

IN ATTENDANCE

Councillors W J Polglase (Mayor), L F Beck (Deputy Mayor), G B Bell, M R Boyd, R D Brinsmead, B J Carroll, S Dale, D M Holdom, 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 Geoff Edwards (Acting Director Environment & Community), Mr Peter Brack (Corporate Performance Audit Officer) and Miss Alyson Morgan (Minutes Secretary).

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

PRAYER

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

"Prayer for Australia Day

God, bless Australia, guard our people, guide our leaders and give us peace; for Jesus Christ's sake. Amen.

Prayer for the Victims of the Asian Tsunami Disaster

Loving Lord, we pray for those who have been killed, for those who suffer still and for all whose lives have been ravaged by the recent Tsunami disaster. We hold up to you all who are bewildered and afraid, all who are bereaved, and all whose faith has been tested. Give strength and resilience, compassion and understanding to the men and women of the emergency and relief services and medical teams. Speak your tender word to all who suffer and protect them by your loving care, that in the midst of things we cannot understand, we and they may believe in your love, know your faithfulness, and trust your presence, through Jesus Christ our Lord. Amen.

For the meeting

O Holy Spirit of God, we ask for your guidance at our Shire Council Meeting today. May each member of Council exercise their responsibilities wisely and prayerfully, and may the decisions of the Council be in accordance with your will and for the extension of your Kingdom, through Jesus Christ our Lord. Amen."

CONFIRMATION OF MINUTES

Minutes of the Ordinary Meeting held Wednesday 15 December 2004

4 RESOLUTION:

Cr H James
Cr G B Bell

RESOLVED that the Minutes of the Council Meeting held Wednesday 15 December 2004 be adopted as a true and accurate record of proceedings of that meeting.

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

Minutes of the Extraordinary Council Meeting held Wednesday 5 January 2005

5 RESOLUTION:

Cr H James
Cr G B Bell

RESOLVED that the Minutes of the Extraordinary Council Meeting held Wednesday 5 January 2005 be adopted as a true and accurate record of proceedings of that meeting.

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

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Cr R D Brinsmead declared an interest in Item 18.

The nature of the interest is that Cr R D Brinsmead has a family interest.

Cr W J Polglase declared an interest in Item [NOM] Boardwalk facility from Murphy's Road to the Beach for the needs of the Wommin Bay Hostel for the Aged and General Public.

The nature of the interest is that Cr W J Polglase's wife is a member of the Board.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

6 RESOLUTION:

**Cr H James
Cr G B Bell**

RESOLVED that this report be received and noted.

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

MAYORAL MINUTE

Mayoral Minute

Councillors,

1. NRACC

16 December – Christmas function

2. Council Staff Christmas Party

16 December – Council staff Christmas Party at Branding Rail

3. TEDC

17 December – TEDC Christmas Function

4. Murwillumbah Uniting Church

17 December – Induction Service for Reverend Proctor

5. Murwillumbah Baptist Church

18 December – Opening Tumbletown

6. Councillors' & Directors' Christmas Dinner

18 December – Councillors' & Directors' Christmas Dinner at Plantation House Duranbah

7. Citizenship Ceremony

20 December – Private Citizenship Ceremony at Murwillumbah

8. Council Meeting

5 January – Extraordinary Council Meeting

9. Tsunami Appeal

10 January – Meeting at Seagulls re organisation for Tsunami Appeal Concert

16 January – Address to congregation at Church of England Murwillumbah.

10. Citizenship Ceremony

10 January – Private Citizenship Ceremony at Tweed Heads

11. NRACC

13 January – NRACC meeting

12. Mebbin Springs

18 January – Launch Mebbin Springs project at Murwillumbah Art Gallery

13. Local Government Association

Letter (Appendix 1) received from Secretary General of Local Government Association advising Cr. Warren Polglase has been invited to join a working party to develop amendments to the Local Government Act to clarify the accountability of General Managers to a Mayor and Council.

INVITATIONS ACCEPTED:

- 30 January – Benefit Concert at Seagulls to raise funds for Care Australia's South East Asian Appeal

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

- National Water Conference '05 (Implementing the National Water Initiative) **16-18 February 2005** Melbourne Convention Centre

7 RESOLUTION:

Cr W J Polglase

RESOLVED that the Mayoral Minute be adopted.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Carroll

ITEMS DEFERRED

Nil.

ATTENDANCE AT MEETING

Cr B J Carroll attended the meeting at 4.12pm.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE DIRECTOR PLANNING & ENVIRONMENT

- 1 [PE] Development Application D91/0236.02 for an Amendment to Development Consent D91/0236 for Extensions to an Existing Caravan Park to Accommodate 9 Long Term and 14 Short Term Sites & Associated Filling at Lot 2 DP 508325, No. 8-10 Philp Parade, Tweed

8 RESOLUTION:

Cr H James
Cr D M Holdom

RESOLVED that the Applicant be advised that s.94 contribution levies are applicable in full and the request to waive the s.96 application fee (D91/0236.03) is not supported.

FOR VOTE - Unanimous

- 2 [PE] Tweed Local Environmental Plan (Amendment No. 60) and Development Application DA04/0008 for a Mixed Commercial/Residential Development at Lot 14 DP 818400 Overall Drive, Pottsville

This item was dealt with later in the meeting at Minute No 33.

REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER

- 3 [OGM] Tweed and Coolangatta Tourism Inc - Report on Destination Marketing Campaign

9 RESOLUTION:

Cr J F Murray
Cr G B Bell

RESOLVED that this report be received and noted.

FOR VOTE - Unanimous

4 [OGM] Murwillumbah and Kingscliff Campuses of TAFE NSW - Hospitality and Building Trade Courses

10 RESOLUTION 1

**Cr J F Murray
Cr G B Bell**

RESOLVED that this report be received and noted.

FOR VOTE - Unanimous

11 RESOLUTION 2

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

RESOLVED Council write a comprehensive response to this item.

FOR VOTE - Unanimous

5 [OGM] Monthly Investment Report for Period Ending 31 December 2004

12 RESOLUTION:

**Cr M R Boyd
Cr H James**

RESOLVED that this report be received and noted.

FOR VOTE - Unanimous

6 [OGM] Local Government Amendment (Public-Private Partnerships) Bill 2004

13 RESOLUTION:

**Cr H James
Cr D M Holdom**

RESOLVED that this report be received and noted.

FOR VOTE - Unanimous

7 [OGM] Shires Association of NSW "A" Division - Annual Meeting

14 RESOLUTION:

**Cr J F Murray
Cr G B Bell**

RESOLVED that Council gives consideration to further motions to be referred to the Shires Association of NSW "A" Division Annual Meeting.

FOR VOTE - Unanimous

8 [OGM] Easement to Drain Sewage within Lot 955 DP 865092

15 RESOLUTION:

**Cr M R Boyd
Cr B J Carroll**

RESOLVED that: -

1. Council endorses creation of an easement to drain sewage within Lot 955 in DP 864092 of Stage 5B of the Koala Beach development at Pottsville.
2. That all necessary documentation be completed under the Common Seal of Council.

FOR VOTE - Unanimous

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS

9 [EO] Pavement Reconstruction of Tweed Terrace

The Director of Engineering & Operations requested that this item be withdrawn for further review.

10 [EO] Allocation of Road Funding Reserves

16 RESOLUTION:

**Cr M R Boyd
Cr B J Carroll**

RESOLVED that: -

1. The \$99,250 held in reserve from the sale of road reserves be allocated to the final stage of Myrtle Street.
2. Council votes the expenditure.

FOR VOTE - Unanimous

11 [EO] Road Maintenance Levy Reserves

17 RESOLUTION:

**Cr J F Murray
Cr G B Bell**

RESOLVED that: -

1. The funds held in reserve from the road maintenance levies be allocated to, Leddays Creek Road (\$95,000), Dulguigan Road (\$72,000), Clothiers Creek Road (\$30,000) and Quarry Road (\$95,000).
2. Council votes the expenditure.

FOR VOTE - Unanimous

12 [EO] Dedication of Land as Road at Pottsville being the Extension of Centennial Drive, Pottsville

18 RESOLUTION:

**Cr H James
Cr G B Bell**

RESOLVED that Council approves the dedication of Lots 1 and 2 in DP 1062338 as Public Road pursuant to section 10 of the Roads Act, 1993.

FOR VOTE - Unanimous

13 [EO] Streetlighting Power Supply

19 RESOLUTION:

Cr M R Boyd
Cr S M Dale

RESOLVED that Council accepts the streetlighting energy supply offer from Energex at a cost of 3.325 cents per kilowatt-hour for the period 1 January 2005 to 31 December 2005.

FOR VOTE - Unanimous

14 [EO] Application to Close Crown Public Road - Byangum

20 RESOLUTION:

Cr M R Boyd
Cr D M Holdom

RESOLVED that Council advises the Department of Lands that it will not object to the closure of the Crown Public Road subject to the Department making inquiries of the owner of Lot 2 in DP 578149 as to whether half of the road closure would be required by him.

FOR VOTE - Unanimous

15 [EO] Application to Close Crown Public Road - Rowlands Creek

21 RESOLUTION:

Cr H James
Cr D M Holdom

RESOLVED that Council advises the Department of Lands that it does object to the closure and purchase of that part of a Crown Public Road located between Lot 2 in DP 815475 and Lot 1 in DP 597042 at Rowlands Creek because it would significantly sever the network of Crown roads in the vicinity and reduce options for public access generally.

FOR VOTE - Cr Polglase, Cr Bell, Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale, Cr James

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

16 [EO] Kyogle Road - Weight Restriction

22 RESOLUTION:

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

RESOLVED that: -

1. Council endorses the application of a 42.5 tonne weight restriction on Kyogle Road at the bridge over Doon Doon Creek from 10 February to 8 April 2005.
2. The Roads and Traffic Authority be requested to exercise its powers under Section 112 (2) of the Roads Act 1993 to impose the weight restriction.

FOR VOTE - Unanimous

**17 [EO] Proposed Modification to Development Consent No. 02/1422
Section 64 Contribution Plan for Sewer Headworks - SALT Development**

23 RESOLUTION:

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

RESOLVED that Council approve: -

1. A reduction in the amount of the sewer headworks contributions equal to the conveyancing component of the contributions for all existing and future developments in the SALT development, up to a total of 908 equivalent tenements.
2. A credit of \$377,460 be given to Consent No. 02/14220 DA and be applied to the remaining sewer headworks contributions applicable for future stages and a refund of \$227,185 be paid to the developer on request.
3. A credit of \$228,378.00 be given to consent no. 02/14220DA and be applied to the remaining water headworks contributions applicable for future stages.
4. Modifications to this consent as detailed above be implemented by the Director Planning and Environment.

FOR VOTE - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY

DECLARATION OF INTEREST

Cr Brinsmead declared an Interest in this item, left the Chamber at 04:47 PM and took no part in the discussion or voting. The nature of the interest is that Cr Brinsmead has a family interest.

18 [EC] Council Land, Pandanus Parade, Cabarita

24 RESOLUTION:

Cr L F Beck
Cr G B Bell

RESOLVED that Council defers a decision on this matter until after a report has been received from the Probity Officer.

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr Brinsmead

Cr Brinsmead has returned from temporary absence at 05:01 PM

19 [EC] Application and Request to Install Unregistrable Moveable Dwelling

25 RESOLUTION:

Cr M R Boyd
Cr H James

RESOLVED that:

1. Council refuses the application by Mrs Patricia Rees to install an unregistrable moveable dwelling in the Drifters Van Village, Chinderah.
2. Mr FJ & EG Criddle be advised that the previous resolution of 15 September 2004 remains valid, and the request to install an unregistrable moveable dwelling in the Drifters Van Village, Chinderah is refused.

FOR VOTE - Unanimous

20 [EC] Tweed Shire Family Day Care - Request for Refund of Council Fees

26 RESOLUTION:

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

RESOLVED that:

1. Council declines the request for a refund of development application fees and advertising cost from the Tweed Shire Family Day Care in line with its Policy.
2. A letter be sent to the applicants suggesting that they make an application under the Donations Policy.

FOR VOTE - Unanimous

21 [EC] Funding for Disability Arts Project

27 RESOLUTION:

**Cr B J Carroll
Cr J F Murray**

RESOLVED that Council:

1. Accepts the offer from the Department of Ageing Disability and Home Care of \$9,000 for the City of the Arts Disability Arts Project.
2. Votes the expenditure of these funds accordingly.
3. All documentation be executed under the Common Seal of Council as requested.

FOR VOTE - Unanimous

22 [EC] Implementation of Tweed Shire Council Waste Collection and Disposal Strategy

28 RESOLUTION:

**Cr H James
Cr S M Dale**

RESOLVED that Council:

1. Not implement the recycling fee of \$30.00 for a second garbage services where such can be demonstrated to be needed because of the implementation of the 50/50 split bin.
2. Charges a fee of \$30.00 per year for the garden waste collection service and this fee be gradually increased to the full fee charged by Solo Waste after 5 years.
3. Advertises the fee for 28 days in accordance with the Local Government Act.

FOR VOTE - Unanimous

23 [EC] Storage of Bales of Plastic Stotts Creek Garbage Depot

29 RESOLUTION:

**Cr M R Boyd
Cr H James**

RESOLVED that Council enters into an agreement with Global Plastic Recyclers (Aust) Pty Ltd to store bales of plastic at Stotts Creek Garbage Depot at a fee of \$500 per calendar month and the matter be reviewed after 12 months.

FOR VOTE - Unanimous

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

30 RESOLUTION:

**Cr H James
Cr J F Murray**

RESOLVED that Council:-

1. Agrees to the request of the United Hospital Auxiliary for free use of the South Sea Islander Room each month for 2005.
2. Agrees to the request of Tweed Shire Council's Recreation Services Unit for free use of the Kingscliff Amenities Hall for the public meeting on 16 February 2005.
3. Agrees to the request of the Tweed Community Drug Action Team for free use of the South Sea Islander Room each second Wednesday for 2005.
4. Advises Tweed Economic Development Corporation that any use of Tweed Shire Council's facilities for meetings will attract the relevant Council fee.

FOR VOTE - Unanimous

25 [EC] Greywater Reuse

31 RESOLUTION:

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

RESOLVED that Council continues to monitor the development of greywater treatment systems for possible future use.

FOR VOTE - Unanimous

26 [EC] Banora Point Multi-Purpose Centre - Appointment of a Management Committee

32 RESOLUTION:

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

RESOLVED that Council approves the seven (7) nominated applicants as set out below for the position of membership on the Inaugural Banora Point Multi- Purpose Centre:

- Neil Cranfield Centre Manager for the Salvation Army Community Centre
- Karen Ford Local resident and Worker with disabilities
- Tracy McKenzie Local resident. Member Aboriginal Advisory Committee

- Tara Alvarado Graduate in Diverse Management, Marketing PR and business skills. An interest in Youth activities
- Ray Tate Banora Point Residents Association. Interest in Senior citizens programs
- Susan Mackley Local resident. Interest in Community work
- Cr Bernie Bell Councillor representative.

FOR VOTE - Unanimous

Cr Brinsmead left the meeting at 05:27 PM

ITEM DEFERRED FROM EARLIER IN THE MEETING

- 2 [PE] Tweed Local Environmental Plan (Amendment No. 60) and Development Application DA04/0008 for a Mixed Commercial/Residential Development at Lot 14 DP 818400 Overall Drive, Pottsville**

33 RESOLUTION:

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

RESOLVED that Council: -

1. Forwards a copy of draft Tweed Local Environmental Plan 2000 (Amendment No.60) to the Minister for gazettal; and
2. Upon gazettal of draft Amendment No.60 to the Tweed Local Environmental Plan 2000, Development Application DA04/0008 for a mixed commercial/residential development be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos DA-01, DA-02 (as amended in red) prepared by John Papanikolas and dated 11/11/03, except where varied by these conditions.
[GEN0010]
2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
[GEN0030]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0120]

4. The erection of a building in accordance with a development consent must not be commenced until:
 - (a) 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. All wastes shall be collected, stored and disposed of to the satisfaction of Council's Director of Environment and Community Services. A screened, graded and drained bin storage area shall be provided within the boundary of the property. The bin storage area shall be kept clean at all times.

[GENNS01]

6. Lighting shall not be permitted to impact on the amenity of any other premise.

[GENNS02]

7. The development shall be constructed and operated in accordance with the Mitigation Measures identified in the Noise Report for Mixed Commercial Residential Development prepared by Garry Hall and dated March 2004.

[GENNS03]

8. Appropriate landscaping is to be provided along the northern and western edge of the balcony for unit 1 to assist in screening the development and preserving privacy for adjoining residents.

[GENNS04]

9. A laundry is to be incorporated into the floor plan of unit 2 in accordance with the provisions of the Building Code of Australia.

[GENNS05]

10. The existing central median on Overall Drive is to be modified to permit safe egress from the site and to extend the protected right turn lane into the development.

[GENNS06]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

11. Any carparking floodlighting shall not spill beyond the boundaries of the site. A plan of the lighting shall be approved by the Director of Development Services PRIOR to the issue of a Construction Certificate.

[PCC0030]

12. Section 94 Contributions

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

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

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

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

a.	Tweed Road Contribution Plan: S94 Plan No. 4 (Version 4.0) Sector8a_4	\$23,959
b.	Open Space (Structured): S94 Plan No. 5	\$750
c.	Open Space (Casual): S94 Plan No. 5	\$160
d.	Shirewide Library Facilities: S94 Plan No. 11	\$662
e.	Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$135
f.	Community Facilities (Tweed Coast) (South Coast) S94 Plan No. 15	\$1,752
g.	Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$646.9
h.	Cycleways S94 Plan No. 22	\$155
i.	Regional Open Space (Structured) S94 Plan No. 26	\$1,130

j. Regional Open Space (Casual) \$211
S94 Plan No. 26

[PCC0050/PSC0005]

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

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

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

Water:	1.534 ET @ \$4325	\$6,635
Sewer:	1.534 ET @ \$3490	\$5,354

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]

14. All fill is to be graded so that it drains to the street or other approved permanent drainage system. The development must not result in ponding or additional stormwater impacting on neighbouring properties and where necessary, perimeter drainage shall be installed.

[PCC0090]

15. 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]

16. Permanent Stormwater Quality Treatment
- (a) Permanent stormwater quality treatment shall comply with "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development". New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section

5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the "deemed to comply" provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.

- (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.
- (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
- (d) Specific requirements:
 - (i) Runoff from all hardstand/impervious areas (including car parking, driveway and hardstand landscaping areas and excluding roof areas) must be pre-treated to remove oil and grit prior to discharge into the public stormwater system, according to Council's Development Design Specification D7 - Stormwater Quality, Section 7.11-1. Roof water runoff does not require treatment and should be discharged downstream of any pollution control device.
 - (ii) The car wash bay shall be constructed of pervious material, or else runoff from the bay must be treated to remove oil/grit prior to discharge into the public stormwater system.

[PCC0230]

17. 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]

18. Any premises proposing to discharge into Council's 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 Council's 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]
19. Pursuant to Section 68 of the Local Government Act, 1993 to ensure there is no unacceptable discharge to Councils sewerage system an approved pre-treatment device (e.g. Oil/grease traps, separators, etc) shall be installed to details approved prior to the issuing of a Construction Certificate. The development will be required to meet discharge standards in accordance with Councils Trade Waste Policy.
- [PCC0290]
20. 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]
21. All roof waters are to be disposed of through properly jointed pipes to the street gutter, inter-allotment drainage, or elsewhere if so directed in the conditions of consent. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZ3500.3.2. Note: A detailed stormwater and drainage plan is to be submitted to and approved by the PCA prior to commencement of building works.
- [PCC0350]
22. A NatHERS/ABSA Certificate indicating a minimum energy efficiency rating of 3.5 stars is to be provided to Council's Director of Planning Services prior to the issues of a Construction Certificate.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

23. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.

[PCW0010]

24. 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]

25. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
- (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
 - (ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and
 - (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (A) the method of protection; and
 - (B) the date of installation of the system; and
 - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (D) the need to maintain and inspect the system on a regular basis.

Note: Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.

[PCW0050]

26. 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]

27. 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]

28. 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]
29. Prior to commencement of building works a stormwater drainage plan is to be submitted to and approved by the PCA. [PCW0170]
30. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

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

31. 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. [PCW0190]
32. 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. [PCW0210]
33. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures. [PCW0220]
34. Trade Waste application fee will be applicable as per Councils Fees and Charges. [PCW0230]
35. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. Note All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the PCA prior to commencement of building works. [PCW0240]
36. Prior to commencement of work on the site all 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 [PCW0250]

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]

37. Residential building work:

(1) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

(a) in the case of work for which a principal contractor is required to be appointed:

(i) in the name and licence number of the principal contractor, and

(ii) the name of the insurer by which the work is insured under Part 6 of that Act,

(b) in the case of work to be done by an owner-builder:

(i) the name of the owner-builder, and

(ii) if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.

(2) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0290]

38. Prior to the commencement of works, sedimentation and erosion control measures shall be installed to the satisfaction of Council's Director of Environment and Community Services.

[PCWNS01]

DURING CONSTRUCTION

39. 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]

40. 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]

41. 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]

42. 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.
43. 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. [DUR0130]
44. Provision to be made for the designation of a 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. [DUR0170]
45. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428. [DUR0240]
46. Where access for people with disabilities is required to be provided to a building, sanitary facilities for the use of the disabled must also be provided in accordance with the provisions Part F-2 of the Building Code of Australia. [DUR0260]
47. Any premises used for the storage, preparation or sale of food are to comply with the relevant provisions of the Food Act, 1989 and Council's adopted Code for the construction of Food Premises. Details of fittings and equipment are to be submitted to the Principal Certifying Authority prior to installation. [DUR0280]
48. Windows and doors opening into food preparation and storage areas are to be fully screened in accordance with Council's adopted code for the construction of food premises. [DUR0310]
49. 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. [DUR0350]
50. 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 Overall Drive. The compacted base is to achieve 95% of maximum dry density determined in accordance with AS1289 5.4.1 for a minimum 100mm depth. A full depth construction joint is to be provided [DUR0470]

at 6.0 metre intervals and 20 millimetre deep groove joints provided every 1.5 metres, the balance area to be graded to the kerb and turfed. The footpath is to have a 3% crossfall which must be attained at each side boundary. This may result in work to be undertaken on the footpath at adjoining properties which must not exceed 1:14 and must be reinstated with turf. The footpaving is to be located 800 millimetres from the property boundary. The concrete footpath gradient shall be parallel to the top of kerb for the full frontage of the site and maintained unvaried across the (any) driveway cross-section. An inspection of the formwork is to be arranged with Council's Engineering Services Division prior to concrete being placed.

[DUR0520]

51. A Sewer manhole is present on this site. This manhole is not to be covered with soil or other material or concealed below ground level. Should additional fill be proposed in the area of the sewer manhole Council's Engineering Services Division must be consulted and suitable arrangements made for the raising of the manhole to the satisfaction of Council's Manager Public Utilities.

[DUR0840]

52. 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]

53. 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]

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

[DUR0880]

55. 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]

56. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

A. Short Term Period - 4 weeks.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

B. Long term period - the duration.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0910]

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

[DUR0920]

58. 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]
59. The burning of builders waste on site by open fire is prohibited. [DUR0940]
60. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development. [DUR0980]
61. All new residential dwellings (and extensions comprising over 50% of the original floor area) are to fully comply with Councils Energy Smart Housing Policy (DCP39). In order to comply with DCP39 consideration must be given to the building envelope, orientation, insulation, ventilation, thermal mass and zoning. [DUR1000]
62. 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]
63. 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]
64. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position. [DUR1040]
65. 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]
66. 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]
67. 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]

68. Pre-treatment devices must be serviced by a Council approved waste contractor. The applicant will be required to enter into a service agreement with this waste contractor. Pre-treatment device service frequency will be approved by Councils Manager Water.
69. A hose tap shall be provided adjacent to a grease arrester for cleaning purposes and shall be fitted with a RPZD for the purpose of back flow prevention.
70. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
- i. All required erosion and sedimentation control devices have been installed and are operational.
 - ii. Required toilet facilities have been provided on the site.
 - iii. A sign has been erected on the site identifying:
 - Lot number
 - Builder
 - Phone number of builder or person responsible for site.
 - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
 - v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.
71. 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.
72. The site shall not be dewatered.
73. Acid sulfate soils shall not be exposed or disturbed and dewatering shall not be carried out.
74. 7mm acoustic laminated glass (or product with equivalent Rw value) shall be installed to the first floor southern and west facing bedroom windows.
75. 6mm glass shall be installed to the first floor windows to the unit 3 ensuite, laundry and bathroom.
76. The external door of the laundry to unit 3 shall be 40mm solid core with tight fitting seals.

[DUR1170]

[DUR1180]

[DUR1200]

[DUR1210]

[DURNS01]

[DURNS02]

[DURNS03]

[DURNS04]

[DURNS05]

77. The provision of eighteen (18) off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.

[DUR0050]

78. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of the buildings with direct line of sight to the proposed building.

[DUR0960]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

79. 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]

80. 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]

81. 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]

82. 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]

83. Prior to occupation of the building the property street number is to be clearly identified on the site by way of painted numbering on the street gutter within 1 metre of the access point to the property.

The street number is to be on a white reflective background professional painted in black numbers 100mm high.

On rural properties or where street guttering is not provided the street number is to be readily identifiable on or near the front entrance to the site.

For multiple allotments having single access points, or other difficult to identify properties, specific arrangements should first be made with Council and emergency services before street number identification is provided.

The above requirement is to assist in property identification by emergency services and the like. Any variations to the above are to be approved by Council prior to the carrying out of the work.

[POC0180]

84. A screened clothes drying area or clothes drying machine to be provided for each residential unit to the satisfaction of Council's Director of Development Services.

[POCNS01]

85. A three (3) metre wide easement is to be created over the existing gravity sewer line with documentary evidence to be provided to Council prior to the release of an occupation certificate.

[POCNS02]

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

[POC0010]

USE

87. 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]

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

[USE0170]

89. The trading hours of the commercial/retail activities shall be limited between 7am to 9pm.

[USENS01]

90. The LA10 noise level emitted from any activity shall not exceed the background noise level (LA90) by more than 5dB(A) at the boundary of any affected residence between 8am and 9pm. Notwithstanding the above, noise shall not be audible within any habitable room in any premises between the hours 9pm and 8am..

[USENS02]

91. Footpath dining activities shall not be carried unless a footpath dining agreement has been approved by Council.

[USENS03]

92. Cooking gases shall be ducted and discharged above the roof line of the building in accordance with Australian Standard AS1668, and shall not be permitted to impact the amenity of any premise.

[USENS04]

Cr Brinsmead has returned from temporary absence at 05:29 PM

FOR VOTE - Unanimous

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

[SUB-LTC] Minutes Of The Local Traffic Committee Meeting Held Thursday 16 December 2004

34 RESOLUTION:

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

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

FOR VOTE - Unanimous

[SUB-LTC] 3. Solander Street, Tweed Heads

R5120 Pt1; DW1090104; Bus Service - Stops; DW1126141

35 RESOLUTION:

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

RESOLVED that a bus zone be installed on the south side of Solander Street between Banks Avenue and Buchan Avenue, Tweed Heads.

FOR VOTE - Unanimous

[SUB-LTC] 1. Burringbar Road, Burringbar

R0860 Pt1; DW1123915; Bridges - Burringbar; Safety

36 RESOLUTION:

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

RESOLVED that a "Give Way" sign be installed on the eastern approach to the BK Farms Bridge on Burringbar Road, Burringbar for westbound vehicles, subject to the checking of sight distances

FOR VOTE - Unanimous

[SUB-LTC] 3. Darlington Drive and Woodlands Drive, Banora Point

R1540 Pt3; DW1124383; Traffic - Roundabouts

37 RESOLUTION:

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

RESOLVED that rumble bars be installed on the splitter islands at the intersection of Darlington Drive and Woodlands Drive.

FOR VOTE - Unanimous

[SUB-LTC] 7. Florence Street, Tweed Heads

38 RESOLUTION:

Cr J F Murray
Cr M R Boyd

RESOLVED that a bus zone be installed on the south side of Florence Street, east of the entry to the Bowls Club.

FOR VOTE - Unanimous

[SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 8 December 2004

39 RESOLUTION:

Cr M R Boyd
Cr J F Murray

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

FOR VOTE - Unanimous

[SUB-TRC] 5. Department of Environment and Conservation - NPWS, RAMSAR, Nomination for Cobaki Broadwater

40 RESOLUTION:

Cr M R Boyd
Cr J F Murray

RESOLVED that Council send a letter supporting the nomination of Cobaki Broadwater as a Ramsar site to the Director-General of the Department of Environment and Conservation and the Director-General of the Commonwealth Department of Environment and Heritage.

FOR VOTE - Unanimous

**[SUB-TAC] Minutes of the Tweed Shire Council Disability Access Committee
Meeting held Thursday, 16 December 2004**

41 RESOLUTION:

**Cr M R Boyd
Cr H James**

RESOLVED that the Minutes of the Tweed Shire Council Disability Access Committee be endorsed with the exception of those items which were considered individually hereunder.

FOR VOTE - Unanimous

[SUB-TAC] 6. Access to Library - Civic Centre Tweed Heads

42 RESOLUTION:

**Cr M R Boyd
Cr H James**

RESOLVED that Council consider modification of the ramp at Tweed Civic Centre to allow access directly from the footpath.

FOR VOTE - Unanimous

[SUB-TAC] 9. Tumbulgum Road, Murwillumbah

43 RESOLUTION:

**Cr M R Boyd
Cr H James**

RESOLVED that Council review the Tumbulgum Road precinct and explore alternate possibilities to improve the safety of road and pedestrian traffic, including lighting, and the suitability of the boardwalk for disabled access.

FOR VOTE - Unanimous

DELEGATES REPORTS

Nil.

OUTSTANDING INSPECTIONS

Nil.

ITEMS OF INFORMATION AND INTEREST

Nil.

ORDERS OF THE DAY

[NOM] Donation to Care Australia Tsunami Appeal

NOTICE OF MOTION:

44 RESOLUTION:

Cr W J Polglase
Cr J F Murray

RESOLVED that Council donates \$5,000 to Care Australia for the Tsunami Appeal.

FOR VOTE - Unanimous

[NOM] Aboriginal and Torres Strait Islanders Flag

NOTICE OF MOTION:

45 RESOLUTION:

Cr D M Holdom
Cr M R Boyd

RESOLVED that Tweed Shire Council raises the flag of the indigenous people (Aboriginal and Torres Strait Islanders) in the normal day to day flag raising in recognition of their contribution to our Shire and our country.

FOR VOTE - Unanimous

[NOM] Community Access

NOTICE OF MOTION:

46 RESOLUTION:

**Cr D M Holdom
Cr L F Beck**

RESOLVED that Council sends out a letter or inserts a paragraph in the relevant letter about Community Access and its processes when notifying residents of upcoming Development Applications that may affect their property's amenity.

FOR VOTE - Unanimous

[NOM] Engagement of Solicitors for Public Inquiry

NOTICE OF MOTION:

47 RESOLUTION:

**Cr W J Polglase
Cr G B Bell**

RESOLVED that: -

1. Council advises its intention to engage the services of Stacks - Northern Rivers to represent Council interests as a corporate body at the Tweed Shire Council Public Inquiry under the terms of brief as follows:
 - By direction of Council and/or the General Manager to prepare or assist in the preparation of submissions to the Public Inquiry.
 - To regularly review the daily transcripts from the Public Inquiry and advise Council as appropriate, to a suggested course of action to take.
 - To represent the Council at proceedings as determined either by Council or the General Manager.
 -
 - To report to the General Manager on matters relating to individual Councillors and staff that may require further attention.
2. Council requires the General Manager to negotiate with Stacks - Northern Rivers on costing for the representation and report this to Council.

FOR VOTE - Unanimous

DECLARATION OF INTEREST

Cr Polglase declared an Interest in this item, vacated the Chair, left the Chamber at 05:56 PM and took no part in the discussion or voting. The nature of the interest is that Cr Polglase has a family interest.

Cr Beck chaired the meeting for the following item.

[NOM] Boardwalk facility from Murphy's Road to the Beach for the needs of the Wommin Bay Hostel for the Aged and General Public

NOTICE OF MOTION:

48 RESOLUTION:

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

RESOLVED that Council investigates the feasibility of funding or part funding through Section 94 contributions a suitable boardwalk facility from Murphy's Road to the beach to serve the needs of the Wommin Bay Hostel for the Aged and the general public.

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

Cr Polglase has returned from temporary absence at 06:10 PM and resumed the Chair.

[NOM] Unsealed Road Located on Lot 490, Kingscliff

NOTICE OF MOTION:

49 RESOLUTION:

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

RESOLVED that an urgent report be brought before Council on the road that now sits on Lot 490, who requested the road, why, who authorised the road, and all inwards and outwards correspondence from/to Mr Richard Dunning, Administrator for Lot 490 on this matter, and was a Development Application submitted on/for this road and who and why authorised the extensive clearing of the land to accommodate this compacted, unsealed road.

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

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

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.38pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.39pm.

WORKSHOPS

Nil.

QUESTION TIME

[QT] Notice Extraordinary Council Meeting held Wednesday, 5 January 2005

Cr S M Dale

Asked: -

Can it be explained how the NSW Cane Growers Association were aware of the Extraordinary Council Meeting held Wednesday, 5 January 2005 as early as 29 December 2004 and can it be explained why councillors supplied with council mobiles were not telephoned while on holiday break as well as being faxed to their homes warning of this meeting of Council?

The General Manager advised that he will take this question on notice for a response to be provided.

[QT] Australia Bay Lobster Project

Cr S M Dale

Asked did Michael Dalton, of the Australia Bay Lobster Project, receive a response to his request to attend the Extraordinary Council Meeting of Wednesday, 5 January 2005 following his fax to you at 10.25am Wednesday, 5 January 2005?

The General Manager advised that he will take this question on notice for a response to be provided.

[QT] Model Code of Conduct

Cr H James

Asked:

1. Is the General Manager aware that:
 - a. A Model Code of Conduct that applies to all Councils in NSW came into force on 1 January 2005.
 - b. Section 6.15 of the Code (Political Support) asks Councillors to note that "matters before Council involving campaign donors may give rise to a non-pecuniary conflict of interests".
 - c. Section 6.11 of the Code says that "if you have a non-pecuniary conflict of interests, you must disclose the nature of the conflict"?
2. Can the General Manager arrange for all Councillors to be provided with a copy of the Model Code of Conduct and a copy of the Section 440 of the Local Government Act (Codes of Conduct)?

The General Manager advised that:

1. The Code was to be placed on today's agenda however the Executive Manager and General Manager had discussions with Council's Solicitors and it may be that we would suggest further content to be added to the Model Code and we would if this is our ultimate position bring these forward as a recommendation to Council. We are also considering developing an enhanced Model Code for all the NOROC Councils.

A training day for Councillors is being planned upon its adoption.

2. Yes, copies of the Model Code of Conduct can certainly be circulated to Councillors

COMMITTEE OF THE WHOLE

50 RESOLUTION:

Cr M R Boyd
Cr G B Bell

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

FOR VOTE - Unanimous

The General Manager reported that the Confidential Committee of the Whole had excluded the press and public from the whole of the Committee Meeting because, in the

opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest, by reason of the confidential nature of the business to be transacted, and made the following recommendations to Council: -

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT IN COMMITTEE

Nil.

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

LATE ITEM

C 3 RESOLUTION:

That Item a1 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

a1 [OGM] Legal Privilege

C 4 RESOLUTION:

That: -

1. Council waives legal professional privilege with Mr Tony Smith of Stacks the Law Firm-Northern Rivers to allow Mr Smith to give evidence at the Public Hearings of the Tweed Shire Council Public Inquiry.
2. The General Manager informs the Commissioner and Mr Smith of Council's decision.

AMENDMENT

That:

1. Council waives legal professional privilege with Mr Tony Smith of Stacks the Law Firm-Northern Rivers to allow Mr Smith to give evidence from 27 March 2004 at the Tweed Shire Council Public Inquiry hearings.
2. The General Manager informs the Commissioner and Mr Smith of Council's decision.

The Amendment was **Lost**

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

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

The Motion was **Carried**

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

AGAINST VOTE - Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell, Cr Lawrie

**A RECISSION MOTION HAS BEEN RECEIVED ON THIS ITEM FROM COUNCILLORS
POLGLASE, LAWRIE & BELL ON FRIDAY, 21 JANUARY 2005**

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

1 [EO] EC2003-201 - Variations Approval

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 5 RESOLUTION:

That: -

1. The Director Engineering and Operations be given delegated authority to approve variations beyond 20% of the contract price provided overall budget requirements are met.

FOR VOTE - Unanimous

2 [EO] EC2004-168 Manufacture, Supply and Delivery of Large Diameter MS and DI Fittings

REASON FOR CONFIDENTIALITY:

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

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

C 6 RESOLUTION:

That:-

1. Mid West Valves be awarded the supply contract EC2004-168 for the MS fittings listed in Schedule A with a price of \$15,132.72 exclusive of GST.
2. Tyco Water be awarded the supply contract EC2004-168 for the supply of DI fittings listed in Schedule B with a price of \$107,687 exclusive of GST

FOR VOTE - Unanimous

3 [EO] Kingscliff Sewage Treatment Plant

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 7 RESOLUTION:

That:

1. Council approves an application being made to the Minister for Local Government to acquire proposed Lot 20 by compulsory acquisition under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Local Government Act, 1993;
-

2. Council, pursuant to Section 13(2) of the Land Acquisition (Just Terms Compensation) Act, seek a reduction in the period of notice (of acquisition) from 90 days to 21 days, from the Minister of Local Government;
3. The proposed Lot 20 is classified as operational following transfer of the land to Council pursuant to section 31 of the Local Government Act, 1993; and
4. All necessary documentation is endorsed under the Common Seal of Council.

FOR VOTE - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY IN COMMITTEE

4 [EC] EC2004-160 Supply and Installation of Two 60 Tonne Weighbridges, Stotts Creek Landfill Site

C 8 RESOLUTION:

That: -

1. Council awards Contract EC 2004-160 Supply and Installation of Two 60 Tonne Weighbridges, Stotts Creek Landfill Site to Queensland Weighing Machines for the lump sum price of \$125,950.00, exclusive of GST.
2. All documentation is to completed under the Common Seal of Council
3. The Director Environment & Community be given delegated authority to approve variations up to 20% of the initial contract price

FOR VOTE - Unanimous

5 [EC] Operation of Market on Council Land - Knox Park

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 9 RESOLUTION:

That Council approaches *Imaginative Advertising* to make formal application to operate the Knox Park Market for the period ending 30 June 2006.

FOR VOTE - Unanimous

51 RESOLUTION:

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

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

FOR VOTE - Unanimous

There being no further business the Meeting terminated at 8.45pm.



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 44 of these Minutes**

Chairman

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