” at Banora
- 1 September – Muwillumbah Legacy, lay wreath (legacy week activities)

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

- 4th National and 1st Trans-Tasman Mainstreet Conference "Getting Down to Business" **26-29 September** Melbourne
- NSW Tourism Industry Council "Tourism Focus" **2/3 September** Polkolbin Hunter Valley
- Lismore City Council Workshop An Introduction to the NSW Planning System for New Councillors **9 September** Lismore (Cr Holdom has indicated her interest in attending)
- 2004 Local Government Road Safety Conference "Our Business, Everyone's Responsibility" **8 and 9 September** Sydney.

ABSENCES FROM SHIRE BY EXECUTIVE, AND COUNCILLORS:

Executive

| Name | From - To | Location | Details |
|-------------|------------------|-----------------|---|
| DECS | 20 August 2004 | Lismore | SCU Meeting |
| DECS | 23 August 2004 | Casino | Arts Northern Rivers Arts Board meeting |
| EM | 19 August 2004 | Ballina | Governance Health Check Workshop |
| EM | 31 August 2004 | Brisbane | Corporate Governance Symposium 2004 |
| GM | 19 August 2004 | Ballina | Governance Health Check Workshop |

LATE ITEM

576 RESOLUTION:

Cr M R Boyd
Cr G J Lawrie

RESOLVED that Item 13 being an Addendum to the Mayoral Minute item be dealt with and it be ruled by the Chairman to be of great urgency.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Beck

DECLARATION OF INTEREST

Cr Bell declared an Interest in this item, left the Chamber and took no part in the discussion or voting. The nature of the interest is that Cr Bell is the President of Tweed Heads Bowls Club.

13. Civic Reception of Local Olympians

Civic reception for local Olympians to be held Tweed Heads Bowls Club Ltd on 16 September 2004.

577 RESOLUTION:

**Cr M R Boyd
Cr G J Lawrie**

RESOLVED that:

1. A Civic Reception for local Olympians be held at the Tweed Heads Bowls Club Ltd on Thursday 16 September 2004 to welcome home athletes.
2. Council contributes \$1,000.00 towards this event.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Beck, Cr Bell

Mayoral Minute Information on Conferences

578 RESOLUTION:

**Cr M R Boyd
Cr G J Lawrie**

RESOLVED that Councillor Murray be approved to attend the NSW Tourism Industry Council Conference on 2/3 September 2004 as well as the Lismore City Council Workshop An Introduction to NSW Planning System for New Councillors to be held on 9 September 2004.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Beck, Cr Bell

579 RESOLUTION:

Cr W J Polglase

RESOLVED that the Mayoral Minute be adopted.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Beck

Cr Bell has returned from temporary absence.

ITEMS DEFERRED

[ID] [DS] Development Application DA03/1038 for a 7 Lot Subdivision at Lot 121 DP 755701 No 50 Chinderah Bay Drive, Chinderah

580 RESOLUTION:

**Cr H James
Cr M R Boyd**

RESOLVED that this item be further deferred.

**FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Beck**

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT

- 1 [DS] Development Application DA04/0583 for Multi Dwelling Unit Development - 12 Storey Apartment Building Comprising 27 Units at Lot 3 DP 9173 and Lot 4 DP 9173, No. 20-22 Thomson Street, Tweed Heads**

581 RESOLUTION:

**Cr G J Lawrie
Cr G B Bell**

RESOLVED that:

1. Council utilises its assumed concurrence in relation to the North Coast Regional Environmental Plan Clause 51 - Tall Buildings.
2. Development Application DA04/0583 for multi dwelling unit development - 12 storey apartment building comprising 27 units at Lot 3 DP 9173 and Lot 4 DP 9173, No.20-22 Thomson Street, Tweed Heads be approved subject to: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos as follows as prepared by Ferro Muller Partnership Architects:
 - DD-A01 Issue B dated 14/07/2004;
 - DD-A02 Issue B dated 14/07/2004;

- DD-A03 Issue C dated 09/08/2004;
- DD-A04 Issue B dated 14/07/2004;
- DD-A07 Issue B dated 14/07/2004; and
- DD-A08 Issue ø dated 08/07/2004;

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]
 3. Front external wall of the building is to stand a minimum of 6 metres from the front boundary of the property. [GEN0030]
 4. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0080]
 5. The erection of a building in accordance with a development consent must not be commenced until: [GEN0120]
 - (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]
 6. The side boundary fence on the southern property boundary is to be reduced in height from 1.8m to ensure adequate site distances can be achieved for the driveway in accordance with the Australian Standards. [GENNS01]
 7. The building shall not exceed a height of 41.1m AHD in accordance with the submitted plans. [GENNS02]
-

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

8. 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: \$18,321
S94 Plan No. 4 (Version 4.0)
Sector1_4

Heavy Haulage Component

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

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

where:

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

and:

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

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

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

| | | |
|--------|---|------------|
| Admin. | Administration component - 5% - see Section 6.5 | |
| b. | Open Space (Structured): S94 Plan No. 5 | \$12,209 |
| c. | Open Space (Casual): S94 Plan No. 5 | \$2,609 |
| d. | Shirewide Library Facilities: S94 Plan No. 11 | \$10,775 |
| e. | Bus Shelters: S94 Plan No. 12 | \$440 |
| f. | Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13 | \$2,097 |
| g. | Emergency Facilities (Surf Lifesaving) (REMSHIRE) S94 Plan No. 16 | \$3,642 |
| h. | Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18 | \$6,372.85 |
| i. | Cycleways S94 Plan No. 22 | \$2,515 |
| j. | Regional Open Space (Structured) S94 Plan No. 26 | \$18,410 |
| k. | Regional Open Space (Casual) S94 Plan No. 26 | \$3,446 |

9. 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: 18.25 ET @ \$4325 \$78,931

Sewer: 18.25 ET @ \$3490 \$63,693

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

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

[PCC0070/PSC0004]

10. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

[PCC0190]

11. Permanent Stormwater Quality Treatment

- (a) Permanent stormwater quality treatment shall comply with "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development". New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the "deemed to comply" provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.
- (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.
- (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
- (d) Specific requirements:
- (i) The proposed basement oil/grit separator shall have a minimum retained volume of 1000L (1m³), in order to satisfy the "deemed to comply" sizing requirements of Council's Development Design Specification D7 - Stormwater Quality.

- (ii) Uncovered car wash bays should be provided according to the architectural drawings, or other nominated external location as approved by Council officers. The car wash bays shall be constructed of pervious durable materials, and should be graded to direct contaminated runoff to grassed filter strips and landscaping, to promote infiltration and remove runoff pollutants. Car wash bays may only be approved in undercover basement levels if they are bunded to avoid contamination of basement stormwater, and the runoff is treated and disposed of to sewer as trade waste, requiring a Tweed Shire Council Trade Waste Application.

[PCC0230]

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

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

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

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

[PCC0240]

13. An on site detention (OSD) system shall be installed in the permanent stormwater system for the site to limit post-development discharges to the public realm to pre-development levels. OSD devices, including discharge control pits, are to comply with standards in the Upper Parramatta River Catchment Trust on-site Detention Handbook, Third Edition Revision 2 June 2004, except that permissible site discharge and site storage requirements in the handbook do not apply to Tweed Shire. All these works and connection to Council's drainage system shall be constructed in accordance with design calculations, plans and specifications to be submitted with the construction certificate application and approved by the Director of Engineering Services. The construction certificate application shall also include a detailed justification of the nominated peak site discharge limit and storage tank capacity, including all relevant engineering calculations.

[PCC0260]

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

[PCC0280]

15. 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]

PRIOR TO COMMENCEMENT OF WORK

16. 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]

17. **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]

18. 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]

19. 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]

20. 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]

21. 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]

22. Prior to the commencement of works on the site all required erosion and sedimentation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

In addition to these measures an appropriate sign is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

Please note that this sign is to remain in position for the duration of the project.

[PCW0280]

23. Prior to the commencement of any demolition works all house drainage connections are to be suitably capped off by a licenced plumber and an inspection of the work obtained from Council.

[PCW0300]

24. After demolition but prior to commencement of construction the applicant is to submit to Council for approval an appraisal carried out by a Geotechnical Consultant of the effect of the proposed excavation including any precautions considered necessary to protect such properties from damage in accordance with Tweed Shire Council's Building Excavation Dewatering Policy. Additionally, the applicant shall submit to Council documentation demonstrating General Public Liability Insurance to the value of \$5,000,000 which includes loss of support to neighbouring properties which is attributed to excavation vibration associated with the project in accordance with Tweed Shire Council's Building Excavation Dewatering Policy.

[PCWNS01]

DURING CONSTRUCTION

25. 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]

26. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning

- signs, lights, barriers and fences in accordance with AS 1742-1991 (Manual for Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
- [DUR0040]
27. The provision of forty three (43) off street car parking spaces, ten (10) of which are to be allocated for visitor use only and sign posted accordingly. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.
- [DUR0050]
28. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.
- [DUR0060]
29. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:
- a. A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.
 - b. The chute shall be located in a position approved by the Principal Certifying Authority.
 - c. A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.
- [DUR0070]
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. 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]

37. 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]

38. Provision to be made for the designation of two durable and pervious car wash-down area/s. The area/s must be identified for that specific purpose and be supplied with an adequate water supply for use within the area/s. Any surface run-off from the area must not discharge directly to the stormwater system.

[DUR0240]

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

[DUR0470]

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 Thomson. 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.

41. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction. [DUR0520]

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

42. 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. [DUR0730]
43. 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. [DUR0850]
44. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning. [DUR0870]
45. 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. [DUR0890]
46. 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: [DUR0900]
- 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.
47. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited. [DUR0910]
48. The burning of builders waste on site by open fire is prohibited. [DUR0920]
49. Any proposed cooling tower installation must also include details on the proposed means of back flow prevention to the water supply prior to installation. [DUR0940]
- [DUR0970]

50. 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]
51. 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]
52. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
- [DUR1040]
53. 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]
54. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
- [DUR1090]
55. 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]
56. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
- [DUR1130]
57. 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]
58. 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.
- [DUR1200]
59. 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]
60. 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]
61. 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.
- [DUR1280]
62. Backwash from swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.
- [DUR1290]
63. Any use of a crane or other equipment that may exceed a top RL of 49.5 metres AHD would intrude into the prescribed airspace of Gold Coast Airport, and therefore represent a "controlled activity" under the Airports (Protection of Airspace) Regulations. The proponent must obtain the approval of the Secretary, Department of Transport and Regional Services. An application for the Secretary's approval must be given to the airport lessee company (ie Gold Coast Airport Limited) at least 28 days before the intended commencement of the controlled activity.
- [DURNS01]
64. The proposed works are to occur solely within the confines of the subject property. Access to the site via any adjoining property is not permissible without the prior written authorisation of that/those owner/s.
- [DURNS02]
65. All sheet piling is to occur within the confines of the subject property and are not to protrude beyond the property boundary without the prior written authorisation of that/those owner/s.
- [DURNS03]

66. The building shall be finished with non reflective materials that are earthy in tone to compliment the streetscape.

[DURNS04]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

67. 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]

68. 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]

69. 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]

70. 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]

71. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate, a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

[POC0170]

72. Prior to the issue of an occupation certificate, a "satisfactory inspection report" issued by Council must be produced for s68h2 permanent stormwater quality control devices. This inspection report must be obtained from Council prior to backfilling of any of the s68h2 approved devices.

[POCNS01]

73. The lots are to be consolidated into one (1) lot under one (1) title. The plan of consolidation shall be registered with the Lands Titles Office prior to issue of the occupation certificate.

[POCNS02]

USE

74. 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]

75. 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]

76. 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.
-

77. Owners of buildings served by plant involving the operation of "cooling towers", "evaporative condensers" or "tepid water systems" must submit to Council, half yearly, a report detailing the maintenance, cleansing and chemical treatment of such plant every three (3) months in accordance with Part 6 of the NSW Public Health Act. [USE0160]
78. Swimming Pools (Building) [USE0180]
- A. It is the responsibility of the pool owner to ensure that the pool fencing continues to provide the level of protection required regardless of and in response to any activity or construction on the adjoining premises. Due regard must be given to the affect that landscaping will have on the future effectiveness of the security fencing. (Section 7 Swimming Pool Act 1992).
- B. The resuscitation poster must be permanently displayed in close proximity to the swimming pool. (Section 17 Swimming Pool Act 1992). [USE0250]
79. All artificial lighting including security lighting shall be shielded where required to prevent the spill of light or glare causing a nuisance to the occupants of any neighbouring or adjacent residential premises. Any such shielding shall be to the satisfaction of Council Director of Environment & Community Services. [USENS01]

582 RESOLUTION:

**Cr M R Boyd
Cr S M Dale**

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

**FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Beck**

The **Motion** was **Carried** on the Casting Vote of the Mayor Cr Polglase.

**FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Bell, Cr Lawrie
AGAINST VOTE - Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale, Cr James
ABSENT. DID NOT VOTE - Cr Beck**

- 2 [DS] Section 96 Application DA02/0988.02 for an Amendment to Development Consent DA02/0988 for the Erection of an Agricultural Storage Shed and Greenhouse Structures at Lot 11 DP 835413, Boulder Close, Byangum**

583 RESOLUTION:

Cr M R Boyd

Cr G B Bell

RESOLVED that Section 96 application DA02/0988.02 for an amendment to Development Consent DA02/0988 for the erection of an agricultural storage shed and greenhouse structures at Lot 11 DP 835413 Boulder Close, Byangum be amended as follows: -

1. Amend Condition No. 1 to read: -

1. The development shall be completed in general accordance with the Plan No. 1A Amended Layout Plan, Plan No. 1A shed, Plan No. 1 Large Greenhouse and Plan No. 2 Small Greenhouse dated April 2004 and the Statement of Environmental Effects included in the application, except where varied by these conditions of consent.

2. New Condition under Heading "GENERAL" to read: -

"Stormwater runoff from the agricultural storage shed and green houses is to be collected and discharged to the table drain west of the property access on Kyogle Road. An approval from Council, under Section 68 of the Local Government Act 1993 must be obtained prior to commencement of drainage works on or connecting to the road reserve. An application for Section 68 stormwater drainage approval must contain engineering details of proposed outlet pipe (location, size, class, levels), associated headwall and scour protection works. The application is to be submitted to Council within 7 days of the date of this consent."

FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Bell, Cr Lawrie, Cr Carroll, Cr Boyd, Cr James

AGAINST VOTE - Cr Holdom, Cr Dale

ABSENT. DID NOT VOTE - Cr Beck

3 [DS] Section 96 Application DA02/1422.18 for an Amendment to Development Consent DA02/1422 for a 488 Lot Subdivision at Lot 194 DP 755701, Lot 301 DP 755701, Lot 312 DP 755701, Lot 490 DP 47021 & Lot 500 DP 727420, Tweed Coast Road, Kingscliff

584 RESOLUTION:

**Cr M R Boyd
Cr G B Bell**

RESOLVED that this item be deferred for a further report to Council.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Beck

4 [DS] Banora Point Community Centre - Establishment Worker

585 RESOLUTION:

**Cr M R Boyd
Cr J F Murray**

RESOLVED that Council:

1. Approves the employment of a part-time establishment worker at the Banora Point community for a period of 6 months at a cost of \$16,000;
2. Votes the expenditure of \$16,000 to be funded from Section 94 Contribution Plan No 3.

**FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Beck**

5 [DS] Tweed Local Environmental Plan 2000, Draft Amendment No 56 - Definition of Bed and Breakfast

586 RESOLUTION:

**Cr M R Boyd
Cr J F Murray**

RESOLVED that Council:

1. Endorses the preparation of a report, prepared under delegation, to the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), in accordance with Section 69 of the Environmental Planning and Assessment Act.
2. Forwards draft Tweed Local Environmental Plan 2000, Amendment No 56, to the Department of Infrastructure, Planning and Natural Resources and requests the Minister to make the Plan in accordance with Section 70 of the Environmental Planning and Assessment Act 1979.

**FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Beck**

REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER

6 [OGM] Delegated Authority by Council to Senior Executive Officers to Approve Contract Variations

587 RESOLUTION:

**Cr M R Boyd
Cr G B Bell**

RESOLVED that Council adopts a percentage to Senior Executive Officers to approve contract variations based on tender threshold contract price amounts of: -

\$100,001 to \$500,000 20%
Over \$500,000 the total of variations be limited to \$100,000.

FOR VOTE - Cr Polglase, Cr Brinsmead, Cr Bell, Cr Carroll, Cr Boyd, Cr Dale, Cr James
AGAINST VOTE - Cr Murray, Cr Lawrie, Cr Holdom
ABSENT. DID NOT VOTE - Cr Beck

7 [OGM] Local Government Week

588 RESOLUTION:

**Cr M R Boyd
Cr S M Dale**

RESOLVED that Council continues to support Local Government Week.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Beck

8 [OGM] Quarterly Budget Review - 30 June 2004

589 RESOLUTION:

**Cr M R Boyd
Cr G B Bell**

RESOLVED that :-

1. The Quarterly Budget Review Statement as at 30 June 2004 be adopted.

2. The expenditure and income, as detailed within the body of the report, be voted and adjusted in accordance with the revised total expenditure and income for the 2003/04 financial year.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Beck

- 9 [OGM] Commencement of the Local Government Amendment (Mayoral Elections) Act 2004

590 RESOLUTION:

**Cr G J Lawrie
Cr J F Murray**

RESOLVED that the term of the Deputy Mayor be extended to September 2005.

***FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Bell, Cr Lawrie, Cr Holdom,
Cr Carroll, Cr Boyd***

AGAINST VOTE - Cr Dale, Cr James

ABSENT. DID NOT VOTE - Cr Beck

- 10 [OGM] Monthly Investment Report for Period Ending 31 July 2004

591 RESOLUTION:

**Cr M R Boyd
Cr G J Lawrie**

RESOLVED that this report be received and noted.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Beck

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS

- 11 [ES] Application to Close and Purchase Road Reserve - Kennedy Drive, Tweed Heads

592 RESOLUTION:

**Cr H James
Cr M R Boyd**

RESOLVED that Council does not approve the application to close and purchase or lease part of an unformed road reserve attached to Kennedy Drive, Tweed Heads.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Beck

12 [ES] Classification of Land as Operational, Terranora

593 RESOLUTION:

Cr G J Lawrie

Cr M R Boyd

RESOLVED that:

1. Council approves the transfer of proposed Lots 14 and 34 in the subdivision of Lot 12 in DP 1005206 at Terranora to Council as Drainage Reserves;
2. Proposed Lots 14 and 34 be classified as 'operational' pursuant to section 31 of the Local Government Act, 1993; and
3. All necessary documentation is executed under the Common Seal of Council.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Beck

13 [ES] Nominations for Burringbar Sewerage Community Reference Group

594 RESOLUTION:

Cr M R Boyd

Cr G J Lawrie

RESOLVED that Council accepts the following newly nominated members for the Community Reference Group in addition to the existing group members:-

- Andy Yeomans Resident of Burringbar and President of Burringbar-Mooball Catchment Landcare
- Jeff Baldwin Resident of Pottsville
- Len Greer President of Pottsville Community Association Inc

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Beck

14 [ES] Country Towns Water Supply and Sewerage Program

595 RESOLUTION:

**Cr M R Boyd
Cr G B Bell**

RESOLVED that Council: -

1. Notes the Government advice in relation to reduced subsidy levels.
2. Formally reviews the feasibility of the preferred option and timing for the sewerage of the villages of Burringbar and Mooball.

**FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Beck**

15 [ES] Tweed River Committee and Tweed Coastal Committee Community Representation

**Cr M R Boyd
Cr H James**

PROPOSED that Council accepts:-

1. Renomination of Robert Quirk, Rhonda James and Dugald Gray as existing representatives on the Tweed River Committee and invite Claire Masters and a representative from the Tweed River Charter Operators Association to join the Tweed River Committee as community and industry representatives.
2. Renominations from Rhonda James, Terry Kane, Gary Thorpe, John Harbison, Peter Harding, Jason Pearson and Justine Elliott as community representatives on the Tweed Coastal Committee.

596 AMENDMENT:

**Cr J F Murray
Cr R D Brinsmead**

RESOLVED that Council accepts:-

1. Renomination of Robert Quirk, Rhonda James and Dugald Gray as existing representatives on the Tweed River Committee and invite Claire Masters and Harry Christopher and a Representative from the Tweed River Charter Operators Association to join the Tweed River Committee as community and industry representatives.
2. Renominations from Rhonda James, Terry Kane, Gary Thorpe, John Harbison, Peter Harding, Jason Pearson and Justine Elliott as community representatives on the Tweed Coastal Committee.

The Amendment was **Carried** on the **Casting Vote of the Mayor**.

FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Bell, Cr Lawrie

AGAINST VOTE - Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale, Cr James

ABSENT. DID NOT VOTE - Cr Beck

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

FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Bell, Cr Lawrie, Cr Boyd, Cr Dale, Cr James

AGAINST VOTE - Cr Holdom, Cr Carroll

ABSENT. DID NOT VOTE - Cr Beck

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY

- 16 [EC] St Josephs Community Pre School - Lease and Construction Certificate - Part of Banora Point Community Centre Site

597 RESOLUTION:

Cr M R Boyd

Cr H James

RESOLVED that Council:

1. Consents to submission of an application for a Construction Certificate for St Josephs Community Pre School on part of the Banora Point Community Centre site for the purpose of erecting a Community Pre School.
2. Proceeds with the necessary notification of its intention to enter into a lease agreement with St Josephs Community Pre School for use of that part of the Banora Point Community Centre site that will be occupied by the Pre School for a period of 10 years with a 10 year option at a peppercorn rental.
3. Finalises the lease agreement should no objection be received.

4. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Beck

17 [EC] Tweed Shire Council Waste Collection & Disposal Strategy

598 RESOLUTION:

Cr G B Bell
Cr J F Murray

RESOLVED that the Tweed Shire Council Waste Collection & Disposal Strategy detailed in this report be adopted.

TEMPORARY ABSENCE FROM MEETING

Cr Murray left the meeting at 04:36 PM

FOR VOTE - Cr Polglase, Cr Brinsmead, Cr Bell, Cr Holdom, Cr Carroll, Cr Dale, Cr James
AGAINST VOTE - Cr Lawrie, Cr Boyd
ABSENT. DID NOT VOTE - Cr Murray, Cr Beck

18 [EC] Entomological Control Report for Period May to July 2004 and Annual Summary

599 RESOLUTION:

Cr B J Carroll
Cr D M Holdom

RESOLVED that this report be received and noted.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Murray, Cr Beck

19 [EC] Multicap Mt Warning Respite House Murwillumbah

600 RESOLUTION:

Cr B J Carroll

Cr S M Dale

RESOLVED that this report be received and noted.

RETURN TO MEETING

Cr Murray returned from temporary absence at 04:38 PM.

TEMPORARY ABSENCE FROM MEETING

Cr Holdom left the meeting at 04:48 PM

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Beck, Cr Holdom

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

Minutes Circulated with this Agenda Not Requiring Council Resolution

601 RESOLUTION:

Cr M R Boyd

Cr G B Bell

RESOLVED that this item be received and noted.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Beck, Cr Holdom

DELEGATES REPORTS

Nil.

OUTSTANDING INSPECTIONS

Nil.

ITEMS OF INFORMATION AND INTEREST

Nil.

ORDERS OF THE DAY

Nil.

WORKSHOPS

Nil.

QUESTION TIME

Nil.

COMMITTEE OF THE WHOLE

602 RESOLUTION:

Cr H James
Cr G B Bell

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

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Beck

CONFIDENTIAL MATTERS

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

Nil.

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

1 [OGM] Sale of Lot 22 DP 617126 No 26 Wollumbin Street, Tyalgum

REASON FOR CONFIDENTIALITY:

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

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

C 127 RESOLUTION:

That:

1. Council proceeds with the sale for the price as outlined in this report.
2. All necessary documentation be completed under the Common Seal of Council.

RETURN TO MEETING

Cr Holdom returned from temporary absence at 04:53 PM

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Beck

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

2 [ES] Acquisition of Land for Road Purposes - Lot 21 in DP 858801 - Kirkwood Road, Tweed Heads South

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 128 RESOLUTION:

That Council offers to purchase of Lot 21 in DP 858801 from Mr Robert Sullivan in the amount of \$300,000.00 and if the offer is refused that the land be purchased under the Just Terms Compensation Act.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Beck

3 [ES] Tweed Shire Council ats Shang

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 129 RESOLUTION:

That on the advice of Stacks /Northern Rivers the matter be settled as per the information detailed in the body of this report.

FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Bell, Cr Carroll, Cr Boyd, Cr Dale, Cr James

AGAINST VOTE - Cr Lawrie, Cr Holdom

ABSENT. DID NOT VOTE - Cr Beck

4 [ES] Appointment of Consultant to Undertake Wetland Restoration and Environmental Monitoring of 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 130 RESOLUTION:

That:-

1. Council awards Contract EC2004-85(a) to Geolink Pty Ltd to undertake the proposed work for a period of five years for the lump sum of \$251,694, 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.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Beck

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY IN COMMITTEE

DECLARATION OF INTEREST

Cr Brinsmead declared an Interest in this item, left the Chamber and took no part in the discussion or voting. The nature of the interest is that Cr Brinsmead has family interests in this matter.

5 [EC] Cabarita Beach Surf Life Saving Club/Council Land Bogangar

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 131 RESOLUTION:

That Council submits copies of the draft agreement for public consultation to the Cabarita Beach Surf Life Saving Club and Resort Corp Cabarita Pty Ltd to seek their concurrence to allow community consultation on the proposals relating to the surf club and Council's land in Pandanus Parade and Palm Avenue, Bogangar, involving Resort Corp Cabarita Pty Ltd.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Brinsmead, Cr Beck

RETURN TO MEETING

Cr Brinsmead has returned from temporary absence at 05:13 PM

6 [EC] Coaching Rights - Tweed Heads & Murwillumbah Pools

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 132 RESOLUTION:

That subject to the persons set out below satisfying the requirement of the Child & Young Persons Protection Legislation:

1. The coaching rights for Murwillumbah be granted to D & J Buckland.
2. The coaching rights for Tweed Heads be granted to T Lewis.
3. The aqua aerobic class rights for Tweed Heads be granted to L Holloway.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Beck

7 [EC] New Waste Infrastructure

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

This item was withdrawn at the meeting.

DECLARATION OF INTEREST

Cr Brinsmead declared an Interest in this item, left the Chamber and took no part in the discussion or voting. The nature of the interest is that Cr Brinsmead has family interests in this matter.

8 [EC] Council Owned Land at Bogangar used for Parking and Opportunities for Community Coastal Improvements

REASON FOR CONFIDENTIALITY:

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

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

C 133 RESOLUTION:

That Council commence a community consultation program to present the opportunities outlined in the report to the broader community.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Brinsmead, Cr Beck

RETURN TO MEETING

Cr Brinsmead returned to the meeting.

603 RESOLUTION:

Cr R D Brinsmead

Cr G J Lawrie

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

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Beck

There being no further business the Meeting terminated at 5.40 pm.



Minutes of Meeting Confirmed by Council
at Meeting held 1 September 2004

**I hereby certify that I have authorised the affixing of my
electronic signature to the previous pages numbered 1 to 38 of these Minutes**

Chairman

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK