

## IN ATTENDANCE

Councillors W J Polglase (Mayor), L F Beck (Deputy Mayor), G B Bell (retired at 8.30pm), M R Boyd, R D Brinsmead, S Dale, D M Holdom, H James, G J Lawrie, J F Murray.

Also present were Dr John Griffin (General Manager), Mr Reg Norvill (Executive Manager-Office of the General Manager), Mr Mike Rayner (Director Engineering and Operations), Mr Noel Hodges (Director Planning & Environment), Mr Don Buckley (Director Environment & Community), Mr Neil Baldwin (Governance Officer/Public Officer) and Mrs Meredith Smith (Minutes Secretary)

## PRAYER

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

***"Spirit of justice and truth,***

*Grant to the Tweed Shire Council and all who serve in public life, wisdom, skill, imagination and energy;*

*Help them to commit themselves to the common good that in all their deliberations and decisions they may faithfully discharge the duties of their office, and ever promote the health, the safety and well being of those whom they seek to serve; that our Shire may be a place of peace and prosperity for all.*

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

## CONFIRMATION OF MINUTES

**Minutes of the Ordinary Council Meeting held on Wednesday, 16 March 2005**

### 218 RESOLUTION:

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

**RESOLVED** that the Minutes of the Council Meeting held 16 March be adopted as a true and accurate record of proceedings of that meeting.

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

## **APOLOGIES**

Cr B J Carroll

Cr Carroll informed the General Manager that her absence was caused by family reasons.

## **219 RESOLUTION:**

**Cr H James**

**Cr D M Holdom**

**RESOLVED** that the apology of Cr B J Carroll be accepted and the necessary leave of absence be granted.

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

## **DISCLOSURE OF INTEREST**

Cr W J Polglase wishes to declare a perceived non-pecuniary interest in Items 1 and 26 in accordance with the Code of Conduct.

This declaration is due to political support contributions.

Cr J F Murray declared an interest in Items 1, 19 and 26.

Cr J F Murray wishes to declare a perceived non-pecuniary interest in Items 1 and 26 in accordance with the Code of Conduct.

This declaration is due to political support contributions.

The nature of the interest in Item 19 is that Cr Murray has a family interest in this matter.

Cr G J Lawrie declared an interest in Items 1, 12 and 26.

Cr G J Lawrie wishes to declare a perceived non-pecuniary interest in Items 1 and 26 in accordance with the Code of Conduct.

This declaration is due to political support contributions.

The nature of the interest in Item 12 is that Cr Lawrie has a professional interest in this matter.

Cr L F Beck declared an interest in Items 1, 12 and 26.

Cr L F Beck wishes to declare a perceived non-pecuniary interest in Items 1 and 26 in accordance with the Code of Conduct.

This declaration is due to political support contributions.

The nature of the interest in Item 12 is that Cr L F Beck has an interest in a property adjoining the subject land.

Cr R D Brinsmead declared an interest in Item 1, 18 and 26.

Cr R D Brinsmead wishes to declare a perceived non-pecuniary interest in Items 1 and 26 in accordance with the Code of Conduct.

This declaration is due to political support contributions.

The nature of the interest in Item 18 is that Cr R D Brinsmead has a family interest in this item.

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

### **220 RESOLUTION:**

**Cr W J Polglase  
Cr H James**

**RESOLVED** that the Confidential Mayoral Minute (Addendum a1) be moved from confidential to Ordinary.

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

## **SCHEDULE OF OUTSTANDING RESOLUTIONS**

### **Schedule of Outstanding Resolutions**

### **221 RESOLUTION:**

**Cr M R Boyd  
Cr H James**

**RESOLVED** that this report be received and noted.

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

## MAYORAL MINUTE

### 222 RESOLUTION:

Cr W J Polglase

**RESOLVED** that the Mayoral Minute as presented be adopted.

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

## ITEMS DEFERRED

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

### 223 RESOLUTION:

Cr M R Boyd  
Cr G J Lawrie

**RESOLVED** that this item be dealt with in conjunction with Item 13 of this Agenda (Minute No 237 refers).

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

### [ID][OGM] Second Round Donations 2004/2005 - Donations Policy

### 224 RESOLUTION:

Cr M R Boyd  
Cr G J Lawrie

**RESOLVED** that this item be dealt with in conjunction with Item 14 of this Agenda (Minute No 241 refers).

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

## REPORTS THROUGH THE GENERAL MANAGER

### REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT

#### DECLARATION OF INTEREST

Crs W J Polglase, J F Murray, G J Lawrie, L F Beck and R D Brinsmead declared a non-pecuniary interest in Item 1 in accordance with the code of conduct.

This declaration is due to political support contributions.

As the interest is extremely remote it is the intention of Crs Polgalse, Murray, Lawrie, Beck and Brinsmead to declare this possible non-pecuniary interest, but take part in the discussions and voting on these matters, as they fully supports the recommendations of the professional staff in these matters.

- 1 [PE] Development Application DA03/1578 for a Shopping Centre at Lot 123 DP 1049552, Botanical Circuit (corner Fraser and Leisure Drives), Banora Point**

#### 225 RESOLUTION:

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

**RESOLVED** that Development Application DA03/1578 for a shopping centre at Lot 123 DP 1049552, Botanical Circuit (corner Fraser and Leisure Drives), Banora Point be refused for the following reasons: -

1. The proposed development does not satisfy the Clause 8 consent consideration requirements of the Tweed Local Environmental Plan 2000 in relation to the relevant aim of the plan and unacceptable cumulative impacts on the community.
2. The proposed development is considered to generate economic impacts that are unacceptable.
3. The proposed development does not achieve the objective for development near designated roads being:
  - \* to protect and improve the capacity, efficiency and safety of designated roads.

The extent of the impact on the designated road network is considered unacceptable.

4. The proposed development is inconsistent with Clause 47 of the North Coast Regional Environmental Plan 1989 in that it will create a new shopping centre in isolation from the existing retail centres.
5. The proposed development is inconsistent with Development Control Plan No. 3- Banora Point West/Tweed Heads South in relation to: -
  - design standards relating to part of the site
  - intended neighbourhood function of the site
  - designated land use for the site in part
6. The subject land dimensions and shape limit the proposed development in relation to the following design areas and is considered to therefore be inappropriate for the proposed development: -
  - \* provision of expanded parking demand
  - \* location of entry/exit access and distance from signalised intersection
  - \* provision of a practical layout on site in relation to car parking, pedestrian safety, delivery bay and waste location and adequate buffers to residential land
7. The proposed development is considered to result in unacceptable impacts to the residential amenity of the surrounding residential estate.
8. The proposed development is considered to result in unacceptable traffic impacts on the local road network.
9. The proposed development is not in the public interest due to the impacts on the residential amenity and local roads from the design, economic impact on the Tweed as a whole, and extent of variation to the intended scale of the commercial activity on the site.

***FOR VOTE - Unanimous***

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

**2 [PE] Development Application DA04/1337 for a Detached 2 Storey Dual Occupancy & 1 x Swimming Pool at Lot 12 Sec 3 DP 28871, No. 14 Pacific Drive, Banora Point**

**226 RESOLUTION:**

**Cr J F Murray**

**Cr H James**

**RESOLVED** that Development Application DA04/1337 for a detached 2 storey dual occupancy & 1 x swimming pool at Lot 12 Sec 3 DP 28871, No. 14 Pacific Drive, Banora Point 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 147-04 House A - Sheet Nos. 1 -7 (as amended in red) & 147-04 House B - Sheet Nos 2 - 7 prepared by Golden Edge Homes and dated 20/09/04, 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 windows within the second storey ensuite of House A are to be frosted to ensure maintenance of privacy to the residents of House A and adjoining residents.
6. The finished floor level of both units shall not exceed 400mm above the existing ground level.  
[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.

a. Tweed Road Contribution Plan: S94 Plan No. 4 (Version 4.0) <b>Sector2_4</b>	\$1,684
b. Open Space (Structured): S94 Plan No. 5	\$240
c. Open Space (Casual): S94 Plan No. 5	\$51
d. Shirewide Library Facilities: S94 Plan No. 11	\$212
e. Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$71
f. Emergency Facilities (Surf Lifesaving) (REMSHIRE) S94 Plan No. 16	\$87
g. Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$178.34
h. Cycleways S94 Plan No. 22	\$50
i. Regional Open Space (Structured) S94 Plan No. 26	\$361



- j. Regional Open Space (Casual) \$67  
S94 Plan No. 26

[PCC0050/PSC0005]

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

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

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

Water:	1 ET @ \$4325	\$4,325
Sewer:	1 ET @ \$3490	\$3,490

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

[PCC0190]

10. A construction certificate application for works that involve any of the following:-
- connection of a private stormwater drain to a public stormwater drain
  - installation of stormwater quality control devices
  - erosion and sediment control works

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

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

[PCC0240]

11. 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]

#### **PRIOR TO COMMENCEMENT OF WORK**

12. All cut or fill on the property is to be battered at an angle not greater than 45<sup>0</sup> 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]

13. 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]

14. 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]

15. **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]

16. 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]

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

[PCW0200]

18. 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]

19. 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 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]

20. 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]

**DURING CONSTRUCTION**

21. 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).
22. The provision of 4 off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.
23. 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.

[DUR0010]

[DUR0050]

[DUR0080]

24. 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]

25. 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]

26. 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]

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

[DUR0470]

28. 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]

29. 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]

30. 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]

31. 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]
32. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited. [DUR0920]
33. The burning of builders waste on site by open fire is prohibited. [DUR0940]
34. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed. [DUR0950]
35. 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]
36. 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]
37. 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]
38. Area below the spa is to be graded, drained and ventilated. [DUR1060]
39. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993. [DUR1090]
40. 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]
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41. The finished floor level of the building should finish not less than 225mm above finished ground level.

[DUR1150]

42. 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:-

- \* 43.5<sup>0</sup>C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- \* 50<sup>0</sup>C 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]

43. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:

- i. All required erosion and sedimentation control devices have been installed and are operational.
- ii. Required toilet facilities have been provided on the site.
- iii. A sign has been erected on the site identifying:
  - Lot number
  - Builder
  - Phone number of builder or person responsible for site.
- iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
- v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.

[DUR1200]

44. 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]

45. Landscaping of the site shall be carried out in accordance with the submitted landscaping plans prepared by Greenhort design & management. The

landscaping to be completed prior to occupation of the building, to the satisfaction of the Director, Development Services.

[DUR1230]

#### **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

46. 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]

47. 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]

48. 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]

49. 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]

#### **USE**

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

[USE0010]

51. The premises shall be suitably identified by Unit No. (where appropriate) and Street Number displayed in a prominent position on the facade of the building facing the primary street frontage, and is to be of sufficient size to be clearly identifiable from the street.

[USE0040]



52. The building is to be used for single dwelling purposes only.

[USE0110]

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

[USE0120]

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]

***FOR VOTE - Unanimous***

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

**3 [PE] Amendment to Tweed Local Environmental Plan 2000**

**227 RESOLUTION:**

**Cr H James  
Cr M R Boyd**

**RESOLVED** that this item be deferred.

***FOR VOTE - Unanimous***

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

**4 [PE] Amendment to Section 94 Contribution Plan No 6 - Street Trees**

**228 RESOLUTION:**

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

**RESOLVED** that Council endorses draft Amendment of Section 94 Contribution Plan No 6 – Street Trees to be placed on public exhibition for 28 days in accordance with Clause 28(a) of the Environmental Planning and Assessment Regulations.

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

***AGAINST VOTE - Cr Beck***

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

**5 [PE] Amendment to Section 94 Contribution Plan No 7 - West Kingscliff**

**229 RESOLUTION:**

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

**RESOLVED** that Council endorses draft Amendment of Section 94 Contribution Plan No 7 – West Kingscliff to be placed on public exhibition for 28 days in accordance with Clause 28(a) of the Environmental Planning and Assessment Regulations.

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

***AGAINST VOTE - Cr Beck***

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

**6 [PE] Amendment to Section 904 Contribution Plan No 10 - Cobaki Lakes**

**230 RESOLUTION:**

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

**RESOLVED** that Council endorses draft Amendment of Section 94 Contribution Plan No 10 – Cobaki Lakes be placed on public exhibition for 28 days in accordance with Clause 28(a) of the Environmental Planning and Assessment Regulations.

***FOR VOTE - Unanimous***

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

**7 [PE] Amendment to Section 94 Contribution Plan No 12 - Bus Shelters**

**231 RESOLUTION:**

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

**RESOLVED** that Council endorses draft Amendment of Section 94 Contribution Plan No 12 - Bus Shelters be placed on public exhibition for 28 days in accordance with Clause 28(a) of the Environmental Planning and Assessment Regulations.

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

**8 [PE] Amendment to Section 94 Contribution Plan No 13 - Cemeteries**

**232 RESOLUTION:**

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

**RESOLVED** that Council endorses draft Amendment of Section 94 Contribution Plan No 13 - Cemeteries to be placed on public exhibition for 28 days in accordance with Clause 28(a) of the Environmental Planning and Assessment Regulations.

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

**9 [PE] Amendment to Section 94 Contribution Plan No 16 - Emergency Facilities (Surf Lifesaving)**

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

**PROPOSED** that Council endorses draft Amendment of Section 94 Contribution Plan No 16 – Emergency Facilities (Surf Lifesaving) to be placed on public exhibition for 28 days in accordance with Clause 28(a) of the Environmental Planning and Assessment Regulations.

**233 AMENDMENT**

**Cr L F Beck**  
**Cr G B Bell**

**RESOLVED** that Council endorses the draft Amendment of Section 94 Contribution Plan No 16 - Emergency Facilities (Surf Lifesaving) to be placed on public exhibition for 28 days in accordance with Clause 28(a) of the Environmental Planning and Assessment Regulations with the contribution levy for the shire set as follows:-

Per residential lot: \$215  
Per medium density lot: \$141.

The Amendment was **Carried** on the casting vote of the Mayor

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

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

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

**10 [PE] Amendment to Section 94 Contribution Plan No 22 - Cycleways**

**234 RESOLUTION:**

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

**RESOLVED** that Council endorses draft Amendment of Section 94 Contribution Plan No 22 - Cycleways to be placed on public exhibition for 28 days in accordance with Clause 28(a) of the Environmental Planning and Assessment Regulations.

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

**11 [PE] Amendment to Section 94 Contribution Plan No 25 - SALT**

**235 RESOLUTION:**

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

**RESOLVED** that Council endorses draft Amendment of Section 94 Contribution Plan No 25 - SALT to be placed on public exhibition for 28 days in accordance with Clause 28(a) of the Environmental Planning and Assessment Regulations.

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

## DECLARATION OF INTEREST

Cr Lawrie declared an Interest in Item 12, left the Chamber at 04:39 PM and took no part in the discussion or voting. The nature of the interest is that Cr Lawrie has a professional interest in the subject item.

Cr Beck declared an Interest in this item, left the Chamber at 04:39 PM and took no part in the discussion or voting. The nature of the interest is that Cr Beck has an interest in a property adjoining the subject land.

**12 [PE] Development Application DA04/1527 for a construction of facilities for the breeding and growing of Moreton Bay Bugs (DIPNR Development Application DA-282-11-2004-I) at Various Lots - Chinderah**

### 236 RESOLUTION:

**Cr W J Polglase  
Cr R D Brinsmead**

**RESOLVED** that Council: -

1. Council does not support this application as the issues Numbered 1 through to 26 inclusive, detailed on pages 125 to 128 of the Business Paper of 6 April 2005, have not been addressed appropriately.
2. Council will not make any further decisions on this process until the issues listed for consideration have been fully addressed.
3. Council is of the opinion an Environmental Impact Statement for the proposal should have been undertaken.
4. A copy of this report to be forwarded to the Department of Infrastructure, Planning and Natural Resources.

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

**AGAINST VOTE - Cr Holdom**

**ABSENT. DID NOT VOTE - Cr Beck, Cr Lawrie, Cr Carroll**

Cr Lawrie has returned from temporary absence at 04:59 PM

Cr Beck has returned from temporary absence at 04:59 PM

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

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

**237 RESOLUTION:**

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

**RESOLVED** that Council endorses the second round donations for 2004/2005 under the Festivals Policy as follows:-

<b>Applicant</b>	<b>Amnt Approved</b>
Cabarita Beach SLSC	2,000.00
Mooball & District Movers	2,000.00
Wintersun Festival Association	5,490.00
Speed on Tweed Pty Ltd	4,000.00
Tyalgum Festival Committee Inc	3,500.00
<b>TOTAL</b>	<b>16,990.00</b>

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

**238 RESOLUTION:**

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

**RESOLVED** that Standing Orders be suspended to deal with Item 26 of the Agenda.

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

**DECLARATION OF INTEREST**

Crs W J Polglase, J F Murray, G J Lawrie, L F Beck and R D Brinsmead declared a non-pecuniary interest in Item 26 in accordance with the code of conduct.

This declaration is due to political support contributions.

As the interest is extremely remote it is the intention of Crs Polglase, Murray, Lawrie, Beck and Brinsmead to declare this possible non-pecuniary interest, but take part in the discussions and voting on these matters, as they fully support the recommendations of the professional staff in these matters.

**26 [EO] Seaside City Road Network**

**239 RESOLUTION:**

**Cr H James  
Cr D M Holdom**

**RESOLVED** that Council defers consideration of the Seaside City road network until it has received the Consultant's Local Environmental Study / Draft Local Environmental Plan Report.

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

**240 RESOLUTION:**

**Cr H James  
Cr D M Holdom**

**RESOLVED** that Standing Orders be resumed.

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

**14 [OGM] Second Round Donations 2004/2005 - Donations Policy**

**241 RESOLUTION:**

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

**RESOLVED** that Council endorses the second round donations for 2004/2005 under the Donations Policy as follows:-

<b>Applicant</b>	<b>Amount Approved</b>
Blind & Vision Impaired Support Group Far North Coast Inc	1,500.00
Camp Quality Northern NSW	1,200.00
Cudgen Progress Association	500.00
Surfrider Foundation	1,000.00
Tweed Heads Palliative Support Inc	1,500.00
Twin Towns Family History Group Inc	1,040.00
Twin Towns Friends Association Inc.	2,000.00
Twin Towns Playgroup	750.00
Uki Hall Public Hall & Recreation Reserve Trust	750.00
<b>TOTAL</b>	<b>10,240.00</b>

***FOR VOTE - Unanimous***

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

**15 [OGM] 2005 National Local Roads and Transport Congress**

**242 RESOLUTION:**

**Cr M R Boyd**

**Cr S M Dale**

**RESOLVED** that the Mayor and Cr Bell be authorised to attend the 2005 National Local Roads and Transport Congress during the period 3-5 July 2005.

***FOR VOTE - Unanimous***

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

**16 [OGM] Code of Conduct**

**243 RESOLUTION:**

**Cr J F Murray**

**Cr G J Lawrie**

**RESOLVED** that Council adopts the enhanced Tweed Shire Council Code of Conduct tabled as an attachment at the Council meeting of 16 March 2005 known as Code of Conduct March 2005.



## AMENDMENT

Cr H James  
Cr M R Boyd

**PROPOSED** that Council adopts the enhanced Tweed Shire Council Code of Conduct tabled as an attachment at this Council meeting known as Code of Conduct April 2005 subject to the following amendment to Section 6.12:-

*Request council's conduct committee to review a potential non pecuniary conflict of interest in relation to Section 6.15 Political Support.*

### 244 RESOLUTION:

Cr D M Holdom  
Cr L F Beck

**RESOLVED** that an extension of 1 minute be granted to Cr H James.

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

## PROCEDURAL MOTION

### 245 RESOLUTION:

Cr W J Polglase  
Cr J F Murray

**RESOLVED** that this matter lay on the table pending further information being provided.

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

Consideration of this item resumed at 08.35 PM following tabling of required information.

**Cr Bell retired from the meeting at 08:39 PM at reconsideration of this item.**

The Amendment was **Lost**

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

The Motion was **Carried**

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

**246 RESOLUTION:**

**Cr W J Polglase**  
**Cr R D Brinsmead**

**RESOLVED** that Standing Orders be suspended to deal with the Submission in Reply to the Public Inquiry by Mr Tony Smith of Stacks the Law Firm in a Workshop session.

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

Mr Tony Smith addressed Councillors regarding his Submission in Reply. A workshop session to discuss matters arising from this Submission took place.

**ADJOURNMENT OF MEETING**

Adjournment for dinner at 6.35 pm.

**RESUMPTION OF MEETING**

The Meeting resumed at 7.35pm.

**247 RESOLUTION:**

**Cr W J Polglase**  
**Cr M R Boyd**

**RESOLVED** that Standing Orders be resumed to allow consideration of the Mayoral Minute Addendum a1 which was moved from Confidential to Ordinary.

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

**ITEM MOVED FROM CONFIDENTIAL TO ORDINARY**

**MAYORAL MINUTE ADDENDUM**

**a1 Tweed Shire Council Public Inquiry**

**248 RESOLUTION:**

**Cr W J Polglase**

**RESOLVED** that Council instructs Stacks the Law Firm to immediately seek Senior Counsel's opinion in relation to issues of procedural fairness through the process in the conduct of the Tweed Shire Council Public Inquiry.

**AMENDMENT**

**Cr H James  
Cr S M Dale**

**PROPOSED** that any decision on obtaining Barrister's advice in relation to issues of procedural fairness through the process in the conduct of the Tweed Shire Council Public Inquiry be deferred to the next meeting of Council.

The Amendment was **Lost**

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

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

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

The Motion was **Carried**

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

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

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

**249 RESOLUTION:**

**Cr W J Polglase  
Cr M R Boyd**

**RESOLVED** that suspension of standing orders continue to allow legal advice from Mr Smith regarding information tabled relating to Chinderah Bay Marina.

**FOR VOTE - Unanimous**

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

**ITEM NOT ON THE AGENDA**

**Chinderah Bay Marina**

**250 RESOLUTION:**

**Cr M R Boyd  
Cr L F Beck**

**RESOLVED** that a report be brought forward on this matter.

Cr Dale left the meeting at 08:00 PM

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

Cr Dale has returned from temporary absence at 08:03 PM

**COMMITTEE OF THE WHOLE (8.05PM)**

**251 RESOLUTION:**

**Cr W J Polglase  
Cr M R Boyd**

**RESOLVED** that Council resolves itself into a Confidential Committee of the Whole to consider items in the Confidential Agenda. The press and public be excluded from the Committee meeting.

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

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 FROM DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

### 2 [EO] EC2005-028 Supply & Delivery of One (1) 5,000 Kg Excavator

#### 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

#### RECOMMENDED that Council:-

1. Accepts the tender from Komatsu Australia Pty Ltd for the supply of one (1) Komatsu PC40MR-2 Excavator for the price of \$107,250.00 (inclusive of GST, being \$9,750.00).
2. Advises the unsuccessful tenderers.

**FOR VOTE - Unanimous**

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

### 3 [EO] EC2005-028 Supply & Delivery of One (1) 5,000 Kg Excavator

#### 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

#### RECOMMENDED that Council:-

1. Accepts the tender from Komatsu Australia Pty Ltd for the supply of one (1) Komatsu PC40MR-2 Excavator for the price of \$107,250.00 (inclusive of GST, being \$9,750.00).
2. Advises the unsuccessful tenderers.

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

**4 [EO] EC2005-028 Supply & Delivery of One (1) 5,000 Kg Excavator**

**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

**RECOMMENDED** that Council:-

1. Accepts the tender from Komatsu Australia Pty Ltd for the supply of one (1) Komatsu PC40MR-2 Excavator for the price of \$107,250.00 (inclusive of GST, being \$9,750.00).
2. Advises the unsuccessful tenderers.

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

**5 [EO] EC2005-028 Supply & Delivery of One (1) 5,000 Kg Excavator**

**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

**RECOMMENDED** that Council:-

1. Accepts the tender from Komatsu Australia Pty Ltd for the supply of one (1) Komatsu PC40MR-2 Excavator for the price of \$107,250.00 (inclusive of GST, being \$9,750.00).
2. Advises the unsuccessful tenderers.

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

**LATE ITEM**

That Item A5 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

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

**a5 [EO] Houses on Road Reserve - Reserve Creek Road, South Murwillumbah**

**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: -

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

**RECOMMENDS that:-**

1. Council approves the purchase of the house situated at 186 Reserve Creek Road, South Murwillumbah from Mr Raymond Wardle for the sum of \$5,000.00.
2. Council pays the outstanding rates of \$10,905.55 and that this amount forms part of the next quarterly budget review;
3. All necessary documentation be executed under the Common Seal of Council.

***Cr Murray left the meeting at 08:15 PM***

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

**RESOLUTION:**

**RESOLVED** that Council remain in Confidential session to deal with Item 1 of the Confidential Agenda.

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

## **REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT IN COMMITTEE**

### **1 [PE] Unauthorised Vegetation Clearance**

#### **REASON FOR CONFIDENTIALITY:**

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

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

#### **RECOMMENDED that: -**

1. The 'Application for Removal/Lopping of Trees ' within the Tree Preservation Order 2004 area be refused as the cleared vegetation is described as an Endangered Ecological Community under the Threatened Species Conservation Act.
2. Council's Solicitors be requested to commence legal action against Reysson Pty Ltd for clearing vegetation on Lot 2 DP 1060215 without Council approval as the land is situated within a Tree Preservation Order area. The Court action would seek the full reinstatement of native vegetation in the disturbed area through the lodgement and completion of a Rehabilitation Plan.
3. As Council's environmental consultants (Ecograph) have now determined the land to be an Endangered Ecological Community, Council's report and the Ecograph study be referred to the Department of Environment and Conservation for action.

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

**AGAINST VOTE - Cr Beck**

**ABSENT. DID NOT VOTE - Cr Murray, Cr Carroll**

**Cr Murray has returned from temporary absence at 8:18 PM**

#### **252 RESOLUTION:**

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

**RESOLVED** that the Committee resumes in Open Council.

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

**253 RESOLUTION:**

**Cr M R Boyd**  
**Cr H James**

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

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

Council reconsidered Item 16 Code of Conduct at this time (8.35pm), Minute No 243 refers. Cr Bell retired from the meeting at 8.39pm prior to voting on this item.

**17 [OGM] Far North Coast Weeds - 2003/2004 Annual Report**

**254 RESOLUTION:**

**Cr M R Boyd**  
**Cr L F Beck**

**RESOLVED** that this report be received and noted.

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

**DECLARATION OF INTEREST**

Cr Brinsmead declared an Interest in Item 18, left the Chamber at 08:44 PM and took no part in the discussion or voting. The nature of the interest is that Cr Brinsmead has a family interest in this matter.

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

**255 RESOLUTION:**

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

**RESOLVED** that :-

1. This report be received and the response/actions noted.
-

2. Council commences the draft Development Control Plan 50 process.

**FOR VOTE - Unanimous**

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

Cr Brinsmead has returned from temporary absence at 08:50 PM

## **REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS**

### **DECLARATION OF INTEREST**

Cr J F Murray declared a non-pecuniary interest in Item 19 in accordance with the code of conduct and did not take part in the discussions and voting.

### **19 [EO] Walk of Fame Proposal**

#### **256 RESOLUTION:**

**Cr L F Beck**

**Cr R D Brinsmead**

**RESOLVED** that Council:-

1. Approves the concept of a Walk of Fame in the Tweed Heads CBD Precinct and that it be operated in accordance with the Manual submitted.
2. Cr Murray be Council's delegate on the selection committee.

The Motion was **Carried** on the Casting vote of the Mayor.

**FOR VOTE - Cr Polglase, Cr Brinsmead, Cr Beck, Cr Lawrie**

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

**ABSENT. DID NOT VOTE - Cr Murray, Cr Bell, Cr Carroll**

### **20 [EO] Tweed Terrace and Coral Street Tweed Heads Reconstruction**

#### **257 RESOLUTION:**

**Cr M R Boyd**

**Cr H James**

**RESOLVED** that the construction of Coral Street be held in abeyance and that the work on Tweed Terrace proceed.

Cr Murray has returned from temporary absence at 08:54 PM

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

**21 [EO] Classification of Land as Operational - Blacks Rocks, Pottsville**

**258 RESOLUTION:**

**Cr M R Boyd**  
**Cr H James**

**RESOLVED** that :

1. The land proposed to be transferred to Council as a Drainage Reserve, described as proposed Lot 242 in the subdivision of Lot 232 in DP 1072665 be classified as "operational" pursuant to section 31 of the Local Government Act, 1993; and
2. All necessary documentation be executed under the Common Seal of Council.

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

**22 [EO] Application to Close and Purchase Part of Road Reserve - Corner of View Street and Cominan Avenue, Banora Point**

**259 RESOLUTION:**

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

**RESOLVED** that:

1. Council approves the closure of part of the road reserve of Cominan Avenue, Banora Point adjacent to Lot 2 in DP 549550;
2. The applicant bears all survey and legal costs and purchases the subject land as determined in value by the State Valuation Office;
3. The title of the closed road be consolidated with the adjacent land;
4. All necessary documentation be executed under the Common Seal of Council.

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

**23 [EO] Application to Close and Purchase Crown Public Road - Nobbys Creek**

**260 RESOLUTION:**

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

**RESOLVED** that Council advises the Department of Lands that it does not object to the closure and purchase of that part of the Crown Public Road located to the east of Booyong Place and Teak Place at Nobbys Creek.

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

**24 [EO] Tweed Shire Council - Kenyan Mentoring Program**

**261 RESOLUTION:**

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

**RESOLVED** that Council:-

1. Notes this report.
2. Commits in-principle to an annual contribution of \$10,000 to the Mentoring Program.
3. Withholds formal commitment to (2) above until a business plan has been developed and endorsed by all funding agencies.

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

**25 [EO] Tweed Heads - Banora Point Reclaimed Water Release Strategy - Option Evaluation Workshop**

**262 RESOLUTION:**

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

**RESOLVED** that this report be received and noted.

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

**26 [EO] Seaside City Road Network**

Item 26 was dealt with earlier in the meeting (Minute No 239 refers).

**27 [EO] Country Towns Water Supply and Sewerage Program (CTWSSP)**

**263 RESOLUTION:**

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

**RESOLVED** that Council requests the Minister for Energy Utilities and Sustainability, the Hon Frank Sartor, to reconsider funding for Burringbar / Mooball Sewerage Scheme under the previous subsidy arrangement based on Council having already commenced levying the community for this project.

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

**28 [EO] Closure of Crown Public Road - Rowlands Creek**

**264 RESOLUTION:**

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

**RESOLVED** that Council advises the Department of Lands that it does not object to the closure and purchase of that part of the Crown Public Road located between Lot 2 in DP 815475 and Lot 1 in DP 597042 at Rowlands Creek if the landowner provides an alternate road reserve to maintain the network of Crown roads in the vicinity and to retain options for public access.

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

**REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY**

**29 [EC] Request for "In Kind" Support Waive Fee**

**265 RESOLUTION:**

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

**RESOLVED** that Council approves waiving hire fees as follows:-

<b>Organisation</b>	<b>\$ Amount</b>
North Coast Area Health Service	186.40
Northern Rivers Writer's Centre	93.20
Tweed Byron Local Aboriginal Land Council	254.50
Country Women's Association of NSW	55.10

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

**30 [EC] Banora Point Multi Purpose Centre**

**266 RESOLUTION:**

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

**RESOLVED** that Council adopts the fees as advertised.

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

**REPORTS FROM SUB-COMMITTEES/WORKING GROUPS**

**1 [SUB-CDA] Minutes of the Community Cultural Development Advisory Committee Meeting held Thursday 16 December 2004**

**267 RESOLUTION:**

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

**RESOLVED** that the Minutes of the Community Cultural Development Advisory Committee Meeting Committee be endorsed with the exception of those items which were considered individually hereunder.

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

**[SUB-CDA] BA 2. Arts Northern Rivers**

**268 RESOLUTION:**

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

**RESOLVED** that the Director Environment & Community Services arranges a meeting between the Mayor as Arts Northern Rivers Chairman, Lois Randall, Lesley Buckley and himself to discuss co-ordination of activities within Tweed Shire.

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

**2 [SUB-PTW] Minutes of the Public Transport Working Group Committee Meeting held Friday 25 February 2005**

**269 RESOLUTION:**

**Cr M R Boyd  
Cr H James**

**RESOLVED** that the Minutes of the Public Transport Working Group Committee be endorsed with the exception of those items which were considered individually hereunder.

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

**[SUB-PTW] BA 2. Major Development Review (Oak Drive Extension to Mountain View Estate)**

**270 RESOLUTION:**

**Cr M R Boyd  
Cr H James**

**RESOLVED** that:

1. Council ensures that roads of a suitable standard for use by buses linking Oak Drive to Mountain View Estate;
2. The difficulty of buses using Castle Field Drive be addressed.

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

**3 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 17 March 2005**

**271 RESOLUTION:**

**Cr M R Boyd  
Cr H James**

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

**[SUB-LTC] GB 1. Bells Boulevard, Kingscliff (SALT) Lifeguard Facility**

**272 RESOLUTION:**

**Cr M R Boyd**  
**Cr H James**

**RESOLVED** that "No Parking" signs be erected from 28m north of the Southern end of the Surf Life Saving building on the eastern side of Bells Boulevard and approximately 5m to the south of the southern corner of the building to cover the driveway.

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

**[SUB-LTC] GB 2. Norman Street, Tweed Heads**

**273 RESOLUTION:**

**Cr M R Boyd**  
**Cr H James**

**RESOLVED** that bus stops be approved on both sides of Norman Street between Stanley and Margaret Streets.

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

**[SUB-LTC] GB 3. Eucalyptus Drive, Banora Point**

**274 RESOLUTION:**

**Cr M R Boyd**  
**Cr H James**

**RESOLVED** that:-

1. Bus zone signage including school bus times be installed along the bus lay-by bay at the front of the Banora Point High School off Eucalyptus Drive.
2. 'No Stopping' signs be erected on the east side of the bus bay in Eucalyptus Drive.

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

**[SUB-LTC] GB 5. Towners Avenue, Bogangar**

**275 RESOLUTION:**

**Cr M R Boyd**  
**Cr H James**

**RESOLVED** that:-

1. Erection of "No Entry" signage at the end of Towners Avenue be installed, preventing vehicular access on to land owned by Tweed Shire Council.
2. A yellow "children warning" sign be installed on Towners Avenue.

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

**[SUB-LTC] GB 6. Golden Links Drive and Sapphire Street, Murwillumbah**

**276 RESOLUTION:**

**Cr M R Boyd**  
**Cr H James**

**RESOLVED** that a "Give Way" sign be installed on Sapphire Street at the intersection with Golden Links Drive and that the line marking be reviewed

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

**[SUB-LTC] GB 7. Condong Street & Riverview Street, Murwillumbah**  
**R1290 Pt1; R4750 Pt2; Traffic - Safety**

**277 RESOLUTION:**

**Cr M R Boyd**  
**Cr H James**

**RESOLVED** that a Give Way sign be installed in the centre of the road on Riverview Drive with Condong Street if design limitations permit. If not, the matter should be referred back to the Local Traffic Committee.

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

**DELEGATES REPORTS**

Nil.

**OUTSTANDING INSPECTIONS**

Nil.

**ITEMS OF INFORMATION AND INTEREST**

Nil.

**ORDERS OF THE DAY**

Nil.

**WORKSHOPS**

Nil.

**QUESTION TIME**

**Mt Burrell Bridge, Kyogle Road**

**Cr L F Beck**

Asked have signs been erected on the Mt Burrell bridge on the Kyogle Road. What future plans are being made to prevent further accidents?

The Director Engineering and Operations responded that accident records have been requested. Five bridges on Kyogle Road are scheduled for replacement as part of the Roads and Traffic Authority bridge replacement program which has been deferred until 2007. Council is planning to schedule replacement when the program is reintroduced.

## **Swimming Pool Closure.**

### **Cr L F Beck**

Asked why has the Murwillumbah Swimming Pool been closed this week, before the NSW School Holidays which start this weekend and when the weather is suitable for swimming?

The Director Environment and Community advised that the Pool traditionally closes in the week following Easter. There is no extensive use from schools during this period and weather conditions are difficult to predict.

## **Consent Orders - Banora Point Caravan Park - Van and Cabin Repairs**

### **Cr D M Holdom**

With regard to the Consent Orders being issued by the Land and Environment Court and agreed to by both parties (Tweed Shire Council and Park Owner W Tschannen) and specifically pertaining to van repairs and cabin repairs, can Council officers assure me and other Councillors that part of the repairs will include full replacement to maintenance of window and door screenings (insect protection) as per Local Government Caravan Parks, Camping Grounds and Moveable Dwellings Regulation 1995 under the Local Government Act 1993 as there is at least one (1) case of Ross River fever on said park and I draw Council's attention and reference from the Northern Rivers Health Unit January 2005 information booklet which advises 156 **known** cases of Ross River Fever in the Northern Rivers area.

The Director Environment and Community advised that Consent Orders have been fixed by the Court and that they did not include the provision of insect screens.

## **Animal Management**

### **Cr G J Lawrie**

Asked if Council was intending to relocate the Off Leash area, south of Cudgen Creek.

The Director Environment and Community advised that this question would be taken on notice with a response to be provided in the near future.

## **ITEM NOT ON THE AGENDA**

## **Culture Awards**

Cr Polglase informed Councillors that advice has been received from the Local Government and Shires Associations of NSW that Council is shortlisted in six categories of the Local Government Cultural Awards.

There being no further business the Meeting terminated at 9.10PM



**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 xxx to xxx of these Minutes**

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**Chairman**