



# **AGENDA**

## **ORDINARY COUNCIL MEETING**

**Tuesday 17 February 2009**

**Mayor: Cr J van Lieshout**

**Councillors: Cr B Longland, Deputy Mayor  
Cr D Holdom  
Cr K Milne  
Cr W Polglase  
Cr K Skinner  
Cr P Youngblutt**

### **COUNCIL'S CHARTER**

Tweed Shire Council's charter comprises a set of principles that are to guide Council in the carrying out of its functions, in accordance with Section 8 of the Local Government Act, 1993.

Tweed Shire Council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
- to exercise community leadership;
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism;
- to promote and to provide and plan for the needs of children;
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- to have regard to the long term and cumulative effects of its decisions;
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government;
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants;
- to keep the local community and the State government (and through it, the wider community) informed about its activities;
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected;
- to be a responsible employer.

**ITEMS FOR CONSIDERATION OF COUNCIL:**

<b>ITEM</b>	<b>PRECIS</b>	<b>PAGE</b>
	<b>ABORIGINAL STATEMENT</b>	<b>5</b>
	<b>CONFIRMATION OF MINUTES</b>	<b>5</b>
<b>1</b>	<b>Minutes of the Ordinary and Confidential Meeting of Council held on Tuesday 27 January 2009</b>	<b>5</b>
	<b>SCHEDULE OF OUTSTANDING RESOLUTIONS</b>	<b>7</b>
<b>2</b>	<b>Schedule of Outstanding Resolutions</b>	<b>7</b>
	<b>MAYORAL MINUTE</b>	<b>11</b>
<b>3</b>	<b>[MM] Mayoral Minute - LGSA Tourism Conference 2009</b>	<b>11</b>
<b>4</b>	<b>[MM-CM] Documents Signed</b>	<b>13</b>
	<b>ORDINARY ITEMS FOR CONSIDERATION</b>	<b>15</b>
	<b>REPORTS THROUGH THE GENERAL MANAGER</b>	<b>15</b>
	<b>REPORTS FROM THE DIRECTOR TECHNOLOGY &amp; CORPORATE SERVICES</b>	<b>15</b>
<b>5</b>	<b>[TCS-CM] Councillor Training</b>	<b>15</b>
	<b>REPORTS FROM SUB-COMMITTEES/WORKING GROUPS</b>	<b>17</b>
<b>6</b>	<b>[SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 5 December 2008</b>	<b>17</b>
	<b>ORDERS OF THE DAY</b>	<b>23</b>
<b>7</b>	<b>[NOR] Development Application DA07/1399 for a two lot subdivision including a special purpose allotment and associated telecommunications facilities and tower at Lot 3 DP 1000385, Fraser Drive Tweed Heads South</b>	<b>23</b>
<b>8</b>	<b>[NOM] Tweed Development Control Plan - Hastings Point</b>	<b>31</b>
<b>9</b>	<b>[NOM] Councillors Briefing</b>	<b>32</b>
<b>10</b>	<b>[NOM] Community Access</b>	<b>32</b>
<b>11</b>	<b>[NOM] Mayoral Minute</b>	<b>32</b>
<b>12</b>	<b>[NOM] Boat Speed on the Tweed Waterways</b>	<b>33</b>
<b>13</b>	<b>[NOM] Policy on Significant Environmental Damage</b>	<b>33</b>
<b>14</b>	<b>[NOM] Sedimentation of the Tweed Waterways</b>	<b>34</b>
<b>15</b>	<b>[NOM] Provision of Rubbish Bins in Public Areas</b>	<b>34</b>

16	[NOM] State Government Development Applications	34
17	[NOM] Public Relations Training	34
18	[NOM] Social Needs Council Committee	35
19	[NOM] Sustainability Council Committee	35
20	[NOM] Telstra Base Station and Tower	35
	CONFIDENTIAL ITEMS FOR CONSIDERATION	37

## ABORIGINAL STATEMENT

The Mayor acknowledged the Bundjalung Aboriginal Nation with the following statement:

*"We wish to recognise the generations of the local Aboriginal people of the Bundjalung Nation who have lived in and derived their physical and spiritual needs from the forests, rivers, lakes and streams of this beautiful valley over many thousands of years as the traditional owners and custodians of these lands."*

## CONFIRMATION OF MINUTES

- 1 **Minutes of the Ordinary and Confidential Meeting of Council held on Tuesday 27 January 2009**

## UNDER SEPARATE COVER/FURTHER INFORMATION:

To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).

