

IN ATTENDANCE

Councillors W J Polglase (Mayor), L F Beck (Deputy Mayor), M R Boyd, R D Brinsmead (5.07PM), S M Dale (5.14PM), D M Holdom, H James, G J Lawrie, J F Murray (5.08PM).

Also present were Dr John Griffin (General Manager), Mr Reg Norvill (Executive Manager-Office of the General Manager), Mr Patrick Knight (Acting Director Engineering and Operations), Mr Noel Hodges (Director Planning & Environment), Mr Geoff Edwards (Manager Environment & Health Services), Mr Neil Baldwin (Governance Officer/Public Officer) and Mrs Maree Morgan (Minutes Secretary)

There were three members of the Press present at the meeting.

Councillors R D Brinsmead, S M Dale and J F Murray were not present at the commencement of the meeting

PRAYER

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

Prayer for Palm Sunday

Dear Lord and Father,

*You showed the world your princely power by riding into Jerusalem on a donkey. Grant to us all that even as we rejoice in you as our King,
We may follow you in your great humility to the cross, and so may experience the glory of your victory over sin and death. Amen*

*Almighty God, we pray for those who exercise authority in government and local council, and especially in the Tweed Shire where we live.
Grant that they may be upright in character and wise in judgment, seeking first and foremost the good of the community, not their own advantage; and so direct and strengthen them in all their work and planning that they may further your will among us, for the glory of your name. Amen.*

CONFIRMATION OF MINUTES

Minutes of the Ordinary Council Meeting held Wednesday 2 March 2005

183 RESOLUTION:

Cr D M Holdom
Cr M R Boyd

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

FOR VOTE - Unanimous

ABSENT DID NOT VOTE: Cr Murray, Cr Brinsmead, Cr Bell, Cr Carroll, Cr Dale

APOLOGIES

Cr G B Bell

Cr Bell informed the General Manager that his absence was caused by illness.

Cr B J Carroll

Cr Carroll informed the General Manager that her absence was caused by her being out of the Shire.

184 RESOLUTION:

Cr D M Holdom

Cr M R Boyd

RESOLVED that the apologies of Cr G B Bell and Cr B J Carroll be accepted and the necessary leave of absence be granted.

FOR VOTE - Unanimous

ABSENT DID NOT VOTE: Cr Murray, Cr Brinsmead, Cr Bell, Cr Carroll, Cr Dale

DISCLOSURE OF INTEREST

Cr M R Boyd disclosed an interest in Item 19 with the nature of that interest being that he is Chairman of Tweed River Art Gallery Foundation Board and he advised that he has taken legal advice on this matter.

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

Nil

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

185 RESOLUTION:

Cr D M Holdom
Cr M R Boyd

RESOLVED that this report be received and noted.

FOR VOTE - Unanimous

ABSENT DID NOT VOTE: Cr Murray, Cr Brinsmead, Cr Bell, Cr Carroll, Cr Dale

ATTENDANCE AT MEETING

Cr Brinsmead attended the meeting at 05:07 PM

MAYORAL MINUTE

Mayoral Minute

186 RESOLUTION:

Cr W J Polglase

RESOLVED that the Mayoral Minute be received and noted.

FOR VOTE - Unanimous

ABSENT DID NOT VOTE: Cr Murray, Cr Brinsmead, Cr Bell, Cr Carroll, Cr Dale

ITEMS DEFERRED

Nil.

REPORTS THROUGH THE GENERAL MANAGER

ATTENDANCE AT MEETING

Cr Murray attended the meeting at 05:08 PM

ATTENDANCE AT MEETING

Cr Dale attended the meeting at 05:14 PM

REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT

- 1 [PE] Section 96 Application DA04/0180.04 for an amendment to Development Consent DA04/0180 for Alterations & Additions to Club at Lot 3 DP 591720, Wommin Bay Road, Chinderah

Cr G J Lawrie
Cr H James

PROPOSED that Council advises the applicant that the request to waive the Tweed Road Contribution is not supported and the contribution levy is to be paid in full.

187 AMENDMENT:

Cr J F Murray
Cr G J Lawrie

RESOLVED that whilst the Tweed Road Contribution fees are to be paid, the Club be granted a period of two years to pay these fees.

The Amendment was **Carried**

FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Beck, Cr Lawrie, Cr Holdom, Cr Dale

AGAINST VOTE - Cr Boyd, Cr James

ABSENT. DID NOT VOTE - Cr Bell, Cr Carroll

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

FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Beck, Cr Lawrie, Cr Holdom, Cr Dale

AGAINST VOTE - Cr Boyd, Cr James

ABSENT. DID NOT VOTE - Cr Bell, Cr Carroll

- 2 [PE] Development Application DA03/0667 for a Self Storage Facility at Lot 6 DP 10297, No. 111 Kennedy Drive, Tweed Heads

188 RESOLUTION:

Cr D M Holdom
Cr J F Murray

RESOLVED that: -

1. Council forwards the draft Tweed Local Environmental Plan 2000 (Amendment No. 55), as exhibited, to the Minister administering the Environmental Planning and Assessment Act, 1979 requesting that the Plan be made in accordance with Section 70 of the said Act.
2. Upon gazettal of draft Amendment No. 55 to the Tweed Local Environmental Plan 2000, Development Application DA03/0667 for a self storage facility at Lot 6 DP 10297 No. 111 Kennedy Drive, Tweed Heads be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects prepared by Jim Glazebrook and Associates Pty Ltd dated May 2003, to the extent of inconsistency with the amended Plans Nos. 01-024 DA 01 Revision D, 01-024 DA 02 Revision C and 01-024 DA 03 Revision D prepared by R J Sinclair Pty Ltd and dated 18 July 2001, and the Acoustic Assessment dated 24 January 2003 and addendum of 3 August 2004 prepared by Richard Heggie Associates, except where varied by these conditions.
2. Amenity landscaping of Council's Ducat Park is to be carried out to the satisfaction of Council's Director Engineering and Operations. Prior to carrying out any works within the park Council's Manager Recreation Services shall be consulted on the level of work to be undertaken. Any required landscaping works are not to exceed that identified on the Landscape Plan No.01-024 L 01 Revision P1 prepared by R J Sinclair Pty Ltd dated 5 July 2004.

[GEN0010]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0120]
4. The erection of a building in accordance with a development consent must not be commenced until:
 - (a) 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]

- 5. The maximum intensity of any external lighting at 3⁰ above the horizontal shall not exceed 150 candella.
- 6. External building materials shall not be reflective, in particular all roofed areas.

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. Section 94 Contributions

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

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

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates

applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

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

Residential Component

a.	Tweed Road Contribution Plan: S94 Plan No. 4 (Version 4.0) Sector1_4	\$1,288
b.	Open Space (Structured): S94 Plan No. 5	\$780
c.	Open Space (Casual): S94 Plan No. 5	\$167
d.	Shirewide Library Facilities: S94 Plan No. 11	\$688
e.	Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$126
f.	Emergency Facilities (Surf Lifesaving) (REMSHIRE) S94 Plan No. 16	\$215
g.	Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$344.81
h.	Cycleways S94 Plan No. 22	\$160
i.	Regional Open Space (Structured) S94 Plan No. 26	\$1,177
j.	Regional Open Space (Casual) S94 Plan No. 26	\$221

Industrial/Commercial Component

a.	Tweed Road Contribution Plan: S94 Plan No. 4 (Version 4.0) Sector1_4	\$4,410
----	---	---------

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of

Tweed Road Contribution Plan No. 4 - Version 4.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

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

where:

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

and:

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

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

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

Admin. Administration component - 5% - see Section 6.5

- b. Extensions to Council Administration Offices & Technical Support Facilities \$608.80
S94 Plan No. 18

[PCC0050/PSC0005]

- 8. A **certificate of compliance** (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall **NOT** be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

Residential Component

Water: 1 ET @ \$4325 \$4,325

Sewer: 1 ET @ \$3490 \$3,490

Industrial / Commercial Component

Water: 2.058 ET @ \$4325 \$8,901

Sewer: 2.058 ET @ \$3490 \$7,182

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]

9. The site is to be filled to a minimum of RL2.65m AHD. The filling is to be retained by perimeter structural walls with concrete lined perimeter drainage, or other approved treatment, to a design submitted to and approved by the Director of Engineering Services prior to the release of the Construction Certificate. The filling plan of the site is to address the drainage on the site as well as any existing stormwater flows onto or through the site and the likely impact on stormwater drainage in the locality from the proposed filling.

[PCC0100]

10. Permanent Stormwater Quality Treatment

- (a) Permanent stormwater quality treatment shall comply with "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development" . New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the "deemed to comply" provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.
- (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management

practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.

- (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
- (d) Specific requirements:
 - (i) Runoff from all impervious hardstand and driveway areas (excluding roof areas) must be treated to remove oil and sediment pollutants prior to the discharge to the public realm. Permanent stormwater quality control devices shall be sized according to Council's Development Design Specification D7 - Stormwater Quality, Section D7.12. Full engineering details of treatment devices, including maintenance schedules, shall be submitted with a s.68 Stormwater Application.
 - (ii) Roof runoff does not require treatment and should be discharged downstream of any treatment devices, or the treatment devices shall be sized accordingly.

[PCC0230]

- 11. (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 following additional detail shall be submitted with the s.68 Local Government Act: Stormwater Application, prior to the issue of a Construction Certificate:
 - (i) Written certification, from a suitably qualified practicing engineer, that the existing stormwater pump system operates according to the minimum standards detailed on R.J Sinclair

Pty Ltd Drawing No.98 034 H 03 C, "Hydraulic Services Plant Room Layout and Schedules", dated 12/12/98.

- (ii) Should the existing pump system not meet the minimum standards referred to in part (i) above, details of the required pump system upgrades to meet these minimum standards shall be submitted for approval.
- (iii) Details of the current stormwater pump system maintenance contract, as described on R.J Sinclair Pty Ltd Drawing No.98 034 H 03 C, "Hydraulic Services Plant Room Layout and Schedules", dated 12/12/98. Updated maintenance contract details shall be supplied to council annually, for the life of the storage unit building.

[PCC0240]

12. 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]

13. The drainage system for the self storage units shall be adequately sized to provide storage of stormwater up to the ARI 20 year storm event without exceeding the capacity of the stormwater discharge pump system.

[PCCNS01]

14. Prior to the issue of a Construction Certificate an acoustic consultant shall provide details to Council on the form of all damping/insulation that is required for the loading areas and any cover plates. Stormwater grates

and the like, which is necessary to prevent the emission of offensive noise.

15. Prior to the issue of a Construction Certificate the location and details of all proposed mechanical plant shall be provided to Council on a suitably detailed plan. The plant is not to be located close to the boundary that adjoining any neighbouring residential premises unless such mechanical plant is acoustically treated so as to prevent the emission of offensive noise.
16. Prior to the issue of a Construction Certificate an acoustic consultant is to provide construction details of all proposed acoustic fencing and acoustic barriers to Council that detail the level of noise attenuation that will be achieved against each of the noise sources and predicted noise levels that are indicated in table 5.3.1 of the Acoustic Assessment prepared by Richard Heggie and Associates dated 24 January 2004, as well as any other potential noise sources that may be present on the site. The construction of the acoustic fencing and barriers shall be sufficient to prevent the emission of offensive noise.

[PCCNS02]

PRIOR TO COMMENCEMENT OF WORK

17. 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.

Note: All cut and or fill must comply with DCP 47. The top of any battered cut, toe or battered fill and the face of any retaining wall structure supporting cut or fill cannot be closer that 900mm to the boundary where the overall height at any point exceeds 500mm.

[PCW0040]

18. 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]

19. **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]

20. 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]

21. Prior to commencement of any works on the site all required plumbing and drainage inspection fees are to be submitted to Council.

[PCW0200]

22. 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]

23. 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]

24. 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]

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. 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]
27. 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]
28. 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]
29. 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]
30. 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]
31. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed.
[DUR0950]
32. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- a. internal drainage, prior to slab preparation;
 - b. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - c. external drainage prior to backfilling.
 - d. completion of work and prior to occupation of the building.
- [DUR1020]
33. A. A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
B. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.
[DUR1030]
34. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
[DUR1090]

35. 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]

36. 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]

37. 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]

38. 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]

39. 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]

40. Landscaping within Ducat Park, for ameliorative screening of the proposed building, is to be to the Satisfaction of Council's Director Engineering and Operations.

[DURNS01]

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.

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

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

[DUR0730]

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.

[DUR0850]

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.

[DUR0870]

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

[DUR0880]

45. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.

[DUR0920]

46. 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]

47. The burning of builders waste on site by open fire is prohibited.

[DUR0940]

48. All fill material imported to the site shall be from an approved source. All material shall be free of from any contaminants that would exceed the recommended Soil Health Investigation Levels as specified in Schedule B (7a) of the National Environmental Protection Council Measures for the proposed use of the land.

[DURNS02]

49. All excavations below 2.0m AHD shall be subject to compliance with the Preliminary Acid Sulfate Soils Management Plan prepared by Martin Findlater and Associates dated 22 April 2003.

[DURNS03]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

50. 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]

51. 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]

52. 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]

53. Prior to the issue of an Occupation Certificate an acoustic consultant shall in conjunction with the applicant provide a noise management plan to Council for approval. It must identify how all the noise sources are to be controlled. Such noise sources shall include but may not be limited to: roller doors, unloading trolleys, raised voices, car movement and related noises. Particular attention shall be paid to the control of all noise sources at night.

[POCNS02]

54. 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]

55. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

[USE0190]

USE

56. All external artificial lighting shall be shielded where required to the satisfaction of Council's Director Environment and Community Services so as to prevent the spill of light or glare causing nuisance to the occupants of the neighbouring or adjacent residential premises.

The storage of any hazardous or explosive materials is not permitted without the prior separate approval of NSW WorkCover Authority.

[USENS01]

FOR VOTE - Cr Polglase, Cr Murray, Cr Brinsmead, Cr Beck, Cr Holdom, Cr Dale, Cr James

AGAINST VOTE - Cr Lawrie, Cr Boyd

ABSENT. DID NOT VOTE - Cr Bell, Cr Carroll

3 [PE] Tugun Bypass Environmental Impact Statement (EIS)

Cr H James

Cr D M Holdom

PROPOSED that Council informs the Queensland Main Roads that:

1. The Council Resolution No. 113 of 16 February 2005 be reiterated.
2. (a) Further analysis is required in respect of :
 - (i) declared endangered population and endangered ecological communities under the Threatened Species Conservation Act as they are affected by the Bypass.
 - (ii) the effects of the proposal on places of Aboriginal significance.
- (b) Given that there will be likely adverse noise impacts as a result of construction activities even after the implementation of noise mitigation measures it is recommended that the proponent engages in extensive community consultation with those receivers in NSW that are likely to be adversely affected. This may serve to lessen the number of complaints likely to be received from these residents if they are well informed of the impacts beforehand and are given the opportunity to discuss the effectiveness of the noise mitigation measures to be employed.
- (c) The need for the use of architects to ensure high quality acoustic barriers designed using contemporary construction techniques. The use of painted murals is not supported without further details.
- (d) The need for high quality landscape and acoustic barrier design outcomes is not compromised by cost efficiency outcomes alone.
- (e) Further details are required of any border identification signs.

189 AMENDMENT

Cr R D Brinsmead
Cr L F Beck

RESOLVED that :

1. Council reiterates its resolution No 113 of its meeting held on 16 February 2005.
2. (a) Given that there will be likely adverse noise impacts as a result of construction activities even after the implementation of noise mitigation measures it is recommended that the proponent engages in extensive community consultation with those receivers in NSW that are likely to be adversely affected. This may serve to lessen the number of complaints likely to be received from these residents if they are well informed of the impacts beforehand and are given the opportunity to discuss the effectiveness of the noise mitigation measures to be employed.
- (b) The need for the use of architects to ensure high quality acoustic barriers designed using contemporary construction techniques. The use of painted murals is not supported without further details.
- (c) The need for high quality landscape and acoustic barrier design outcomes is not compromised by cost efficiency outcomes alone.
- (d) Further details are required of any border identification signs.

The Amendment was **Carried**

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

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

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

4 [PE] Pottsville Youth Facility

190 RESOLUTION:

Cr J F Murray
Cr R D Brinsmead

RESOLVED that Council:

1. Undertakes a youth needs analysis within the Shire.

2. Uses the findings:

- (a) As the basis for community consultation on the possible provision of services and facilities for youth:
- generally in the Shire, and
 - specifically to meet any identified needs of Pottsville.
- (b) To review and update as appropriate the Social Plan for the target group of Young People.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Bell, Cr Carroll

REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER

5 [OGM] Probity Audit - Council Land - Pandanus Parade, Cabarita

191 RESOLUTION:

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

RESOLVED that the Probity Report be received and noted.

192 RESOLUTION:

**Cr L F Beck
Cr J F Murray**

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

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Bell, Cr Carroll

193 RESOLUTION:

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

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

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Bell, Cr Carroll

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.33PM.

RESUMPTION OF MEETING

The Meeting resumed at 7.42PM.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Bell, Cr Carroll

194 RESOLUTION:

**Cr M R Boyd
Cr D M Holdom**

RESOLVED that the General Manager prepares a report on the recommendations contained within the Probity Officer's report for Council's consideration.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Bell, Cr Carroll

6 [OGM] Code of Conduct

195 RESOLUTION:

**Cr H James
Cr M R Boyd**

RESOLVED that this item be deferred pending further investigation of this matter.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Bell, Cr Carroll

7 [OGM] Tyalgum Community Preschool

196 RESOLUTION:

**Cr J F Murray
Cr D M Holdom**

RESOLVED that in regard of payment of Section 94 Charges by the Tyalgum Community Preschool that payments of \$500.00 per annum be made by the preschool to Tweed Shire Council commencing after the expiration of 3 years of operation of the preschool.

FOR VOTE - Unanimous
ABSENT DID NOT VOTE: Cr Bell, Cr Carroll

RETIREMENT FROM MEETING

Cr Brinsmead and the General Manager retired from the meeting at 08:00 PM.

8 [OGM] Second Round Donations 2004/2005 - Donations Policy

197 RESOLUTION:

Cr W J Polglase
Cr D M Holdom

RESOLVED that Councillors Bell and Carroll be requested to prepare a report on the second round of Donations Policy applications for 2004/2005 and this to be submitted to the 6 April 2005 Council meeting.

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr Brinsmead, Cr Bell, Cr Carroll

9 [OGM] Second Round Donations 2004/2005 - Festivals Policy

198 RESOLUTION:

Cr M R Boyd
Cr D M Holdom

RESOLVED that Councillors Bell and Carroll be requested to prepare a report on the second round of Festivals Policy applications for 2004/2005 and this to be submitted to the 6 April 2005 Council meeting.

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr Brinsmead, Cr Bell, Cr Carroll

10 [OGM] Monthly Investment Report for Period Ending 28 February 2005

199 RESOLUTION:

Cr M R Boyd
Cr J F Murray

RESOLVED that this report be received and noted.

FOR VOTE - Unanimous
ABSENT, DID NOT VOTE: Cr Brinsmead, Cr Bell, Cr Carroll

11 [OGM] Country Week - Regional Development Expo

200 RESOLUTION:

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

RESOLVED that Council does not participate in the Country Week Regional Development Expo 2005.

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE: Cr Brinsmead, Cr Bell, Cr Carroll

12 [OGM] Tweed and Coolangatta Tourism Inc (TACTIC) Monthly Performance Reports

201 RESOLUTION:

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

RESOLVED that this report be received and noted.

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE: Cr Brinsmead, Cr Bell, Cr Carroll

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS

13 [EO] WADAMP Grant Offers for Boating Facility Upgrades

202 RESOLUTION:

**Cr M R Boyd
Cr H James**

RESOLVED that:-

1. Council accepts the Waterways Asset Development and Management Program (WADAMP) grant offers from the NSW Maritime Authority for installation of two pontoons on public jetties in Terranora Creek and upgrade of Lakes Drive Boat Ramp and floating jetty and
2. All documentation be executed under the Common Seal of Council.

3. Council matches the grant on a Dollar for Dollar basis and votes the expenditure of \$58,425 for the Lakes Drive Boat Ramp and \$41,925 for public jetties at Ray Pascoe Park and Pioneer Park.

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE: Cr Brinsmead, Cr Bell, Cr Carroll

- 14 [EO] Environmental Trust Grant Offer - Byrrill Creek Riparian Rehabilitation Project

203 RESOLUTION:

**Cr M R Boyd
Cr H James**

RESOLVED that Council accepts the grant of \$100,000 being offered by the NSW Environmental Trust for riparian rehabilitation in the Byrrill Creek sub-catchment and votes the expenditure.

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE: Cr Brinsmead, Cr Bell, Cr Carroll

- 15 [EO] Water Supply and Sewerage Performance Report

204 RESOLUTION:

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

RESOLVED that Council:-

1. Notes the Water Supply and Sewerage Performance Report for 2002/2003.
2. Places copies of the report in the Murwillumbah and Tweed Heads Civic Centres and advises of such in the Tweed Link.

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE - Cr Brinsmead, Cr Bell, Cr Carroll

- 16 [EO] Murwillumbah Traffic Study

205 RESOLUTION:

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

RESOLVED that:-

1. A maximum of \$26,000.00 be transferred from S94 Plan NO. 4 to cover the cost of the Murwillumbah Traffic Study.
2. Veitch Lister Consulting Pty Ltd (VLC) be engaged to undertake the Murwillumbah Traffic Study for a maximum of \$26,000.00.
3. Council votes the expenditure.

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE: Cr Brinsmead, Cr Bell, Cr Carroll

17 [EO] Dedication of Land as Road - Lot 1 in DP1060215 - Extension of Eastlakes Drive, Tweed Heads South

206 RESOLUTION:

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

RESOLVED that Council approves the dedication of Lot 1 in DP 1060215 at Tweed Heads South as road under the provisions of section 10 of the Roads Act 1993.

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE: Cr Brinsmead, Cr Bell, Cr Carroll

18 [EO] SALT Central Park Plan of Management

207 RESOLUTION:

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

RESOLVED that the SALT South Kingscliff Central Park Plan of Management (March 2005) be adopted.

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE: Cr Brinsmead, Cr Bell, Cr Carroll

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY

DECLARATION OF INTEREST

Cr Boyd declared an Interest in item 19, left the Chamber at 08:07 PM and took no part in voting. The nature of the interest is that Cr Boyd is the Chairman of the Tweed River Art Gallery Foundation Board.

19 [EC] Addition to Tweed River Art Gallery

208 RESOLUTION:

**Cr D M Holdom
Cr G J Lawrie**

RESOLVED that Council considers the priority and financing of \$350,000 for this project at the Management Plan Workshop on 23 March 2005.

FOR VOTE - Cr Polglase, Cr Murray, Cr Lawrie, Cr Holdom, Cr Dale, Cr James

AGAINST VOTE - Cr Beck

ABSENT. DID NOT VOTE - Cr Brinsmead, Cr Bell, Cr Carroll, Cr Boyd

Cr Boyd has returned from temporary absence at 08:10 PM

20 [EC] Request for "In Kind" Support/Waive Fee

209 RESOLUTION:

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

RESOLVED that Council provides:

1. Wollumbin Ozone Production with use of the Murwillumbah Auditorium for the purpose of rehearsals at the cost of \$10 which does not secure the facility from a full fee paying booking. Also provide the same company use of the Auditorium for its production subject to payment of 10% of the proceeds of all tickets sold.
2. The Murwillumbah Branch of the Returned Services League of Australia use of 200 chairs from the Murwillumbah Auditorium and use of the Auditorium in the event of inclement weather on Anzac Day 2005.

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE: Cr Brinsmead, Cr Bell, Cr Carroll

21 [EC] Murwillumbah Memorial Pool Complex and Car Park Redevelopment

210 RESOLUTION:

**Cr H James
Cr L F Beck**

RESOLVED that Council:-

1. Adopts the Master Plan as exhibited for the car park and swimming pool complex.
2. Considers the priority and financing of this project at the Management Plan Workshop on 23 March 2005.

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE: Cr Brinsmead, Cr Bell, Cr Carroll

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

[SUB-SAC] Minutes of the Sports Advisory Committee Meeting held Tuesday 22 February 2005

211 RESOLUTION:

**Cr M R Boyd
Cr D M Holdom**

RESOLVED that the Minutes of the Sports Advisory Committee be endorsed with the exception of those items which were considered individually hereunder.

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE: Cr Brinsmead, Cr Bell, Cr Carroll

[SUB-SAC] 3. In-Sports Field Assets Reserve Trust Fund Application - Kingscliff Soccer Club

212 RESOLUTION:

**Cr M R Boyd
Cr D M Holdom**

RESOLVED that Council contributes \$1,400.00 from the Assets Reserve Trust Fund towards upgrading perimeter fencing at the Reg Dalton Oval.

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE: Cr Brinsmead, Cr Bell, Cr Carroll

[SUB] Minutes Circulated to Councillors with this Agenda Not Requiring a Council Decision

213 RESOLUTION:

Cr M R Boyd
Cr D M Holdom

RESOLVED that the Minutes Circulated to Councillors be received and noted.

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE: Cr Brinsmead, Cr Bell, Cr Carroll

DELEGATES REPORTS

Nil.

OUTSTANDING INSPECTIONS

Nil.

ITEMS OF INFORMATION AND INTEREST

Nil.

ORDERS OF THE DAY

- 1 [NOM] Cabarita Beach/Bogangar - Locality Plan & Sale of the Car Park at Pandanus Parade**

Cr D M Holdom
Cr M R Boyd

PROPOSED that :

1. The DCP 50 and Locality Plan for Cabarita Beach/Bogangar to be completed as soon as possible.
2. No further action be taken on the sale of Pandanus Parade car park (Lots 4, 5, 6, 10 and 11) at Cabarita Beach/Bogangar and that any further offers to purchase the land is reported to Council as soon as possible.

The Motion was Lost on the **Casting Vote** of the Mayor.

FOR VOTE - Cr Holdom, Cr Boyd, Cr Dale, Cr James

AGAINST VOTE - Cr Polglase, Cr Murray, Cr Beck, Cr Lawrie

ABSENT. DID NOT VOTE - Cr Brinsmead, Cr Bell, Cr Carroll

- 2 [NOM] Alteration of the Planning Policy where Development Applications for new Shopping Centres contains either a Return Deposit System for Shopping Trolleys or a System acceptable to Council that limits Shopping Trolleys to the confines of the Centre**

214 RESOLUTION:

**Cr J F Murray
Cr L F Beck**

RESOLVED that a report be called forward that considers the altering of Planning Policy whereas Development Applications for new Shopping Centres or major renovations for existing Shopping Centres contains either a return deposit system for shopping trolleys or alternate system acceptable to Council that limits the trolleys to the confines of the Shopping Centre

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE: Cr Brinsmead, Cr Bell, Cr Carroll

WORKSHOPS

Nil.

QUESTION TIME

Nil.

COMMITTEE OF THE WHOLE

215 RESOLUTION:

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

RESOLVED that Council resolves itself into a Confidential Committee of the Whole and that the press and public be excluded from the Committee meeting.

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE: Cr Brinsmead, Cr Bell, Cr Carroll

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] Melbourne 2006 Commonwealth Games

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

C 29 RECOMMENDATION:

That the Mayor and General Manager be authorised to sign documentation.

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE: Cr Brinsmead, Cr Bell, Cr Carroll

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

2 [EO] Sale & Lease of Land at Chinderah

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 30 RECOMMENDATION:

That this item be deferred with a further report to be the 6 April 2005 Council Meeting, pending the outcome of actions involving an adjoining property.

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE: Cr Brinsmead, Cr Bell, Cr Carroll

3 [EO] EC2005-032 Manufacture, Supply, Delivery and Unloading of DICL and MSCL Large Diameter Pressure Pipe, Fittings and Valves

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 31 RECOMMENDATION:

That:

1. The supply contract for all items contained in EC2005-032 be awarded to Tyco Water with a discounted contract amount of \$2,030,918.53 exclusive of GST.
2. The Director Engineering and Operations be given delegated authority to approve variations up to \$100,000.

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE: Cr Brinsmead, Cr Bell, Cr Carroll

4 [EO] Parks Renaming - SALT, South Kingscliff

REASON FOR CONFIDENTIALITY:

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

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

C 32 RECOMMENDATION:

That Council calls for comment regarding the re-naming of Cylinders Park to "Michael Palmer Memorial Park".

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE: Cr Brinsmead, Cr Bell, Cr Carroll

216 RESOLUTION:

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

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

FOR VOTE - Unanimous

ABSENT, DID NOT VOTE: Cr Brinsmead, Cr Bell, Cr Carroll

There being no further business the Meeting terminated at 8.42PM



Minutes of Meeting Confirmed by Council

at Meeting held

I hereby certify that I have authorised the affixing of my electronic signature to the previous pages numbered 1 to 32 of these Minutes

Chairman