1. Minutes of the Ordinary Council Meeting held Tuesday 27 January 2009 (ECM 1975626).
  2. **Confidential Attachment** - Minutes of the Confidential Council Meeting held Tuesday 27 January 2009 (ECM 1973358).
-

THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK

## SCHEDULE OF OUTSTANDING RESOLUTIONS

### 2 Schedule of Outstanding Resolutions

#### FOR COUNCILLOR'S INFORMATION:

12 August 2008

#### OPERATIONS COMMITTEE

O20 [CNR-OC] Tweed River Estuary Recreational Boating Study

#### O 228 COMMITTEE DECISION:

Administrator Boyd  
Administrator Payne

**RECOMMENDED** that the Tweed River Estuary Recreational Boating Study 2008 be received and noted and further considered by the new Council.

**Current Status:** Workshop scheduled for 10 March 2009.

---

30 October 2008

#### OPERATIONS COMMITTEE

O11 [EO-OC] Chinderah Bay Drive - Chinderah

#### O 21 COMMITTEE DECISION:

**RECOMMENDED** that:

1. A workshop be scheduled to discuss the LES for Chinderah.
2. The Tweed River Committee be requested to consider revetment of the river bank at Chinderah in the 2009/10 Tweed River Committee budget.

**Current Status:** Workshop scheduled for 10 March 2009.

---

## ORDERS OF THE DAY

### 4 [NOM-CM] Aboriginal Flag and Torres Strait Islander Flag

#### 42 COUNCIL DECISION:

All Councillors attend a Cultural Awareness Workshop to be conducted by the Local Government and Shires Associations.

**Current Status:** Workshop scheduled for 24 March 2009.

---

18 November 2008

## PLANNING COMMITTEE

### P4 [PR-PC] Development Application DA07/0945 for Multi Dwelling Housing Consisting 34 Residential Units at Lot 290, 630 DP 755740; Lot 1 DP 781512, No. 7 Elsie Street, Banora Point

#### P 13 COMMITTEE DECISION:

Cr W Polglase  
Cr K Skinner

**RECOMMENDED** that this item be deferred to allow for further negotiations with the applicant.

**Current Status:** To Council Meeting of 17 March 2009.

---

### P7 [PR-PC] Development Application DA08/0929 for Construction of a Storage Depot Comprising the Erection of a New Shed and Associated Works at Lot 1 DP 1057594, Fernvale Road, Fernvale

#### P 16 COMMITTEE DECISION:

Cr W Polglase  
Cr P Youngblutt

**RECOMMENDED** that this item be deferred.

**Current Status:** To Council Meeting of 17 March 2009.

---



**OPERATIONS COMMITTEE**

**O11 [EO-OC] Renaming of Part of Public Road, Condong Street, Kunghur**

**O 49 COMMITTEE DECISION:**

**Cr J van Lieshout  
Cr D Holdom**

**RECOMMENDED** that this item be deferred for further investigation.

**Current Status:** To be reported to a future Council Meeting.

---

**27 January 2009**

**COUNCIL MEETING**

**8 [TCS-CM] Tweed Shire Council's Code of Conduct (Version 1.5)**

**12 COUNCIL DECISION:**

**Cr J van Lieshout  
Cr W Polglase**

**RESOLVED** that Council defers this item to a future meeting to allow consideration of the proposed amendments to the Code of Conduct (Version 1.5).

**Current Status:** To be discussed at workshop session planned for 3 March 2009.

---

THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK

## MAYORAL MINUTE

### 3 [MM] Mayoral Minute - LGSA Tourism Conference 2009

Councillors,

At the January Council it was resolved that I attend the Fifth Annual Local Government Tourism Conference "Creating a Strong Foundation in Tourism" to be held in Kiama from 10 to 12 March 2009.

As tourism within the Tweed is coordinated by Tweed Tourism it would seem appropriate to have a delegate from this organisation also represent Council at this conference as tourism planning, operation and marketing management are key initiatives to be discussed at the Conference. To this end it is suggested that the Chairman of Tweed Tourism, Mr Phil Villiers, be authorised to represent Council in addition to myself.

Registration costs for this Conference are \$599 - travel and accommodation costs are additional to this amount.

#### **RECOMMENDATION:**

**That the Chairman of the Tweed Tourism, Mr Phil Villiers be registered as a Council delegate to attend the Fifth Annual Local Government Tourism Conference "Creating a Strong Foundation in Tourism" to be held in Kiama from 10 to 12 March 2009.**

---

THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK

#### **4 [MM-CM] Documents Signed**

The following details documents signed by the Mayor from 22 January 2009 to 6 February 2009:-

- 22 January 2009 Agreement - Byrrill Creek Plantation-Forests NSW
- 23 January 2009 Transfer - Lot 1 DP 371046 Wommin Bay Drive, Chinderah
- 6 February 2009 Agreement - Land Acquisition-Crabbes Creek Road, Crabbes Creek
- 6 February 2009 Lease - Murwillumbah Boxing Club-Amwill Park Community Facility

#### **RECOMMENDATION:**

**That the documents signed by the Mayor for the period 22 January 2009 to 6 February 2009 be received and noted.**

---

THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK

## **ORDINARY ITEMS FOR CONSIDERATION**

### **REPORTS THROUGH THE GENERAL MANAGER**

#### **REPORTS FROM THE DIRECTOR TECHNOLOGY & CORPORATE SERVICES**

##### **5 [TCS-CM] Councillor Training**

###### **ORIGIN:**

**Human Resources & Risk**

###### **SUMMARY OF REPORT:**

Local Government Learning Solutions has advised of the Councillor Weekend Program to be held at Coffs Harbour on Friday 27 and Saturday 28 March 2009.

Over the Friday/Saturday period Councillors will be provided with mini professional development modules including Good Governance, the Councillor's Role in the Planning System, Meeting Skills, Community Leadership and Change Management.

This is an opportunity to cover a number of appropriate development areas, within a reasonably short time frame. Registration costs for this program are \$880 per participant (including GST), which includes lunches on both days and dinner on the Friday evening. Other costs include accommodation and travel expenses.

Councillors have been circulated with the information regarding this program.

###### **RECOMMENDATION:**

**That Cr J van Lieshout and Cr K Milne be authorised to attend The Councillor Weekend Program to be held at Coffs Harbour on Friday 27 and Saturday 28 March 2009.**

**REPORT:**

As per summary.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

Nil.

---



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

**6 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 5 December 2008**

**VENUE:**

Tweed Heads Civic Centre, South Sea Islander Room

**TIME:**

9am

**PRESENT:**

Councillor Holdom (Tweed Shire Council), Councillor Milne (Tweed Shire Council), Lesley Buckley (Tweed Shire Council), David Oxenham (Tweed Shire Council), Dr Glenda Nalder (TSC Cultural Development Advisory Committee), Maureen Logan (Community Elder), Max Boyd (Community), Jackie McDonald (Tweed Wollumbin AECG), Lesley Mye (Tweed Shire Council), Garth Lena (Minyungbal Community), Des Williams (TBLALC) & James McKenzie (Community).

**APOLOGIES:**

Bakoi Boulton, Joyce Summers, Gary Corbett, Marvette Logan & Janette Saunders

**Moved: Maureen Logan**

**Seconded: Jackie McDonald**

**RESOLVED** that the apologies be accepted

**Carried unanimously**

---

The Chair was declared vacant and nominations were called. Garth Lena was nominated and unanimously elected to Chair the meeting.

Garth Lena opened the meeting with a welcome to all present and paid respect to Elders past and present

---

**MINUTES OF PREVIOUS MEETING:**

**Moved: Jackie McDonald**

**Seconded: Maureen Logan**

**RESOLVED** that the minutes of the meeting held Friday 7 November 2008 be accepted as a true and accurate record of the proceedings of that meeting with the following two amendments

**Amendment**

Dr Glenda Nalder did not second BA 2. Seconder was Garth Lena & Seconder for BA 6 was Joyce Summers

---

**BUSINESS ARISING:****Item from Meeting held Friday 5 August 2005****BA 1 Upgrade of the Old Border Caravan Park – Indigenous Public Placemaking Project**

Dr Nalder advised all that before any signage is erected that the Community and Committee sign off on the Draft Public Art Implementation Plan/Strategy and Native Title issues have been resolved. The Committee suggested that a meeting of the IPPP Sub-Committee be convened to discuss.

**Moved: Councilor Holdom**

**Seconded: Maureen Logan**

**RESOLUTION** that the Committee invite Councils Director of Engineering & Operations Patrick Knight and Manager of Recreation Services Unit Stewart Brawley attend the Friday 6 February 2009 Committee meeting to discuss the Draft Public Art Implementation Plan/Strategy along with up-to-date plans of the area. An invitation be forwarded to the Public Art Advisory Committee to attend as well.

**Carried unanimously**

---

**Item from Meeting held Friday 1 August 2008****BA 2 Draft – Tweed Coast Regional Crown Reserve**

Ms Mye to following up the invitation to Department of Lands to attend the February 2009 meeting to discuss the draft.

---

**Item from Meeting held Friday 1 February 2008****BA 3 Interpretive Signage - Terranora Broadwater and Hastings Point**

Maureen Logan enquired why matters pertaining to the community and Committee need to be approved by Kyle Slabb. Ms McDonald explained the protocol. Maureen Logan stressed that Kyle Slabb should attend the meetings in future to avoid delays.

---

**Item from Meeting held Friday 1 August 2008****BA 4 Tweed Shire Council Aboriginal and Torres Strait Islander Cultural Program Plan**

**Moved: Garth Lena**

**Seconded: Councillor Holdom**

**RESOLVED** that the Committee endorse the Tweed Shire Council Aboriginal and Torres Strait Islander Cultural Program Plan

**Carried unanimously**

---

---

**Item from Meeting held Friday 5 September 2007**

**BA 5 Memorandum of Understanding (MOU)**

Ms Mye tabled the draft Memorandum of Understanding between Council and representatives of the Aboriginal & Torres Strait Islander Community.

**Moved: Garth Lena**

**Seconded: Councillor Holdom**

**RESOLVED** that the Committee endorse the Memorandum of Understanding (MOU) with the amendments and that the Aboriginal Statement be attached.

**Carried unanimously**

---

**Item from Meeting held Friday 5 August 2005**

**BA 6 Banora Point Caravan Park**

Councillor Holdom tabled information that possible Aboriginal Cultural Heritage Sites have been unearthed on the neighbouring Crown Land and land owned by the Road and Traffic Authority.

It was requested that Councillor Holdom liaise with the Chairperson of Tweed Byron Local Aboriginal Land Council and both to inspect the areas in question.

---

**Moved: Jackie McDonald**

**Seconded: Maureen Logan**

**RESOLVED** that Business Arising from Friday 7 November meeting has been dealt with.

**Carried unanimously**

---

**GENERAL BUSINESS:**

**GB 1 James McKenzie**

Mr McKenzie tabled information relating to his family's history in the Tweed. Councillor Holdom reminded Mr McKenzie that at a meeting a few months ago it was suggested a book and or thesis on the subject would be welcome.

Mr McKenzie thanked the Committee for permitting him to attend the meeting.

---

**GB 2 21<sup>st</sup> NSW Local Government Aboriginal Network**

Ms Mye and Ms Buckley gave a report on the conference held by Armidale Dumaresq Council, and informed the Committee the conference was outstanding in all aspects. The presentation they delivered was very well received.

**Moved: Councillor Holdom**

**Seconded: Maureen Logan**

**Recommendation** that Council invite Constance Chatfield, Aboriginal Liaison Officer, Local Government and Shire Association and David Williams, Executive, NSW Local Government Aboriginal Network to attend a committee meeting early 2009.

**Carried unanimously**

---

**GB 3 Cultural Awareness Training**

**Moved: Jackie McDonald**

**Seconded: Maureen Logan**

**RESOLVED** that Cultural Awareness Training for Councillors was required.

**Carried unanimously**

---

**GB 4 Councillor Milne - Repco Rally Australia 2009**

Councillor Milne discussed the Rally and the potential impact on the Shire.

**Moved: Jackie McDonald**

**Seconded: Maureen Logan**

**RESOLVED** that the Committee forward a invitation to the organisers to attend the Friday 6 February 2009 meeting.

**Carried unanimously**

---

## Incoming Correspondence

Lynda Hope YWCA NSW – Aboriginal Cultural Education Program

Sue Pinckham Aboriginal Social Plan Project Officer - Christmas in the Bush

Everick Heritage Consultants – Draft Site Assessment Report and Management

John Pitt – Tweed Sun re: Time Machine Column

**Moved: Jackie McDonald**

**Seconded: Maureen Logan**

**RESOLVED** that all inward correspondence be received and noted.

**Carried unanimously**

---

## NEXT MEETING:

The next meeting of the Aboriginal Advisory Committee will be held Friday 6 February 2008, at 9.00 am in the South Sea Islander Room, Tweed Civic Centre, Brett Street, Tweed Heads.

The meeting closed at 2.25pm

## DIRECTOR'S COMMENTS:

Nil

## DIRECTOR'S RECOMMENDATIONS:

**GB 2 21<sup>st</sup> NSW Local Government Aboriginal Network**

**As per Committees Recommendation being:-**

***That Council invites Constance Chatfield, Aboriginal Liaison Officer, Local Government and Shire Association and David Williams, Executive, NSW Local Government Aboriginal Network to attend a committee meeting early 2009.***

---

---

THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK

**ORDERS OF THE DAY**

- 7 [NOR] Development Application DA07/1399 for a two lot subdivision including a special purpose allotment and associated telecommunications facilities and tower at Lot 3 DP 1000385, Fraser Drive Tweed Heads South**

**NOTICE OF RESCISSION:**

Councillor K Milne, Councillor K Skinner and Councillor J van Lieshout move:

That the recommendation at Minute No P 1 of the Minutes of the Planning Committee meeting held 27 January 2009 which was adopted at Minute No 5 of the Ordinary Council Meeting held 27 January 2009, being:

*"... that Development Application DA07/1399 for a two lot subdivision including a special purpose allotment and associated telecommunications facilities and tower at Lot 3 DP 1000385, Fraser Drive Tweed Heads South be approved subject to the following conditions: -*

**GENERAL**

1. *The development shall be completed in accordance with the Statement of Environmental Effects, and the following Plans and report;*
  - *Drawing No. 16465 D prepared by B & P Surveys dated 8/11/2007,*
  - *Drawing No. Q107242. Locality Plan Sht S1 Index prepared by National Infrastructure Services dated 02/02/2007,*
  - *Drawing No. Q107242. Site Setout Plan Sht No. S2 Index prepared by National Infrastructure Services dated 02/02/07.*
  - *Drawing No. Q107242. South East Elevation Sht No. S3 Index prepared by National Infrastructure Services dated 02/02/07.*
  - *Drawing No. Q107242. Aerial Photo Locality Plan Sht No. S7 Index prepared by National Infrastructure Services dated 02/02/07.*
  - *National Standard 3.1 Shelter Sht No. E1 Index prepared by National Infrastructure Services dated 02/02/07.*
  - *Summary of estimated RF EME Levels around the proposed mobile phone base station at origin of Fixed Point Radial, Tweed Heads South West NSW. NSA Site NO. 2486007. Dated 15/1/08.*

*except where varied by the conditions of this consent.*

[GEN0005]

2. *The development shall be completed in accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by conditions of this consent.*

[GEN0015]

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

[GEN0115]

4. *The subdivision is to be carried out in accordance with Tweed Shire Council Development Control Plan Part A5 - Subdivision Manual and Councils adopted Development Design and Construction Specifications.*

[GEN0125]

5. *Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property.*

[GEN0135]

6. *Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications for the following required works: -*

- (a) *Construction of an all weather access, including bitumen sealing from the edge of the existing Frasier Drive bitumen carriageway to the property boundary in accordance with Council's Development Control Plan, Part A5 - Subdivision Manual and Council's Development Design and Construction Specifications.*

*The above mentioned engineering plan submission must include copies of compliance certificates relied upon and details relevant to but not limited to the following: -*

- *Road works*
- *Drainage*
- *Sediment and erosion control plans*
- *Location of all services/conduits*
- *Traffic control plan*

[GENNS01]

7. *Erosion and Sediment Control shall be provided and maintained in accordance with Tweed Shire Council Development Design Specification D7 - Stormwater Quality and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".*

[GENNS02]

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

8. *The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.*

[PCW0005]

9. *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*
  - (c) *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*
  - (d) *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.*

[PCW0215]

10. *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.*

[PCW0225]

11. *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.*

[PCW0255]

12. *Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.*

*In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act 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.*

*This sign is to remain in position for the duration of the project.*

[PCW0985]

#### **DURING CONSTRUCTION**

13. *All proposed works are to be carried out in accordance with the conditions of development consent, approved s138 Application, drawings and specifications.*

[DUR0005]

14. *Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -*

*Monday to Saturday from 7.00am to 7.00pm*

*No work to be carried out on Sundays or Public Holidays*

*The proponent is responsible to instruct and control subcontractors regarding hours of work.*

[DUR0205]

15. *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.*

[DUR0215]

16. *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 was made).*

[DUR0375]

17. *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.*

[DUR0395]

18. *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.*

[DUR0405]

19. *It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Occupational Health and Safety Regulation 2001.*

[DUR0415]

20. *No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate.*

[DUR0985]

21. *The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.*

[DUR0995]

22. *All work associated with this approval is to be carried out so as not to impact on neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:*

-

- *Noise, water or air pollution*
- *Minimise impact from dust during filling operations and also from construction vehicles*
- *No material is removed from the site by wind*

[DUR1005]

23. *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.*

[DUR1025]

24. *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 in accordance with Councils adopted Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.*

[DUR1875]

25. *During construction, a “satisfactory inspection report” is required to be issued by Council for all works required under Section 138 of the Roads Act 1993. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection.*

[DUR1925]

26. *No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.*

[DUR1945]

27. *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.*

[DUR2185]

28. *Construction of an all-weather access to proposed Lot 5.*

[DUR0585]

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

29. *A person must not commence occupation or use of the whole or any part of a new building or structure (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).*

[POC0205]

30. *On completion of work a certificate signed by a practising structural engineer is to be submitted to the Principal Certifying Authority to certify the structural adequacy of the structure.*

[POC0805]

31. *Prior to the issue of a final occupation certificate, all conditions of consent are to be met.*

[POC1055]

#### **USE**

32. *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 and odours or the like.*

[USE0125]

33. *All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.*

[USE0175]

34. *All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.*

[USE0225]

*PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE*

35. *Prior to issue of a subdivision certificate, all works/actions/inspections etc required by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.*

[PSC0005]

36. *Any damage to property (including pavement damage) is to be rectified to the satisfaction of the General Manager or his delegate PRIOR to the issue of a Subdivision Certificate. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.*

[PSC0725]

37. *A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of this Development Consent have been complied with.*

[PSC0825]

38. *The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:*

*(a) Easements over ALL public services/infrastructure on private property.*

*(b) Right of Carriageway (min 5 wide) over the new access servicing proposed Lot 5.*

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

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

*Privately owned infrastructure on community land may be subject to the creation of statutory restrictions, easements etc in accordance with the Community Land Development Act, Strata Titles Act, Conveyancing Act, or other applicable legislation.*

[PSC0835]



39. *Where new state survey marks and/or permanent marks are placed a copy of the locality sketch relating to the marks shall be submitted to Council within three months of registration of the Subdivision Certificate in accordance with the Survey Practices Regulation.*

[PSC0865]

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

*The following information must accompany an application:*

- (a) *original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.*
- (b) *all detail as tabled within Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, CL 7.6 and Councils Application for Subdivision Certificate including the attached notes.*

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

[PSC0885]

41. *Prior to the issue of a Subdivision Certificate, a properly dimensioned plan shall be lodged with Council showing the relative position of existing fences, road formation and boundaries within the vicinity of the proposed access.*

*Any identified encroaching road boundary fence is to be relocated (if deemed necessary by Council) to the correct alignment by the applicant, at the applicant's expense, prior to issuing a Subdivision Certificate.*

*Any road widening deemed necessary following submission of the plan shall be dedicated at no cost to Council.*

[PSC0945]

42. *The production of written evidence from the local electricity supply authority certifying that the reticulation of overhead electricity has been completed.*

[PSC1175]

43. *Prior to the issue of a Subdivision Certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all works required under Section 138 of the Roads Act 1993.*

[PSCNS01]

#### **GOLD COAST AIRPORT CONDITIONS**

44. *The building may be erected up to a maximum height of 71.2m AHD at the location described.*
45. *No further additions may be made to the tower, including antennae, aerials or other appurtenance which exceed the maximum height of 71.2m AHD*
46. *Separate approvals must be sought for all cranes and other equipment used in the construction of the tower where any such structure would exceed the tower's maximum approved height of 71.2m AHD.*

47. *This advice refers only to the height of the tower as applicable to aircraft operations and does not relieve the proponent of the responsibility for obtaining the normal permits.*
48. *The tower is to be obstacle lit in accordance with Part 139 of the Manual of Standards (MOS) issued by CASA*  
*Under section 9.4 of the MOS Part 139, the tower must be lit with steady medium intensity obstacle lighting;*  
*The obstacle lighting is to be operational at night and during periods of low visibility;*  
*The obstacle lighting is to remain within the maximum approved height of 71.2m AHD;*  
*All obstacle lights are to be maintained in full working order by the proponent at all times.*
49. *The proponent is to notify GCA immediately upon completion of construction of the tower, and at that time must notify GCA of the finished height in AHD and the placement of obstacle lighting, so that GCA can update the relevant plans and records for the airport.*

**GENERAL TERMS OF APPROVAL UNDER SECTION 100B OF THE RURAL FIRES ACT 1997**

1. *Access shall comply with section 4.1.3 (2) of Planning for Bush Fire Protection 2006."*

**be rescinded.**

---

**8 [NOM] Tweed Development Control Plan - Hastings Point**

**NOTICE OF MOTION:**

Councillor B Longland moves that:

1. That Council places on public exhibition a draft amendment to Section A1 of the Tweed Development Control Plan (DCP) to restrict the interim density ratio to no more than two dwellings (dual occupancy) per site for the whole of Hastings Point.
  2. Following public exhibition, any subsequent Tweed Development Control Plan amendment regarding density controls in Hastings Point is to remain in force until the completion of their Locality Plan and DCP.
-

**9 [NOM] Councillors Briefing****NOTICE OF MOTION:**

Councillor D Holdom moves that Councillors attending the briefing session, submit in writing any questions relating to all the Business Papers by the close of business on the Friday before the next ordinary meeting to the General Manager for dissemination to the relevant Directors.

---

**10 [NOM] Community Access****NOTICE OF MOTION:**

Councillor D Holdom moves that:

1. Any person wishing to address the Council on matters of Policy (as resolved and/or in Draft form) submit in writing to the Tweed Shire Council General Manager and/or Acting General Manager, a comprehensive overview document of their concerns before they attend a community access session; and
  2. This resolution of Council be added to the information (verbal or written) to inform members of the public of Council's Community Access Requirements/Procedures.
- 

**11 [NOM] Mayoral Minute****NOTICE OF MOTION:**

As a past sitting Councillor I was always appreciative of the Mayoral Minute containing a list of the meetings attended, invitations offered and attended by the then sitting Mayor, invitations offered to the Mayor - but because of invitations already accepted - attended by other Councillors on the then sitting Mayor's behalf and all invitations declined. A list of conferences attended by the Mayor and/or Councillors was also included.

I believe that in the interest of the community at large a full written record as a Mayoral Minute that contains all of this information ensures transparency and accountability of those who hold office as Councillors:

Councillor D Holdom moves that to enable the Councillors and community to be better informed, the Mayor reintroduces the past tradition of including a full Mayoral Minute on a monthly basis by way of each Ordinary Council Meeting Business Paper, advising of:

---



1. All meeting invitations:
    - a) Accepted by the Mayor's Office and attended by the sitting Mayor.
    - b) Accepted by the Mayor's Office but attended by other Councillors due to conflicting engagements of the Mayor.
    - c) Declined by the Mayoral Office.
  2. All conferences attended by the sitting Mayor and/or Councillors; and
  3. Notification of all forthcoming conferences and seminars for the attention of Councillors.
- 

## **12 [NOM] Boat Speed on the Tweed Waterways**

### **NOTICE OF MOTION:**

Councillor K Milne moves that in recognition of:-

- safety risks when mixing passive and non passive use in the relatively small Tweed waterways,
- the opportunities to accommodate more users if tighter speed restrictions are in place,
- the environmental significance and fragility of the Tweed's Rivers and Estuaries, and
- the cost of riverbank erosion,

Council writes to the NSW Maritime Authority to request a meeting and to urgently impose a maximum speed limit of 40km per hour for motorised activity on all Tweed Waterways, in addition to the current controls.

---

## **13 [NOM] Policy on Significant Environmental Damage**

### **NOTICE OF MOTION:**

Councillor K Milne moves that:

1. A zero tolerance policy is adopted for any developer, builder, private certifier, consultant, earthworks or other business) found to be in significant breach of any planning instrument or Council directive, if significant environmental damage has occurred or is likely to occur from the breach.
-

2. A negotiated outcome to avoid prosecution shall only occur if a two to ten fold compensatory environmental outcome is achieved on site, or if not feasible on site, then in the local area.
- 

**14 [NOM] Sedimentation of the Tweed Waterways**

**NOTICE OF MOTION:**

Councillor K Milne moves that Council investigates and report back on current activities and property owners causing sedimentation in the Tweed waterways, with recommendations to address these issues.

---

**15 [NOM] Provision of Rubbish Bins in Public Areas**

**NOTICE OF MOTION:**

Councillor K Milne moves that Council increase provisions of rubbish bins in problem areas of Parks, walking trails and public areas.

---

**16 [NOM] State Government Development Applications**

**NOTICE OF MOTION:**

Councillor K Milne moves that State Government development applications relating to the Tweed Shire be placed on Council's website.

---

**17 [NOM] Public Relations Training**

**NOTICE OF MOTION:**

Councillor K Milne moves that Councillors and Council staff in contact with the public receive support in the form of customer relations training from a suitably qualified local provider.

---

**18 [NOM] Social Needs Council Committee**

**NOTICE OF MOTION:**

Councillor K Milne moves that:-

1. A Council Committee is established to support Council in addressing social and community needs issues.
  2. This committee shall comprise of at least 50% community representatives.
- 

**19 [NOM] Sustainability Council Committee**

**NOTICE OF MOTION:**

Councillor K Milne moves that:-

1. A Council Committee is established to support Council in addressing environmental sustainability issues.
  2. This committee shall comprise of at least 50% community representatives.
- 

**20 [NOM] Telstra Base Station and Tower**

**NOTICE OF MOTION:**

Councillor K Milne moves that Development Application DA07/1399 for a two lot subdivision including a special purpose allotment and associated telecommunications facilities and tower at Lot 3 DP 1000385, Fraser Drive Tweed Heads South be deferred for further consideration and further advice / discussion with the local community.

---

THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK

**CONFIDENTIAL ITEMS FOR CONSIDERATION**

Nil.

THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK



