



**TWEED**  
SHIRE COUNCIL

**Mayor:** Cr Warren Polglase

**Councillors:** P Youngblutt (Deputy Mayor)  
D Holdom  
B Longland  
K Milne  
K Skinner  
J van Lieshout

# Minutes

## **Ordinary Council Meeting Tuesday 16 February 2010**

held at Murwillumbah Cultural & Civic Centre  
commencing at 4.30pm

### **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.

The Meeting commenced at 4.30pm.

## **IN ATTENDANCE**

Cr W Polglase (Mayor), Cr P Youngblutt (Deputy Mayor), Cr D Holdom, Cr B Longland, Cr K Milne, Cr K Skinner, Cr J van Lieshout.

Also present were Mr Mike Rayner (General Manager), Mr Troy Green (Director Technology & Corporate Services), Mr Patrick Knight (Director Engineering & Operations), Mr Vince Connell (Director Planning & Regulation), Mr David Oxenham (Director Community & Natural Resources), Mr Neil Baldwin (Manager Corporate Governance/Public Officer) and Mrs Maree Morgan (Minutes Secretary).

## **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."*

## **PRAYER**

The meeting opened with a Prayer by Council's Chaplain, Pastor Andrew Unwin.

*Eternal God, You are the one who governs all things in heaven and on earth. Hear us as we come before you to pray for our country and all those who live here.*

*As Your word encourages us, we pray for those who You have given authority to. We pray this meeting here this afternoon, that You will guide the direction of our community through the decisions of this council. We pray that the councillors through their words and actions will service the community in a way this is unbiased and pleases You. Strengthen them in their resolve to care for every member of our community regardless of who they are.*

*Remove every hindrance to the advancement of our peoples that in love we might go forward together. We pray that You will give us tolerance and acceptance of each other and that peace will spread through our valley.*

*We ask this to the glory of Your name through Jesus Your Son.*

*Amen.*

## CONFIRMATION OF MINUTES

### 1 Minutes of the Ordinary and Confidential Council Meeting held on Tuesday 19 January 2010

52

Cr D Holdom  
Cr K Skinner

**RESOLVED** that the Minutes of the Ordinary and Confidential Council Meetings held Tuesday 19 January 2010 be adopted as a true and accurate record of proceedings of that meeting.

**FOR VOTE - Unanimous**

## APOLOGIES

Nil

## DISCLOSURE OF INTEREST

Cr D Holdom declared an interest in Item 58 - [NOM-Cr K Milne] Banora Point Caravan Park/River Resort - Breaches of the Environmental Planning and Assessment Act 1979.

The nature of the interest is that Cr D Holdom has an involvement with the local resident action group in relation to this matter.

Cr W Polglase declared an interest in Item 58 - [NOM-Cr K Milne] Banora Point Caravan Park/River Resort - Breaches of the Environmental Planning and Assessment Act 1979.

The nature of the interest is that Cr W Polglase's family have an interest in a business of a similar nature in the Tweed Shire.

Cr P Youngblutt declared an interest in Item 14 - [PR-CM] Unauthorised Fence Lot 156 DP 628026 Creek Street, Hastings Point.

The nature of the interest is that Cr P Youngblutt's brother is the caretaker of property the subject of this report.

## STATEMENT - Cr K Milne

The following statement of clarification was read at the meeting by Councillor Katie Milne regarding conflict of interest considerations in relation to the Repco Car Rally.

*"I wish to place on the public record the following statement of clarification, in response to the implication from some quarters that I may have a conflict of interest in matters concerning the Repco Car Rally that come before this council.*

*I am strongly of the view that I do not have a conflict of interest in such matters.*

*An essential precondition of a conflict of interest - as defined in the Code of Conduct - is the existence of a private interest. If a councillor does not have a private interest in a matter (or a close association with someone who has such an interest) it follows that the councillor cannot have a conflict of interest in that matter.*

*For a councillor to have a private interest in a matter, the councillor must stand to personally gain or lose in some specific and direct way from a decision of the council, or have a close association with a person or entity who stands to personally gain or lose in such a way.*

*I do not stand to personally gain or lose in any specific or direct way from any decision that this council could make in relation to the Repco Car Rally.*

*Neither do I have a close association with any person or entity who stands to gain or lose in any specific and direct way from such a decision.*

*Therefore, I do not have a private interest - either directly or by association - in the Repco Car Rally. Having no such private interest in the Rally, I therefore cannot have a conflict of interest in matters concerning the Rally that come before council.*

*It is well known that I have expressed strong views about this matter, and that I have taken certain actions, which reflect my concerns about the public interest issues at stake in relation to the Repco Car Rally. These public interest matters are quite distinct from private interests.*

*A councillor cannot have a conflict of interest on the grounds that the councillor has concerns about how the public interest might be affected by a matter. In fact, councillors are elected precisely to help protect the public interest, and to care deeply about such matters.*

*The conflict of interest provisions in the Code of Conduct - which I strongly support - are quite properly concerned with preventing private interests from contaminating council decisions. The kinds of relationships investigated (and condemned) by the Daly Inquiry are a good example of this.*

*A councillor does not have a private interest in a public interest matter simply because that councillor has a strong view about the issue. The Code of Conduct was not intended - and ought not to be used - as an instrument to prevent or suppress an elected representative from taking an active interest and playing an active role in relation to legitimate public interest matters in their community, in cases where the elected representative has no private interest.*

*It would be an abrogation of my role as a councillor under section 232 of the Act, and of duties toward my constituents, for me to exempt myself from participating in council's discussion or decisions about the Repco Car Rally when I do not have a conflict of interest in the matter, and I would not wish there to be any perception that I had been intimidated by anyone from playing my proper civic role and duty in this important matter of public interest."*

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

**53**

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that Item 56 - [NOM-Cr D Holdom] State Emergency Services (SES) Facility be moved into Confidential Session under *the Local Government Act 1993 Clause 10A(2)(f) being matters affecting the security of the council, councillors, council staff or council property*

The Motion was **Carried**

***FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr J van Lieshout, Cr W Polglase***

***AGAINST VOTE - Cr B Longland, Cr K Milne***

**SCHEDULE OF OUTSTANDING RESOLUTIONS**

**2            Schedule of Outstanding Resolutions to 16 February 2010**

**54**

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** the Schedule of Outstanding Resolutions to 16 February 2010 report be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

## MAYORAL MINUTE

3 [MM] Mayoral Minute for the period 08 January 2010 to 05 February 2010

55

Cr D Holdom  
Cr P Youngblutt

**RESOLVED** that the:-

1. Mayoral Minute for the period 8 January 2010 to 5 February 2010 be received and noted with the amendment that Cr D Holdom did not attend the Thank You Celebration for the Rural Fire Service held on 24 January 2010.
2. Attendance of Councillors at the following nominated Conferences be authorised.
  - NSW Shire Association Conference to be held in Sydney on 31 May to 2 June 2010 be attended by Councillors W Polglase and J van Lieshout.

The Motion was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr B Longland, Cr K Milne, Cr J van Lieshout, Cr W Polglase**  
**AGAINST VOTE - Cr K Skinner**

## ORDINARY ITEMS FOR CONSIDERATION

### REPORTS THROUGH THE GENERAL MANAGER

### REPORTS FROM THE GENERAL MANAGER

4 [GM-CM] Tweed Economic Development Corporation (TEDC) 2008/09 Financial Statement and 2009/10 Budget

56

Cr D Holdom  
Cr J van Lieshout

**RESOLVED** that:

1. Council receives and notes the quarterly report from Tweed Economic Development Corporation for the quarter October to December 2009.
2. ATTACHMENT 1 as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains:-

- (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

The Motion was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr J van Lieshout, Cr W Polglase**  
**AGAINST VOTE - Cr K Milne**

**5 [GM-CM] Tweed Economic Development Corporation (TEDC) Quarterly Performance Report - October to December 2009**

**57**

**Cr D Holdom**  
**Cr P Youngblutt**

**RESOLVED** that:

1. Council receives and notes the 2008/2009 Audited Financial Statement and 2009/2010 Budget reports from Tweed Economic Development Corporation.
2. ATTACHMENT 1, 2 and 3 as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains:-
  - (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

The Motion was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr J van Lieshout, Cr W Polglase**  
**AGAINST VOTE - Cr K Milne**

**6 [GM-CM] Tweed Tourism Quarterly Performance Report – October to December 2009**

**58**

**Cr D Holdom**  
**Cr P Youngblutt**

**RESOLVED** that Council endorses:

1. The Tweed Tourism Quarterly Report for the quarter October to December 2009.



2. ATTACHMENT 1 and 2 as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains:-

- (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

The Motion was **Carried**

***FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr J van Lieshout, Cr W Polglase***  
***AGAINST VOTE - Cr K Milne***

#### **SUSPENSION OF STANDING ORDERS**

**59**

**Cr D Holdom**  
**Cr K Skinner**

**RESOLVED** that Standing Orders be suspended to deal with Item 7 of the Agenda.

***FOR VOTE - Unanimous***

#### **RESUMPTION OF STANDING ORDERS**

**60**

**Cr D Holdom**  
**Cr J van Lieshout**

**RESOLVED** that the meeting be resumed.

***FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr J van Lieshout, Cr W Polglase***  
***AGAINST VOTE - Cr K Milne***

The Motion was **Carried**

**7** **[GM-CM] WRC Repco Rally Australia Report 2009**

**61**

**Cr D Holdom**  
**Cr P Youngblutt**

**RESOLVED** that Council endorses the WRC Repco Rally Australia Report 2009 to be submitted to the Repco Rally Review being undertaken by the Homebush Motor Authority.

The Motion was **Carried**

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**FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr J van Lieshout, Cr W Polglase**  
**AGAINST VOTE - Cr K Milne**

**REPORTS FROM THE DIRECTOR PLANNING AND REGULATION**

**8 [PR-CM] Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards**

**62**

**Cr D Holdom**  
**Cr P Youngblutt**

**RESOLVED** that Council notes the January 2010 Variations to Development Standards under State Environmental Planning Policy No 1 - Development Standards.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**9 [PR-CM] Proposed Review of Tweed Council's Section 149 Certificate Processes – Removal of Current Additional Matters on Section 149(2) Certificates Created through Council Resolutions and Council Practice**

**63**

**Cr B Longland**  
**Cr K Skinner**

**RESOLVED** that: -

1. Council endorses the rescission of the following previous resolutions and change in practice relating to a requirement that certain matters be placed on all Section 149(2) Certificates, and to re-locate these notations to the Section 149 (5) Certificates:

**Tweed Council Practice**

**Height under Tweed Local Environmental Plan 2000**

*The land is restricted to a 3 Storey height limit under Tweed Local Environmental Plan 2000.*

**Tweed Council resolutions:**

**Aircraft Noise**

*The subject land is not affected by aircraft noise.*

**Tweed Council resolutions:**

Council Meeting, 16 November, 1994, Minute Number C246:

*“That Council include a notation on Section 149 Certificates for all properties located in areas affected by aircraft noise in excess of 20 ANEF 2010”.*

Council Meeting, 1 March 1995, Minute Number 345:

*“2. Council re-confirms that advice be included in Section 149 Certificates that land affected by the 20+ ANEF 2010 contour is so affected, and based upon legal advice received.”*

**Future Road Corridor**

*The subject land is not identified as being subject to future road corridor as identified in Tweed Road Contribution Plan No. 4 (as referred to in Section 26 of the EP&A Act 1979).*

**Future Road Widening**

*The subject land is not identified as being subject to future road widening as identified in Tweed Road Contribution Plan No. 4 (as referred to in Section 26 of the EP&A Act 1979).*

**Tweed Council resolution:**

Council Meeting, 22 April, 2008,  
(Operations Committee Minute Number O85 and Council Minute No 42):

*“That a notation be included on Section 149 Certificates of properties as affected by the proposed road corridors under the TRCP have their 149 Certificates notated with the following:-*

*1. The subject land is identified as being subject to future road corridor as identified in Tweed Road Contribution Plan no. 4 (as referred to in Section 26 of the EP&A Act 1979).*

*Or*

*2. The subject land is identified as being subject to future road widening as identified in Tweed Road Contribution Plan no. 4 (as referred to in Section 26 of the EP&A Act 1979).”*

**Farmland Protection**

*The land is identified as Committed Urban Uses and Rural Residential Zones (Farmland Protection Project) on the map referred to in Section 117(2) Direction No. 14 dated 30 September 2005.”*

**Council Resolution:**

Council Meeting, 27 March, 2007

(Planning Committee Minute Number P34 and Council Minute No 46):

*“That a notation be included in on Section 149(2) Certificates indicating if lands is Farmland of State or Regional Significance as identified on the map referred to in Section 117(2) Direction No. 14 dated 30 September 2005.”*

2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2)(e) and (g):

*(e) information that would, if disclosed, prejudice the maintenance of law*

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

The Motion was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr J van Lieshout, Cr W Polglase**

**AGAINST VOTE - Cr K Milne**

**10 [PR-CM] Beach Location Indicators and Access Signage**

**64**

**Cr P Youngblutt**

**Cr J van Lieshout**

**RESOLVED** that Council:

1. Adopts the Emergency Beach Location Indicator Recommendation Report, to install and maintain beach location indicators on various beaches along the Tweed Coast, prepared by the Tweed Local Emergency Management Committee, and adopted through the meeting of 10 November 2009; and
2. Supports the installation and maintenance of new Emergency Beach Access Signage at various locations as identified in this report to compliment the new beach location indicators.

The Motion was **Carried**

**FOR VOTE - Unanimous**

11 [PR-CM] Development Application DA09/0566 for a Two (2) Lot Subdivision at Lot 2 DP 701967, No. 611 Cudgen Road, Cudgen

65

Cr D Holdom  
Cr K Skinner

**RESOLVED** that Development Application DA09/0566 for a two (2) lot subdivision at Lot 2 DP 701967, No. 611 Cudgen Road, Cudgen be approved subject to the following conditions: -

**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan No. DWG 07135.1 prepared by Mark Buckman & Co Consulting Surveyors and dated 1 July 2009, except where varied by the conditions of this consent.

[GEN0005]

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

[GEN0125]

3. 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]

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

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

- erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under S68 of the Local Government Act.

- a) Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.
- b) Where Council is requested to issue a construction certificate for civil works associated with a subdivision consent, the abovementioned works can be incorporated as part of the construction certificate application, to enable one single approval to be issued. Separate approval under section 68 of the LG Act will then NOT be required.

[PCC1145]

5. 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]

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

- Noise, water or air pollution
- dust during filling operations and also from construction vehicles
- material removed from the site by wind

[DUR1005]

7. 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]

#### **PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

8. 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]

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

A Subdivision Certificate shall NOT be issued unless the Certifying Authority is satisfied provisions pursuant to Section 109J of the EP&A Act, 1979 have been complied with and the Certifying Authority has sighted Council's contributions sheet and 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 DSP5:	1 ET @ \$10709 per ET	\$10709
Sewer Kingscliff:	1 ET @ \$5146 per ET	\$5146

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.

**A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT**

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.

[PSC0165]

10. Section 94 Contributions

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979, a Subdivision 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.

**A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT**

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:
  - 6.5 Trips @ \$861 per Trips \$5597
  - ((\$782 base rate + \$79 indexation))
  - S94 Plan No. 4
  - Sector6\_4
- (b) West Kingscliff – Drainage:
  - 0.09 HA @ \$42720 per HA \$3844.80
  - ((\$2980.1 base rate + \$39739.9 indexation))
  - DCP Section B4
  - S94 Plan No. 7
- (c) Shirewide Library Facilities:
  - 1 ET @ \$792 per ET \$792
  - ((\$792 base rate + \$0 indexation))
  - S94 Plan No. 11
- (d) Bus Shelters:
  - 1 ET @ \$60 per ET \$60
  - ((\$60 base rate + \$0 indexation))
  - S94 Plan No. 12
- (e) Eviron Cemetery:
  - 1 ET @ \$120 per ET \$120
  - ((\$101 base rate + \$19 indexation))
  - S94 Plan No. 13
- (f) Community Facilities (Tweed Coast – North)
  - 1 ET @ \$581 per ET \$581
  - ((\$581 base rate + \$0 indexation))
  - S94 Plan No. 15
- (g) Extensions to Council Administration Offices
  - & Technical Support Facilities
  - 1 ET @ \$1759.9 per ET \$1759.90
  - ((\$1759.9 base rate + \$0 indexation))
  - S94 Plan No. 18

- (h) Cycleways:
  - 1 ET @ \$447 per ET \$447
  - (\$447 base rate + \$0 indexation)
  - S94 Plan No. 22
- (i) Regional Open Space (Casual)
  - 1 ET @ \$1031 per ET \$1031
  - (\$1031 base rate + \$0 indexation)
  - S94 Plan No. 26
- (j) Regional Open Space (Structured):
  - 1 ET @ \$3619 per ET \$3619
  - (\$3619 base rate + \$0 indexation)
  - S94 Plan No. 26

[PSC0175]

11. Prior to the issue of a Subdivision Certificate a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.

The bond shall be based on 5% of the value of the works (minimum as tabled in Council's fees and charges current at the time of payment) which will be held by Council for a period of 6 months from the date on which the Subdivision Certificate is issued. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

[PSC0215]

12. 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]

13. Prior to the issue of a Subdivision Certificate, Work as Executed Plans shall be submitted in accordance with the provisions of Tweed Shire Council's Development Control Plan Part A5 - Subdivision Manual and Council's Development Design Specification, D13 - Engineering Plans.

The plans are to be endorsed by a Registered Surveyor OR a Consulting Engineer Certifying that:

- (a) all drainage lines, sewer lines, services and structures are wholly contained within the relevant easement created by the subdivision;
- (b) the plans accurately reflect the Work as Executed.

Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed (WAX) plans.

[PSC0735]

14. 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]



15. 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 for sewer, water supply and drainage over ALL public services/infrastructure on private property.
  - (b) Construction of the future dwelling on Lot 1 is to incorporate appropriate noise attenuation measures to reduce potential traffic noise impact from Cudgen Road. Any future dwelling must also be designed to reduce potential land use conflict from adjoining agricultural uses (ie. orientation of living spaces etc).

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.

[PSC0835]

16. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council with the application for Subdivision Certificate.

[PSC0855]

17. 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]

18. 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 5.7.6 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]

19. Prior to the application for a Subdivision Certificate a Compliance Certificate or Certificates shall be obtained from Council OR an accredited certifier for the following:-

- (a) Compliance Certificate – Water Reticulation
- (b) Compliance Certificate - Sewerage Reticulation

Note:

1. All compliance certificate applications must be accompanied by documentary evidence from the developers Subdivision Works Accredited Certifier (SWAC) certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual and Councils Development Design and Construction Specifications.
2. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".

[PSC0915]

20. The six (6) months Defects Liability Period commences upon the registration of the Plan of Subdivision.

[PSC0925]

21. Prior to issuing a Subdivision Certificate, reticulated water supply and outfall sewerage reticulation shall be provided to all lots within the subdivision in accordance with Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual, Councils Development Design and Construction Specifications and the Construction Certificate approval.

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.

[PSC1115]

22. The production of written evidence from the local telecommunications supply authority certifying that the provision and commissioning of underground telephone supply at the front boundary of proposed Lot 1 has been completed.

[PSC1165]

23. Electricity

- (a) The production of written evidence from the local electricity supply authority certifying that reticulation and energising of underground electricity (residential and rural residential) has been provided adjacent to the front boundary of proposed Lot 1.

[PSC1185]

24. 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: -

- Construction of a new driveway access for proposed Lot 1 in accordance with Council's "Driveway Access to Property – Part 1 – Design Specification".
- Construction of kerb and guttering and associated shoulder bitumen sealing along the full frontage of proposed Lot 1.

Twenty four (24) hours notice is to be given to Council's Engineering & Operations Division before placement of concrete to enable formwork to be

inspected. Failure to do so may result in rejection of the works and its reconstruction.

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
- Stormwater drainage

[PSCNS01]

The Motion was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr J van Lieshout, Cr W Polglase**  
**AGAINST VOTE - Cr K Milne**

**12 [PR-CM] Development Application DA09/0385 for a Telecommunications Facility (30 Metre High Monopole and Associated Infrastructure) at Lot 17 DP 778719, No. 19 Meadow Place Uki**

**66**

**Cr D Holdom**  
**Cr P Youngblutt**

**PROPOSED** that Development Application DA09/0385 for a telecommunications facility (30 metre high monopole and associated infrastructure) at Lot 17 DP 778719, No. 19 Meadow Place, Uki 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 S8479F, Sheets G1 – G4 prepared by Daly International dated 06/04/2009, except where varied by the conditions of this consent.  
[GEN0005]
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.  
[GEN0115]
3. 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]
4. Access to the site shall be upgraded to provide a bitumen seal from edge of the existing road carriageway of meadow Place to the property boundary.  
[GENNS01]
5. Erosion and Sediment Control shall be provided and maintained in accordance *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".  
[GENNS01]

[GENNS01]

6. The access track from the property boundary at Meadow Place to the Optus Compound shall be upgraded to provide a driveway of minimum standard to allow a 2 wheel drive vehicle access to the compound under all weather conditions. [GENNS01]
7. A Right of Carriageway shall be created over the existing property access road servicing the proposed Optus compound. [GENNS01]
8. An easement for electricity supply (minimum 2m wide) shall be created (as required) over the electricity infrastructure within Lot 17 DP 778719 servicing the proposed Optus compound. [GENNS01]
9. The monopole is to be painted mist green to blend with it's surrounds. [GENNS02]
10. At the commencement of building works and in perpetuity the leased area shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'. [GENNS03]

#### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

11. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided. [PCC0285]
12. Detailed design drawings for the proposed access road to the monopole site must be submitted for approval by Director Planning and Regulation. The location of native vegetation species must be indicated and named on the plans and measures to avoid or ameliorate impacts indicated. In particular, avoidance of the average 2m wide root plate for larger Brushbox (*Lophostemon confertus*) trees and avoidance of damage to the Strangler Fig (*Ficus watkinsiana*) roots must be demonstrated. [PCCNS01]
13. A vegetation management plan must be submitted for approval by Director Planning and Regulation detailing compensatory works as an offset for loss of native species. Such works must include planting of a minimum of 40 native species and Camphor Laurel and other weed species control within a defined area no less than 1 hectare in area. [PCCNS02]

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

14. 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]

15. 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]

16. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, 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]

17. 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**

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

[DUR0005]

19. Construction and/or demolition 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 6.00pm

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]

20. 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]

21. 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]

22. 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]

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

- Noise, water or air pollution
- dust during filling operations and also from construction vehicles
- material removed from the site by wind

[DUR1005]

24. 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.

Any damage to property (including pavement damage) is to be rectified by the Developer to the satisfaction of the General Manager.

[DURNS01]

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

25. 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]

26. 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]

## **USE**

27. 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]

28. 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]

29. 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]

30. All hazardous and/or dangerous goods shall be stored in accordance with requirements of WorkCover NSW.

[USE1035]

31. Works must be completed by qualified bush regenerators in accordance with the approved vegetation management plan.

[USENS01]

67

## **AMENDMENT**

**Cr K Skinner**

**Cr J van Lieshout**

**RESOLVED** that:

1. This matter be referred back to Optus to request public consultation within the next month.
2. Optus seek a suitable site for telecommunication with full community co-operation.
3. This matter be further considered at Council's meeting to be held in April.

The Amendment was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr K Skinner, Cr B Longland, Cr K Milne, Cr J van Lieshout, Cr W Polglase**  
**AGAINST VOTE - Cr D Holdom**

The Amendment on becoming the Motion was **Carried** - (Minute No 67 refers)

**FOR VOTE - Cr P Youngblutt, Cr K Skinner, Cr B Longland, Cr K Milne, Cr J van Lieshout, Cr W Polglase**  
**AGAINST VOTE - Cr D Holdom**

13 [PR-CM] Development Application DA09/0504 for a Fruit and Vegetable Shop at Lot 1 DP 240847, Bilambil Road, Bilambil

68

Cr K Skinner  
Cr P Youngblutt

**RESOLVED** that: -

- A. Development Application DA09/0504 for a fruit and vegetable shop at Lot 1 DP 240847, Bilambil Road, Bilambil be approved subject to deferred commencement conditions:-

**"DEFERRED COMMENCEMENT"**

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "A". Such evidence is to be provided within 12 months of the date of notification.

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "A". The consent shall become operative and take effect from the date of notification under Section 67 of the Environmental Planning and Assessment Regulations subject to the conditions set out in Schedule "B".

**SCHEDULE "A"**

**Conditions imposed pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 and Section 67 of the Regulations as amended.**

- A. The applicant shall provide to Council an on-site sewage management capability assessment report for the existing on-site sewage management system. The report shall incorporate the total potential and actual hydraulic wastewater loading to the existing OSMS and shall provide an assessment of the capability of the existing system (including the effluent disposal area) in accordance with the provisions of AS/NZS 1547/2000 and NSW Environment and Health Protection Guidelines "on-Site Sewage Management for Single Households" 1998 to adequately and sustainably manage the potential and actual wastewater load.

The report shall indicate if the system is able to meet the minimum requirements of the assessment standards or if the system will require upgrading.



- B. Operation of the fruit and vegetable shop is contingent upon written landowner's consent for the proprietor and staff to use WC facilities located in association with the General Store. Such written landowner's consent is to be provided to Council and approved by the General Manager or his delegate.

Should this not occur, the applicant is to demonstrate that a separate WC can be provided in association with the fruit and vegetable shop. This should be demonstrated in the on-site sewer management report.

### **SCHEDULE "B"**

**NOTE: THIS PART OF THE CONSENT WILL NOT BECOME OPERABLE UNTIL COUNCIL ADVISES THAT THE MATTERS CONTAINED IN SCHEDULE A ARE SATISFIED.**

### **GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and  
Plan No 2 (Sheet 2 of 2), as amended in red, prepared by Chris J Cohen and dated 6 July 2009.  
Plan No 1 (Sheet 1 of 2), as amended in red, prepared by Chris J Cohen and dated 30 September, 2009.  
except where varied by the conditions of this consent.

[GEN0005]

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

[GEN0115]

3. Disabled access is to be provided in accordance with the Building Code of Australia.

[GENNS01]

### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

4. Section 94 Contributions

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.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

These charges include indexation provided for in the S94 Plan and 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:

2.2841 Trips @ \$1829 per Trips \$4178

(\$1662 base rate + \$167 indexation)

S94 Plan No. 4

Sector4\_4

[PCC0215]

5. Design detail shall be provided to address the flood compatibility of the proposed structure including the following specific matters:

(a) Design flood level of RL 3.5m AHD.

(b) All building materials used below Council's design flood level must not be susceptible to water damage.

(c) Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should to suitably treated to withstand continuous submergence in water and provide appropriate earth leakage devices.

(d) Define adequate provision for the flood free storage for goods and equipment susceptible to water damage.

[PCC0705]

6. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the issue of a construction certificate.

[PCC1195]

7. Prior to the issue of a construction certificate, a car parking plan shall be submitted to the satisfaction of the General Manager or delegate that:

(a) provides one car parking space for use in association with the fruit and vegetable shop.

NB: The total number of car parking required on site is six (6) should the development consent for DA08/0897 be activated. This is indicated on the approved plan for that development application.

[PCCNS02]

8. An external colour schedule is to be submitted prior to issue of a Construction Certificate to the satisfaction of the General Manager or delegate.

[PCCNS03]

9. WC facilities shall be provided in accordance with Schedule A.

[PCCNS04]

## PRIOR TO COMMENCEMENT OF WORK

10. 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]
11. 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]
12. 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]
13. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, 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]

14. Prior to the commencement of work on the stormwater system a site inspection is to be arranged with the Principal Certifying Authority to discuss site drainage.

[PCW0995]

15. Any alteration to the existing on-site sewage management facilities must be approved to the satisfaction of the General Manager or his delegate.

[PCW1125]

#### **DURING CONSTRUCTION**

16. All proposed works are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications.

[DUR0005]

17. Construction and/or demolition 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 6.00pm

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]

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

[DUR0245]

19. 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]

20. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:

- (a) A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.
- (b) The chute shall be located in a position approved by the Principal Certifying Authority.

- (c) A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.

[DUR0385]

21. 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]

22. 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]

23. 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]

24. The finished floor level of the building should finish not less than 225mm above finished ground level.

[DUR0445]

25. A survey certificate from a Registered Surveyor is to be submitted to the Principal Certifying Authority at slab or footing stage, prior to pouring concrete, to confirm that the building has been sited in accordance with the approved development consent plans.

[DUR0475]

26. All flooring materials in the food preparation and storage areas are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation. Where tiling is to be used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices.

[DUR1505]

27. Separate hand washing facilities must be provided with warm water and located in a position where it can be easily accessed by food handlers and be of a size that allows easy and effective hand washing to the satisfaction of the General Manager or his delegate.

[DUR1545]

28. All shelving, benches, fittings and furniture on which appliances and utensils are positioned within the premises must be of durable, smooth, impervious material capable of being easily cleaned.

[DUR1605]

29. The walls immediately behind any basin shall be provided with an impervious splashback to a height of 450mm and at least 150mm either side of the basin.

[DUR1625]

30. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the

Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428. It is to be noted that an access ramp in accordance with AS 1428.1 will need to be constructed to enable persons to access the shop.

[DUR1685]

31. The developer/contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times.

[DUR2015]

32. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed.

[DUR2245]

33. All stormwater from roofed and paved areas are to be connected directly into road drainage pits where available, kerb and gutter drainage canal or inter allotment drainage line where provided.

All drainage systems shall comply with AS 3500.

[DUR2305]

34. 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.

[DUR2485]

35. Plumbing

- (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.

[DUR2495]

36. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.

[DUR2515]

37. 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.

[DUR2545]

38. 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°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and

- \* 50°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.

[DUR2555]

39. Prior to the issue of a construction certificate the applicant shall provide to Council an on-site sewage management capability assessment report for the existing on-site sewage management system. The report shall incorporate the total potential and actual hydraulic wastewater loading to the existing OSMS and shall provide an assessment of the capability of the existing system (including the effluent disposal area) in accordance with the provisions of AS/NZS 1547/2000 and NSW Environment and Health Protection Guidelines "on-Site Sewage Management for Single Households" 1998 to adequately and sustainably manage the potential and actual wastewater load. The report shall indicate if the system is able to meet the minimum requirements of the assessment standards or if the system will require upgrading.

[DURNS01]

40. A roof catchment water supply source shall be provided for use in the premises where a Council reticulated supply is unavailable and fitted with a first flush device. Installation, water collection and tank maintenance of rainwater or foreign water brought in for drinking purposes or in conjunction with the conduct and operation of the business must comply with NSW Health requirements.
41. Should the on-site sewage management capability assessment report identify that the OSMS is to be upgraded the applicant shall, prior to the issue of a construction certificate, lodge an application to install/operate an onsite sewerage management system under Section 68 of the Local Government Act 1993, pay the appropriate fee and be issued with an approval.

[DURNS03]

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

42. Prior to issue of an occupation certificate, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

43. 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]

44. Prior to commencement of operations and on completion of fit out an inspection is to be arranged with Council's Environmental Health Officer for final approval.

[POC0615]

45. The proprietor of the food premises shall provide appropriate notification to the NSW Food Authority prior to commencement of operations by completing the "Notify a Food Business" form under the NAFSIS Heading

on the following website [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au) or alternatively by contacting the NSW Food Authority on 1300650124.

[POC0625]

46. The premise is to be treated on completion of fit-out and prior to commencement of trading and thereafter on a regular basis by a Licensed Pest Control Operator. A certificate of treatment is to be made available for Council inspection on request.

[POC0635]

47. Prior to the occupation of any building and prior to the issue of any occupation certificate a final inspection report is to be obtained from Council to verify the satisfactory installation of all plumbing and drainage and the on-site sewage management facility.

[POC1035]

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

[POC1055]

49. Any agreement between the owner and applicant allowing use of the WC facilities located in association with the General Store shall be included as an 88b instrument on the survey plan prior to the issue of a final occupation certificate.

[POCNS01]

## USE

50. 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]

51. 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]

52. Hours of operation of the business are restricted to the following hours: -

- \* 9.00am to 6.30pm - Mondays to Fridays
- \* 9.00am to 4.00pm - Saturdays
- \* 9.00am to 3.00pm Sundays
- \* No operations are to be carried out on Public Holidays
- \* All deliveries and pickups relating to the business are to occur within the approved hours

[USE0185]



53. Any premises used for the storage, preparation or sale of food are to comply with the *Food Act 2003*, FSANZ Food Safety Standards and AS 4674-2004 Design, construction and Fit-out of Food Premises and other requirements of Councils Environmental health Officer included in this approval. [USE0835]
54. All commercial / industrial / residential wastes shall be collected, stored and disposed of in accordance with any approved Waste Management Plan or to the satisfaction of the General Manager or his delegate. [USE0875]
55. The premises shall be maintained in a clean and tidy manner. [USE0965]
56. The maximum number of staff at any one time shall be one (1) unless otherwise approved by the General Manager or delegate. [USENS01]
57. All produce waste shall be removed from the site daily in accordance with point 4.11 of the Statement of Environmental Effects unless otherwise approved by the General Manager or delegate. [USENS02]
- B. The owner of the site provides further evidence to demonstrate that the extension to the shop into the garage has been carried out lawfully.
- C. The report required in Part A (of Schedule A) and the owner's consent required in Part B (of Schedule A) are to form a report back to the full Council when received by Council staff.

**FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr J van Lieshout, Cr W Polglase**  
**AGAINST VOTE - Cr K Milne**

**14 [PR-CM] Unauthorised Fence Lot 156 DP 628026 Creek Street, Hastings Point**

#### **DECLARATION OF INTEREST**

**Cr P Youngblutt** declared an Interest in this item, left the Chamber at 05:42 PM and took no part in the discussion or voting on this matter. The nature of the interest is that Cr P Youngblutt's brother is the caretaker of the subject property.

**69**

**Cr D Holdom**  
**Cr K Skinner**

**RESOLVED** that Council engages its solicitors to commence appropriate proceedings to have any unlawful internal fencing on Lot 156 DP 628026, Creek Street, Hastings Point removed if a development application is not submitted by 1 March 2010.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous***  
***ABSENT. DID NOT VOTE - Cr P Youngblutt***

Cr P Youngblutt has returned from temporary absence at 05:51 PM

**15 [PR-CM] Proposed Amendments to Tweed DCP Notification Requirements for DAs Affecting Caravan Parks and Manufactured Home Estates**

**SUSPENSION OF STANDING ORDERS**

**70**

**Cr D Holdom**  
**Cr K Milne**

**RESOLVED** that Standing Orders be suspended to discuss Item 15 of the Agenda.

***FOR VOTE - Unanimous***

**RESUMPTION OF STANDING ORDERS**

**71**

**Cr D Holdom**  
**Cr P Youngblutt**

**RESOLVED** that Standing Orders be resumed.

***FOR VOTE - Unanimous***

**72**

**Cr K Milne**  
**Cr J van Lieshout**

**RESOLVED** that this matter be dealt with as a Workshop.

The Motion was **Carried** (Minute No 72 refers).

***FOR VOTE - Unanimous***

**16 [PR-CM] Works Undertaken Without Approval - Lot 25 DP 870463 No. 19 Waterlily Close, Nunderi**

**73**

**Cr D Holdom**  
**Cr K Skinner**

**RESOLVED** that: -

1. No further action be undertaken (other than recommendations 2 and 3) in relation to the issues discussed in this report.
2. The owners of Lot 25 DP 870463 be advised in writing not to undertake any further works without approvals or consents in place where required.
3. A copy of this report be sent to the adjacent landowners.
4. ATTACHMENTS 1 to 4 are CONFIDENTIAL in accordance with Section 10A(2)(a) as it contains personnel matters concerning particular individuals (other than councillors).

The Motion was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr J van Lieshout, Cr W Polglase**  
**AGAINST VOTE - Cr K Milne**

**17 [PR-CM] Development Codes for Cobaki Lakes Concept Plan and Kings Forest Concept Plan– Residential Community Development - Council Submission to the Department of Planning**

**74**

**Cr D Holdom**  
**Cr K Skinner**

**PROPOSED** that: -

1. Council endorses the forwarding of a draft submission to the Department of Planning on the Development Codes for Cobaki Lakes and Kings Forest, as attached to this report.
2. The General Manager writes to the Department of Planning and request an extension of time for lodgement of a submission on the current project application for the central lakes at Cobaki Lakes, until 17 March 2010
3. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2)(g) of the Local Government Act 1993, because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
4. Council writes to the Minister of Planning NSW requesting that, before any approvals are given, the Department be requested to conduct further consultation to familiarise Tweed residents with the new housing types as proposed.

**75**

**AMENDMENT**

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Cr K Milne  
Cr B Longland

**RESOLVED** that: -

1. Council:-

1. Endorses the forwarding of a draft submission to the Department of Planning on the Development Codes for Cobaki Lakes and Kings Forest, as attached to this report.
2. Requests the State government require an independent review of the proposals for Cobaki Lakes and Kings Forest developments in regard to outcomes for
  - a) sustainability,
  - b) urban design,
  - c) employment,
  - d) social planning (especially for youth and ageing populations),
  - e) Indigenous cultural heritage,
  - f) open space,
  - g) environment,
  - h) water and sewerage outcomes,
  - i) or any other relevant issues,

and recommendations to enhance these outcomes.

This review to be undertaken by an appropriate organisation, such as the Institute of Sustainable Futures, University of Technology Sydney.

2. The General Manager writes to the Department of Planning and request an extension of time for lodgement of a submission on the current project application for the central lakes at Cobaki Lakes, until 17 March 2010
3. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2)(g) of the Local Government Act 1993, because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
4. Council writes to the Minister of Planning NSW requesting that, before any approvals are given, the Department be requested to conduct further consultation to familiarise Tweed residents with the new housing types as proposed.
5. Council provides a report to the next Council meeting:
  - a) Detailing the amounts and totals collectable from the Developer contributions plans applicable to these developments, and
  - b) The ability of Council to meet current and projected costs associated at the various stages of these new developments, including but not limited to infrastructure costs, community facilities and bushland restoration.

6. This report to include the various methods of addressing any gaps or shortfalls envisaged in the planning of these developments such as through enhancing the s94 developer contributions or establishing Voluntary Planning agreements for Cobaki Lakes and Kings Forest Greenfield sites to address these issues.
7. Council writes to the NSW Department of Planning to request special consideration due to review these issues.

The Amendment was **Carried**

**FOR VOTE - Cr K Skinner, Cr B Longland, Cr K Milne, Cr J van Lieshout**  
**AGAINST VOTE - Cr P Youngblutt, Cr D Holdom, Cr W Polglase**

The Amendment on becoming the Motion was **Carried** - (Minute No 75 refers)

**FOR VOTE - Cr K Skinner, Cr B Longland, Cr K Milne, Cr J van Lieshout**  
**AGAINST VOTE - Cr P Youngblutt, Cr D Holdom, Cr W Polglase**

**A RESCISSION MOTION HAS BEEN RECEIVED IN RELATION TO THIS MATTER.**

- 18 [PR-CM] Development Application DA06/1035.05 for an Amendment to Development Consent DA06/1035 for a Self Storage Facility at Lot 2 DP 863736, No. 942 Cudgera Creek Road, Cudgera Creek

76

**Cr D Holdom**  
**Cr B Longland**

**PROPOSED** that Development Application DA06/1035.05 for an amendment to Development Consent DA06/1035 for a self storage facility at Lot 2 DP 863736, No. 942 Cudgera Creek Road, Cudgera Creek be refused due to the proposed development being inconsistent with:

- the Far North Coast Regional Strategy 2006,
- the Tweed Urban and Employment Land Release Strategy 2009,
- Council's resolution in 2006 to rezone the land identified under the Far North Coast Regional Strategy 2006; and
- the Draft Local Environmental Plan 2010

The Motion was **Lost**

**FOR VOTE - Cr D Holdom, Cr B Longland**  
**AGAINST VOTE - Cr P Youngblutt, Cr K Skinner, Cr K Milne, Cr J van Lieshout, Cr W Polglase**

77

**Cr K Skinner**  
**Cr J van Lieshout**

**RESOLVED** that Council agrees to an application to modify development consent for Development Application DA06/1035.05 for a self storage facility at Lot 2 DP 863736, No 942 Cudgera Creek Road, Cudgera Creek by:-

1. Deleting Condition 8 -

*"The storage sheds are to be dismantled and removed within two (2) years of the gazettal of any industrial zoned land within a five (5) kilometre radius of the subject site. At that time, this consent is to be surrendered in accordance with Sections 80A 1(b) and 6 of the Environmental Planning and Assessment Act 1979 (as amended)."*

on the planning grounds that such a Development Application is permissible in that zoning with approval; and

2. Granting approval on the following reasonable grounds:-

- (a) Too onerous and unsustainable to order moving such a well constructed development;
- (b) Construction complies with all council requirements and is 98% occupied; and
- (c) Site is near proposed future industrial site and proponents of that site have no objection to the sheds.

The Motion was **Carried** - (Minute No 77 refers)

**FOR VOTE - Cr P Youngblutt, Cr K Skinner, Cr K Milne, Cr J van Lieshout, Cr W Polglase**

**AGAINST VOTE - Cr D Holdom, Cr B Longland**

**19 [PR-CM] Development Application DA08/0909 for a Monopole (Telecommunications Facility) at Lot 956 DP 864092, Cudgera Avenue, Pottsville**

**78**

**Cr D Holdom  
Cr B Longland**

**RESOLVED** that Development Application DA08/0909 for a monopole (telecommunications facility) at Lot 956 DP 864092, Cudgera Avenue, Pottsville be refused for the following reasons: -

1. The proposal does not meet the aims of the Tweed Local Environmental Plan 2000 (TLEP) to enhance ecological integrity, as required by clause 4.
2. The proposal is inconsistent with clause 5 of the TLEP, which seeks to ensure ecologically sustainable development.

3. The proposal does not comply with clause 28 of the TLEP, relating to development on land adjacent to Zone 7(l) Environmental Protection Habitat.
4. The proposal is considered to be contrary to the aims and objectives of Council's DCP Section B10-Koala Beach.
5. The proposed development is not considered to meet the requirements of 79C of the Environment, Planning and Assessment Act as it is likely to result in unacceptable environmental impact and the site is considered unsuitable.
6. The proposed development is not considered to be in the public interest.
7. The proposed development is contrary to the Draft Tweed Local Environmental Plan 2010.
8. The proposal is inconsistent with the NSW Coastal Policy and does not meet clause 92 of the Environment and Planning Regulations.

The Motion was **Carried**

***FOR VOTE - Unanimous***

#### **ADJOURNMENT OF MEETING**

Adjournment for dinner at 6.52 pm.

#### **RESUMPTION OF MEETING**

The Meeting resumed at 7.55pm

#### **WELCOME TO MEETING**

The Mayor Cr W Polglase welcomed Mr Roger Patching, Associate Professor - Journalism, and journalism students from Bond University to the meeting.

**20 [PR-CM] Development Application DA09/0814 for Dwelling Additions at Lot 1 DP 781535, No. 10 Dobbys Crescent, Terranora**

**79**

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that: -

- A. Council assumes the concurrence of the Director-General of the Department of Planning for the approval of the SEPP 1 objection to vary the thirty metre building setback requirement.

- B. Development Application DA09/0814 for alterations and additions to the existing dwelling house at Lot 1 DP 781535, No. 10 Dobbys Crescent, Terranora 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 LSO155 sheet numbers 1A, 2B, 3A, 4A, 5A, 6A, 7A & 9A prepared by Luke Stephens Building Design and dated Nov. 09, except where varied by the conditions of this consent.

[GEN0005]

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

[GEN0115]

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

[GEN0135]

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

4. The footings are to be designed by a practising Structural Engineer and details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0945]

**PRIOR TO COMMENCEMENT OF WORK**

5. 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]

6. 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]

7. Residential building work:

- (a) 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:

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

- \* in the name and licence number of the principal contractor, and
- \* the name of the insurer by which the work is insured under Part 6 of that Act,

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

- \* the name of the owner-builder, and
- \* if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.

- (b) 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.

[PCW0235]

8. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational, where required, to the satisfaction of the Principal Certifying Authority.

9. 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.

[PCW1065]

## **DURING CONSTRUCTION**

10. All proposed works are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications.

[DUR0005]

11. Construction and/or demolition 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 6.00pm

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]

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

[DUR0245]

13. 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]

14. 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]

15. 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]

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

- Noise, water or air pollution
- dust during filling operations and also from construction vehicles
- material removed from the site by wind

[DUR1005]

17. 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/demolition.

[DUR2185]

18. The additional rainwater drains must be connected to the existing rainwater disposal system; to provide satisfactory stormwater disposal in accordance with Australian Standard AS/NZS3500.3.2.

[DUR2255]

19. 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.

[DUR2485]

20. Plumbing

- (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.

[DUR2495]

21. 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°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- \* 50°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.

[DUR2555]

**PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

22. Prior to the issue of an occupation certificate for the dwelling additions smoke alarms shall be installed in the existing dwelling in accordance with Part 3.7.2 of the Building Code of Australia. A certificate from a licensed electrician certifying that the smoke alarms have been connected to the consumer mains power is to be submitted to Principal Certifying Authority and Tweed Shire Council.

[POCNS01]

The Motion was **Carried**

***FOR VOTE - Unanimous***

**21 [PR-CM] Planning Reform Unit Work Program - Mixed Redevelopment Proposal - "Innovation at Wardrop"**

**80**

**Cr D Holdom  
Cr B Longland**

**RESOLVED** that Council resolves not to advance any further planning assessment of the planning concept submitted by Darryl Anderson Consulting

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Pty Ltd (on behalf of property owners J and L Dickinson and D and M Anthony) for a 475 hectare multi-functional mixed-use development on land eastward of the Murwillumbah township, generally extending south of the existing Wardrop Valley industrial trade park ("Tweed Central"), bounded by Wardrop Valley Road and Tweed Valley Way, and referred to as "Innovation at Wardrop", as identified in this report, on the grounds that the timing of the proposal is not consistent with the long-term strategic planning for the Tweed and that any such proposal will be considered at the next review of the Tweed Urban and Employment Land Strategy 2009.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous***

**22 [PR-CM] Planning Reform Unit Work Program - Strategic Planning Fees**

**81**

**Cr K Skinner**

**Cr D Holdom**

**RESOLVED** that Council adopts the following fees and charges schedule relating to requests to review strategic planning policies:

**Fees and Charges**

<b>Request for review of strategic planning policy outside of review period</b>	
<b>Item</b>	<b>Fees &amp; Charges</b>
General administration fee	\$500
Review process fee	\$500 + \$95 per hour per reviewer beyond 4hrs Plus, all additional printing costs
Council appointed and managed consultancy	The cost is to be determined by a Council invitation and submission process and agreed to by applicant + 25% administration fee.
Other costs	The applicant is liable to all additional costs in relation to the reprinting of an amended strategy and in addition is also liable for the partial cost of the current printing charge relating to the printing of the current policy, which shall be based on the number of un-sold copies remaining

The Motion was **Carried**

***FOR VOTE - Unanimous***

**REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES**

**23 [CNR-CM] Murwillumbah Museum Extensions**

**82**

**Cr B Longland**

**Cr P Youngblutt**

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**RESOLVED** that Council:-

1. Proceeds with the preparation of the Development Application for the Murwillumbah Museum two storey extension.
2. Exhibits the plans for comment from the community.
3. Officers report back to Council on the outcomes of the exhibition prior to lodgement of the Development Application.

**83**

**AMENDMENT**

**Cr K Skinner  
Cr K Milne**

**PROPOSED** that Council defers any further action on Murwillumbah Museum Extensions until the whole Tweed community is made aware of the amount of money this is going to cost and exactly where it is proposed to be put.

**PROCEDURAL MOTIONS**

**84**

**Cr D Holdom  
Cr B Longland**

**RESOLVED** that the Motion be Put

**FOR VOTE - Cr P Youngblutt, Cr K Skinner, Cr B Longland, Cr J van Lieshout, Cr W Polglase**

**AGAINST VOTE - Cr D Holdom, Cr K Milne**

The Amendment was **Lost**

**FOR VOTE - Cr K Skinner, Cr K Milne**

**AGAINST VOTE - Cr P Youngblutt, Cr D Holdom, Cr B Longland, Cr J van Lieshout, Cr W Polglase**

The Motion was **Carried** (Minute No 82 refers)

**FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr B Longland, Cr J van Lieshout, Cr W Polglase**

**AGAINST VOTE - Cr K Skinner, Cr K Milne**

**24 [CNR-CM] Councillor Subcommittee Representation**

**85**

**Cr D Holdom**  
**Cr K Skinner**

**RESOLVED** that Council:-

1. Rescinds Item 54 Minute No. 363 of its meeting of 20 October 2009 appointing Councillors Barry Longland and Dot Holdom to the Tweed River Regional Museum Advisory Committee.
2. Appoints Councillor Barry Longland to the Tweed River Regional Advisory Committee.
3. Appoints Councillor Dot Holdom as the alternate.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**25 [CNR-CM] Leasing of Council Premises - Home and Community Care Building (HACC), Tweed Heads South and Banora Point Community Centre**

**86**

**Cr B Longland**  
**Cr P Youngblutt**

**RESOLVED** that:-

1. Council approves entering into a lease with the Tweed Valley Respite Service Inc at the HACC Building at Minjungbal Drive at Tweed Heads South for Offices 1 and 2 at the rear of the hall and the bus storage shed for a term of 3 years with annual CPI increases to be applied to the annual rental;
2. Council approves entering into a lease with the Australian Red Cross Society NSW Division for Room 1 at the HACC Building for a term of 3 years with annual CPI increases to be applied to the annual rental;
3. Council approves entering into a lease with the Australian Red Cross Society NSW Division for Room 1 at the Banora Point Community Centre for a term of 3 years with annual CPI increases to be applied to the annual rental;
4. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**26 [CNR-CM] Proposed Easement for Electricity Purposes 20 metres wide within Council Land – Stotts Creek Recovery Centre – Lot 1 DP 590220**

**87**

**Cr D Holdom**  
**Cr J van Lieshout**

**RESOLVED** that:-

1. Council approves the creation of an easement for electricity purposes 20 metres wide within Lot 1 in DP 590220.
2. All necessary documentation is executed under the Common Seal of Council.

The Motion was **Carried**

***FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr J van Lieshout, Cr W Polglase***  
***AGAINST VOTE - Cr K Milne***

**27 [CNR-CM] Burringbar/Mooball Sewerage Scheme and Tyalgum Water Treatment Plant Funding Under New South Wales Country Towns Water Supply and Sewerage Program**

**88**

**Cr D Holdom**  
**Cr P Youngblutt**

**RESOLVED** that Council:

1. Proceeds with both the Burringbar/Mooball Sewerage Scheme and the Tyalgum Water Treatment Plant without receiving upfront grant funding approval from the Country Towns Water Supply and Sewerage Program.
2. Writes to the Minister to obtain a commitment to obtain future grant funds retrospectively.
3. Meets all the grant funding approval requirements and applies for grant funding retrospectively for these projects.
4. Officers bring forward a report on options to provide sufficient capacity to service those lands immediately adjacent to the villages of Burringbar (Area 8) and Mooball (Area 9) identified in the Urban Release Strategy.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**28 [CNR-CM] Sewerage Strategy for Future Pottsville Area Development**

**89**

**Cr D Holdom**

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**Cr P Youngblutt**

**PROPOSED** that Council continues with Council's adopted Urban Release Strategy of providing priority to the existing zoned areas and declines the request to commence development of a Sewerage Strategy for the combined lands identified in the Urban Release Strategy west of Pottsville.

90

**AMENDMENT**

**Cr B Longland  
Cr J van Lieshout**

**RESOLVED** that notwithstanding Council's adopted Urban Release Strategy, Council proceeds with negotiations for the preparation of a Memorandum of Understanding (MOU) which would involve:

- (a) Landholder/proponent funded sewerage and reuse strategy to facilitate the development of Urban Land Release Strategy Areas 5, 6 and 7, and Employment Land Release Area 7;
- (b) Memorandum of Understanding (MOU) covering terms of reference, risk allocation, timings and scope for the strategy stages and to obtain agreements for the proposal to fund the various stages of the strategy; and
- (c) Preparation of a report to Council with MOU and funding agreements for Council approval before proceeding with engaging consultants for the preparation of the strategy.

The Amendment was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr K Skinner, Cr B Longland, Cr J van Lieshout, Cr W Polglase**

**AGAINST VOTE - Cr D Holdom, Cr K Milne**

The Amendment on becoming the Motion was **Carried** - (Minute No 90 refers)

**FOR VOTE - Cr P Youngblutt, Cr K Skinner, Cr B Longland, Cr J van Lieshout, Cr W Polglase**

**AGAINST VOTE - Cr D Holdom, Cr K Milne**

29 **[CNR-CM] Contract No. EC2009-129 Banora Point Wastewater Treatment Plant – Augmentation of Sludge Dewatering Facilities**

**Cr D Holdom  
Cr P Youngblutt**



**RESOLVED** that:

1. Council accepts the tender from Abergeldie Young Process Engineering for EC2009-129 Banora Pt WWTP: Augmentation of Sludge Dewatering Facilities for the lump sum of \$774,316 (exclusive of GST).
2. The General Manager be given delegated authority to approve variations up to 20% above the total price.
3. ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(c) or Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
  - (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

The Motion was **Carried**

***FOR VOTE - Unanimous***

Cr P Youngblutt left the meeting at 08:34 PM

**30 [CNR-CM] Water Supply and Sewerage Performance Report**

**91**

**Cr K Skinner  
Cr D Holdom**

**RESOLVED** that Council: -

1. Notes the Water Supply and Sewerage Performance Report for 2007/2008.
2. Places copies of the report in the Murwillumbah and Tweed Heads Civic Centres and advises of such in the Tweed Link.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous  
ABSENT. DID NOT VOTE - Cr P Youngblutt***

**31 [CNR-CM] Proposed Biodiversity Grants**

**92**

**Cr D Holdom**

**Cr B Longland**

**RESOLVED** that Council approves the expenditure under its Biodiversity Grant Program to assist the private landowners to undertake the projects listed in the table below.

<b>Surname</b>	<b>Location</b>	<b>Total costs (\$)</b>
Johnson & Joakim	Crabbes Creek	1,800.00
Singleton	Upper Burringbar	300.00
Reid	Eungella	3,330.00

The Motion was **Carried**

**FOR VOTE - Voting - Unanimous**

**ABSENT. DID NOT VOTE - Cr P Youngblutt**

**32 [CNR-CM] Tweed River Estuary Management Program**

**93**

**Cr D Holdom**

**Cr J van Lieshout**

**RESOLVED** that Council writes to the Minister for Environment and Climate Change & Water expressing disappointment at the reduced level of funding available for the Tweed River Estuary Management Program given the previous level of investment and high level of capacity developed in the Tweed Catchment.

The Motion was **Carried**

**FOR VOTE - Voting - Unanimous**

**ABSENT. DID NOT VOTE - Cr P Youngblutt**

**33 [CNR-CM] Urban Sustainability Program “Improving Urban and Peri-Urban Bushland Sustainability in Tweed and Byron Shires” (Tweed Byron Bush Futures) Business Plan Approved**

**94**

**Cr D Holdom**

**Cr B Longland**

**RESOLVED** that Council:-

1. Receives and notes the approval of the Tweed-Byron Bush Futures Business Plan by the NSW Environmental Trust.
2. Officers conduct an information workshop for Councillors and Executive Management outlining the contents of the Business Plan.

The Motion was **Carried**

**FOR VOTE - Voting - Unanimous**  
**ABSENT. DID NOT VOTE - Cr P Youngblutt**

**34 [CNR-CM] Request for "In-Kind" Support/Waive Fee**

**95**

**Cr D Holdom**  
**Cr J van Lieshout**

**RESOLVED** that Council, with reference to the request from Australian Red Cross, Tweed Heads Branch, provides the Tweed Heads Civic Centre free of charge for a fashion parade fundraising event on 23 March 2010, and that Council's support is recognised with the following acknowledgement "This programme has been supported by Tweed Shire Council".

The Motion was **Carried**

**FOR VOTE - Voting - Unanimous**  
**ABSENT. DID NOT VOTE - Cr P Youngblutt**

Cr P Youngblutt has returned from temporary absence at 08:38 PM

**35 [CNR-CM] Entomological Control Report for Period 1 November 2009 to 31 January 2010**

**96**

**Cr D Holdom**  
**Cr J van Lieshout**

**RESOLVED** that Council receives and notes the Entomological Control report for the period 1 November 2009 to 31 January 2010.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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

**36 [EO-CM] Access to Hogans Park**

**97**

**Cr D Holdom**  
**Cr B Longland**

**RESOLVED** that vehicular access to Hogans Park off Tweed Valley Way be prohibited through the use of bollards and the site rehabilitated and amenities removed.

**FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr J van Lieshout, Cr W Polglase**

**AGAINST VOTE - Cr K Milne**

**37 [EO-CM] Easement to Drain Water Variable Width - within Lot 102 DP 802170 - 1-3 Young Street Hastings Point**

**98**

**Cr P Youngblutt**

**Cr K Skinner**

**RESOLVED** that:-

1. Council approves the creation of an Easement to Drain Water Variable Width within Lot 102 in DP 802170 for the benefit of Council; and
2. All necessary documentation be executed under the Common Seal of Council.
3. ATTACHMENT 1 as CONFIDENTIAL in accordance with Section 10A(2)(a) of the Local Government Act 1993, because it contains personnel matters concerning particular individuals (other than councillors).

The Motion was **Carried**

**FOR VOTE - Unanimous**

**38 [EO-CM] Elrond Drive, Kingscliff**

**99**

**Cr P Youngblutt**

**Cr K Skinner**

**RESOLVED** that Council notes the closure and removal of the constructed footpath on Lot 11 DP 871753.

The Motion was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr J van Lieshout, Cr W Polglase**

**AGAINST VOTE - Cr K Milne**

**39 [EO-CM] Renaming of Public Road, Condong Street, Kunghur**

**100**

**Cr B Longland**  
**Cr P Youngblutt**

**RESOLVED** that:-

1. Council adopts the name of "Ted Brown Close" for renaming purposes of Condong Street Kunghur; and
2. The naming of the public road be gazetted under the provisions of the Roads (General) Regulation, 2000 and the Roads Act, 1993.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**40 [EO-CM] EQ2009-130 (B) Level of Discount to be Applied for the Supply of Materials to Council as a Preferred Supplier**

**101**

**Cr B Longland**  
**Cr P Youngblutt**

**RESOLVED** that:-

1. The formal Preferred Supplier Arrangements with discount levels and trade prices as submitted be entered into with all nominated suppliers. The Preferred Supplier Arrangement will apply for a twelve (12) month period from the date determined by Council and at Council's sole discretion two (2) further extensions of twelve (12) months each may be approved.
2. The ATTACHMENT be treated as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**41 [EO-CM] Development Contributions**

**102**

**Cr K Milne**  
**Cr J van Lieshout**

**RESOLVED** that the Minister for Planning be advised that Council will not be applying any reductions regarding the application of development contributions of more than \$20,000 a lot to outstanding conditions of consent for consents issued prior to 17 July 2009.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**42 [EO-CM] Tweed Valley Flood Study Update 2009**

**103**

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that the Tweed Valley Flood Study Update 2009, including the “Climate Change Discussion Paper” be received by Council.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**43 [EO-CM] DCP Section A3 - Development of Flood Liable Land Draft Version 1.3 Exhibition**

**104**

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that Council:-

1. Withdraws draft Version 1.2 of Tweed DCP Section A3 Development of Flood Liable Land from public exhibition.
2. Places Version 1.3 of Tweed DCP Section A3 Development of Flood Liable Land on public exhibition until 31 March 2010.

The Motion was **Carried**

***FOR VOTE - Unanimous***

## REPORTS FROM THE DIRECTOR TECHNOLOGY AND CORPORATE SERVICES

### 44 [TCS-CM] Draft Code of Meeting Practice Version 2.0

105

Cr D Holdom  
Cr P Youngblutt

**RESOLVED** that the Code of Meeting Practice Version 2.0 be adopted with the following amendments:

1. In accordance with the Council resolution of 19 January 2010, the draft section 12.1 Request:

*"A workshop may be convened at a suitably agreed time in consultation with the General Manager, Mayor and/or Councillors."*

be replaced by:

*"12.1 Request*

*Any future Councillor requested Workshop/Briefing sessions will only be programmed by resolution of Council (19 January 2010)."*

2. Section 1.4.1.1 Time of Availability

*"Copies are to be available to the public, including electronic copies on Council's website, as nearly as possible to the time they are available to Councillors."*

be replaced by:

*Section 1.4.1.1 Time of Availability*

*"Copies are to be available to the public as nearly as possible to the time they are available to Councillors, including electronic copies on Council's Web Site from 8.00pm on the Wednesday before the meeting."*

3. Section 5.10 Limitation as to Number of Speeches

That the current wording:-

*"A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time. However, the Chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding."*

be amended to read:

*"A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than **three (3)** minutes at any one time. However, the Chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than **two (2)** minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding."*

4. Insert the following after the first paragraph of Section 11.1 Questions on Notice:

"11.1.1            Limitations to Questions on Notice

*Questions on Notice shall be limited to five (5) questions per Councillor per Council meeting and be limited to 100 words or less and be succinct and without argument in the format of the question."*

The Motion was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr J van Lieshout, Cr W Polglase**  
**AGAINST VOTE - Cr K Milne**

**45            [TCS-CM] Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy Version 1.4**

**106**

**Cr D Holdom**  
**Cr P Youngblutt**

**RESOLVED** that Section 2.1.3 Monetary limits for all expenses, of the Councillors – Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy Version 1.4, be amended by increasing the maximum monthly reimbursable cost of Internet Charges from \$60 to \$90 per month.

The Motion was **Carried**

**FOR VOTE - Unanimous**



## 46 [TCS-CM] Quarterly Budget Review - 31 December 2009

107

Cr B Longland  
Cr D Holdom

**RESOLVED** that:-

1. The Quarterly Budget Review Statement as at 31 December 2009 be adopted.
2. The expenditure and income, as summarised below and detailed within the report, be voted and adjusted in accordance with the revised total expenditure and income for the year ending 30 June 2010.

Description	Change to Vote	
	Deficit	Surplus
<b>General Fund</b>		
<u>Expenses</u>		
Operating	501,475	0
Interest	0	0
Capital	2,155,099	0
Loan Repayments	0	0
Transfers to Reserves	283,676	0
	<u>2,940,250</u>	<u>0</u>
<u>Income</u>		
Rates, Charges and other Operating	0	10,129
Operating Grants & Conts	0	387,095
Capital Grants & Conts	0	851,800
Loan Funds	0	808,099
Recoupment's	0	132,607
Transfers from Reserves	0	466,844
Asset Sales	0	283,676
	<u>0</u>	<u>2,940,250</u>
Net Surplus/(Deficit)		<u><b>0</b></u>
	<b>Deficit</b>	<b>Surplus</b>
<b>Water Fund</b>		
<u>Expenses</u>		
Operating	410,674	0
Interest	0	0
Capital	0	9,383,465
Loan Repayments	0	0
Transfers to Reserves	0	2,440,702
	<u><b>410,674</b></u>	<u><b>11,824,167</b></u>
<u>Income</u>		
Rates, Charges and other Operating	49,993	0
Operating Grants & Conts	0	0
Capital Grants & Conts	0	0
Loan Funds	9,383,465	0
Recoupment's	1,980,035	0
Transfers from Reserves	0	0
	<u><b>11,413,493</b></u>	<u><b>0</b></u>

Net Surplus/(Deficit)		<u>0</u>
<b>Sewer Fund</b>		
<u>Expenses</u>		
Operating	886,283	0
Interest	0	0
Capital	35,000	0
Loan Repayments	0	0
Transfers to Reserves	14,296,988	0
	<u>15,218,271</u>	<u>0</u>
<u>Income</u>		
Rates, Charges and other Operating	61,822	0
Operating Grants & Conts	0	0
Capital Grants & Conts	100,000	0
Loan Funds	0	15,325,000
Recoupment's	0	0
Transfers from Reserves	0	55,093
Asset Sales	0	0
	<u>161,822</u>	<u>15,380,093</u>
Net Surplus/(Deficit)		<u>0</u>

The Motion was **Carried**

**FOR VOTE - Unanimous**

**47 [TCS-CM] Corporate Quarterly Report - October to December 2009  
Incorporating the 7 Year Infrastructure and Services Plan**

**108**

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that Council receives and notes the Corporate Quarterly Report including progress on the 7 Year Infrastructure & Services Plan for the period 1 October to 31 December 2009.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**48 [TCS-CM] Legal Services Report as at 31 December 2009**

**109**

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that Council receives and notes the Legal Services Register as at 31 December 2009.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**49 [TCS-CM] Complaint Analysis - 1 October to 31 December 2009**

**110**

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that Council receives and notes the Complaints Analysis for the period 1 October 2009 to 31 December 2009.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**50 [TCS-CM] Monthly Investment Report for Period Ending 31 January 2010**

**111**

**Cr D Holdom  
Cr B Longland**

**RESOLVED** that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at 31 January 2010 totalling \$120,501,182 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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

**51 [SUBCOM] Minutes of Sub-Committees/Working Groups for Distribution Only**

Councillors received and noted the Minutes of the Floodplain Management Committee Meeting held Friday 27 November 2009.

## ORDERS OF THE DAY

52 [NOR-Crs W Polglase, P Youngblutt and J van Lieshout] Positive Development

### NOTICE OF RESCISSION:

112

Cr P Youngblutt  
Cr W Polglase

**RESOLVED** that Council Resolution at Minute Number 378 of the Ordinary Meeting held 20 October 2009 being:

*"that Council:-*

- 1. Invites Professor Dr Janis Birkeland to provide Council with a Positive Development workshop.*
- 2. Makes a request to the Australian Institute of Sustainability Initiatives (ANSI) for information on the processes required to be nominated as one of the bioregional project centres.*
- 3. Requests State and Federal Governments for assistance in implementing positive development initiatives especially in relation to current developments proposed.*
- 4. Based on information provided to Council on Positive Development initiatives, seeks to encourage their consideration for future development in the Tweed Shire.*
- 5. Seeks to incorporate, by cooperative partnership agreements, education, research and development facilities based on conservation and sustainability initiatives into current and future developments proposals."*

be rescinded.

The Motion was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr J van Lieshout, Cr W Polglase**

**AGAINST VOTE - Cr B Longland, Cr K Milne**

53 [NOM-Cr D Holdom] Cultural Heritage Damage

### NOTICE OF MOTION:

This Notice of Motion was withdrawn and will be resubmitted to the Council Meeting scheduled to be held on 16 March 2010.

**54 [NOM-Cr K Milne] Low Cost Housing**

**NOTICE OF MOTION:**

**113**

**Cr K Milne  
Cr B Longland**

**RESOLVED** that Council brings forward a report on prioritising the protection of low cost housing in light of the Tweed's low cost housing crisis, and how such measures can be incorporated into the new Local Environment Plan (LEP) or other strategies.

The Motion was **Carried**

**FOR VOTE - Cr D Holdom, Cr K Skinner, Cr B Longland, Cr K Milne, Cr J van Lieshout, Cr W Polglase  
AGAINST VOTE - Cr P Youngblutt**

**55 [NOM-Cr K Milne] Sustainability Officer for Greenfield Sites**

**NOTICE OF MOTION:**

The Motion **lapsed** due to lack of a seconder.

**56 [NOM-Cr K Milne] State Emergency Services (SES) Facility**

This matter was dealt with as part of the Confidential Session of this meeting (Minute No 53 refers).

**57 [NOM-Cr K Milne] Tree Removal Approval**

**NOTICE OF MOTION:**

**114**

**Cr K Milne  
Cr K Skinner**

**RESOLVED** that a report be brought forward on an appropriate system that requires authorisation for tree removal on private lands such as implemented in other councils.

The Motion was **Carried**

**FOR VOTE - Cr D Holdom, Cr K Skinner, Cr B Longland, Cr K Milne, Cr J van Lieshout, Cr W Polglase  
AGAINST VOTE - Cr P Youngblutt**

**58 [NOM-Cr K Milne] Banora Point Caravan Park/River Resort - Breaches of the Environmental Planning and Assessment Act 1979**

**DECLARATION OF INTEREST**

**Councillors D Holdom** and **W Polglase** both declared a non-pecuniary Interest in this item, left the Chamber at 9.29PM and took no part in the discussion or voting.

The nature of the interest is that Cr D Holdom has an involvement with the local resident action group in relation to this matter.

The nature of the interest is that Cr W Polglase's family have an interest in a business of a similar nature in the Tweed Shire.

Cr P Youngblutt (Deputy Mayor) chaired the meeting for this item.

**NOTICE OF MOTION:**

**115**

**Cr K Milne**  
**Cr B Longland**

**PROPOSED** that a report be bought forward outlining any breaches under the Environmental Planning and Assessment Act 1979 that have occurred at this site and consideration of imposing penalties for any breaches especially, but not limited, to any retrospective approvals that were granted.

The Motion was **Lost**

**FOR VOTE - Cr B Longland, Cr K Milne**

**AGAINST VOTE - Cr P Youngblutt, Cr K Skinner, Cr J van Lieshout**

**ABSENT. DID NOT VOTE - Cr D Holdom, Cr W Polglase**

Cr D Holdom has returned from temporary absence at 09:31 PM

Cr W Polglase has returned from temporary absence at 09:31 PM

**59 [NOM-Cr K Milne] Community Consultation for Development codes for Kings Forest and Cobaki Lakes**

**NOTICE OF MOTION:**

The Motion **lapsed** due to lack of a seconder.

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60 [NOM-Cr K Milne] Response to Questions Raised at Council Meeting held 19 January 2010

**NOTICE OF MOTION:**

116

Cr K Milne  
Cr D Holdom

**PROPOSED** that Council responds to the following questions raised at last months meeting that the general manager deemed to require lodgement as notices of motions

**Q17 Existing Lots Approvals – Cobaki Lakes**

1. *The number of residential lots that Cobaki Lakes Estate has previous approval for;*
2. *A breakdown of whether these lot approvals are concept plan or subdivision approvals;*
3. *The total of the area of land that has approval for residential lots compared to the proposal in the current application.*

**Q19 Traffic  
Road Infrastructure**

1. *When is Cobaki expected to be accessible to the south from Tweed. How will the traffic turn right off Kennedy Dr to Cobaki in peak times without backing up across the bridge;*
2. *When is a new Cobaki Bridge expected to be completed and will this impact on significant koala or environmental habitat or local park amenity;*
3. *Why would Council and not the developer be responsible for the approvals process for a new Cobaki Bridge if this is chiefly required to facilitate new development;*
4. *Is the new plan for Cobaki Bridge approved and is this approval to current standards;*
5. *When was works commenced for this bridge and why did it stop.*

**Infrastructure Costs**

6. *What are the total infrastructure costs for Cobaki Lakes for roads, water and sewerage that will have to be provided 'up front' by the Council;*
7. *Will the Council or the existing community be burdened with any costs of providing infrastructure for Cobaki Lakes, and if so what will this be, and what are the implications both financially and in relation to Councils work schedules;*
8. *How long will it take for Council to recoup costs from the Cobaki developer ie the total road, sewer, water and other fees, and will the interest on up front costs also be recouped;*
9. *What will happen if the infrastructure is provided upfront but the development does not proceed or only partly proceeds eg if the last lots*

*are never built how will Council recoup these s94 fees that are distributed across the life of the development.*

**Cumulative Impacts**

10. *This concept application impact studies do not seem to include all of the associated infrastructure that is required such as the total roads impact, dam building or the recommended connection to Tugun desalinated water (for which it can be assumed desal water must increase costs the existing residents);*
11. *Why has the environmental / social assessment not included the cumulative impact of these issues that are directly related to this development which accounts for 50% of the Tweeds Greenfield population increase.*

**Q13 Concreting of the Waterway at Ozone St, Chinderah**

*Asked can the General Manager please advise:-*

1. *If the Ozone St development and roadworks, approved in the last October Council meeting:
  - i) *contains or drains into key fish habitat,*
  - ii) *the measures in place to prevent any negative effects due to the concreting of the 630 metres of the waterway especially acid sulphate.*
  - iii) *why habitat compensation measures were required only for the Endangered Ecological community of riparian vegetation and not the waterways, and*
  - iv) *why compensation measures are not required in the Chinderah area to benefit the wildlife and/or marine life affected in this locality by this development?**
2. *If this site could have been/ could be rezoned to allow other activity such caravan parks, moveable dwellings, recreation or commercial enterprise etc to provide for a reduced environmental impact and why the impact to the residents of traffic, loss of amenity was not deemed to outweigh the benefits of this development?*
3. *How the loss of this public land and riparian vegetation was deemed to of replaceable significance in light of the importance of riparian vegetation and the potential impact to key fish habitat?*
4. *Table all the Council deliberations/memos in relation to this development including advice from the RTA, flooding, social and environmental impacts?*
5. *The estimated cost to the developer of habitat compensation works and why the proposed area at Elsie St, Banora Point is not deemed to be part of RTA compensation works for the Sexton's Hill Upgrade?*

The Motion was **Lost**

**FOR VOTE - Cr K Skinner, Cr K Milne, Cr J van Lieshout**

**AGAINST VOTE - Cr P Youngblutt, Cr D Holdom, Cr B Longland, Cr W Polglase**

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## QUESTION TIME

### 61 [QT- Cr D Holdom] Multi Bin Service

#### Cr D Holdom

Asked can the Director of Natural Resources and Community please update the Council on the implementation of the new Multi Bin Service?

The Director Community and Natural Resources responded that Council's Waste Management Staff oversaw the roll-out of approximately 80,000 new bins, and the retrieval of approximately 34,000 old divided bins, over a six (6) week period in October/November 2009.

Each new bin was individually attributed to each property, which is a fundamentally different proposition than a more simplified bin for bin swap over. Council staff took this opportunity to further ratify the correct number of bins per property, and reconcile any unpaid or misrepresented services. Council's Waste Management Contractor Solo Resource Recovery commenced collecting the new bins on 1 December 2009 as per the contractual agreement.

There are dedicated low emission vehicles collecting the red lidded waste, yellow lidded recycling, and green lidded organics bins respectively. Residents have quickly embraced the correct recycling and green organics collection weeks, and the servicing of all bins is now occurring with little trouble. There are still some teething problems with the electronic serial number program which aims to give Council accurate real time information on bin servicing to allow for targeted education programs and improved customer service. This program is to be fully operational by March 2010. Waste Management Staff are monitoring the tonnages of recycling being collected in the new yellow lidded recycling bins and will be able to report on the quantity and quality of this material in the near future.

### 62 [QT-Cr D Holdom] Letter of Thanks - Multi Bin Service

#### Cr D Holdom

Asked can the General Manager on behalf of the Councillors and the wider community of the Tweed Shire, write a letter to the staff directly involved in the implementation and the follow up advice/information/help given to the people of the Tweed as the new system came into being, thanking the staff for their unswerving support to the people that needed assistance with the change over and could this letter be emailed to all staff at Council?

The General Manager responded that these letter can be prepared.

**63 [QT-Cr D Holdom] Forum on Affordable Housing**

**Cr D Holdom**

Asked, as I was at the monthly Aboriginal Advisory Committee meeting held on 5 February 2010, can the General Manager advise the Council how many Councillors (not attending any committee meetings as the committee representative) attended the forum on Affordable Housing held at Bond University the same day?

Councillors responded that they did not attend the forum on Affordable Housing on 5 February 2010 at Bond University.

**64 [QT-Cr D Holdom] Planning Reforms Unit - Program of Works**

**Cr D Holdom**

Asked can the Director of Planning and Reform advise the Council if it is possible at the next review of the Planning Reform Unit program of works if the unit could investigate a landscaping Spec and/or DCP to cover Industrial precincts?

The Director Planning and Regulation responded that is possible and that he will instruct staff to consider this request as part of the upcoming review of the 2010/2011 Planning Reform Unit Work Program.

**65 [QT-Cr K Milne] New Draft Local Environmental Plan**

**Cr K Milne**

Asked can Council clearly list and detail if any heights are effectively increased under the new draft LEP, not including Tweed Heads?

The Director Planning and Regulations responded that it is not possible given that the Draft Tweed 2010 LEP proposes a totally different system for the measurement of building heights for the entire LGA, requiring that the current reference to the number of storeys above a finished ground level be eliminated, and that they be replaced by a measurement of the vertical distance between the natural ground level and the highest point of the building.

This type of measurement have already been put into practice for residential developments since April, 2008 through Council's Tweed Development Control Plan 2008 – Section A1, and has not resulted in any pattern of noticeably higher or bigger buildings. In fact, it should be noted that that the DCP height controls are accompanied by a much more comprehensive range of floor space ratio, setbacks, deep soil plans, and cut and fill controls, which assist in managing the overall scale of new residential developments.

The new maximum height controls have been prepared to generally reflect the scale under the existing statutory height limits, and given the varying site circumstances and topography affecting the thousands of individual properties throughout the Shire, there is likely to be variances of both lesser and greater maximum building heights being able to be achieved. However, it needs to be acknowledged that the new measurement practice will provide Council with a more certain and consistent basis for assessing the design and amenity

impacts of a new development, as compared against the much blunter, and less certain tool of the number of storeys measurement.

**66 [QT-Cr K Milne] Environmental Protection Zones**

**Cr K Milne**

Asked can Council clearly identify all areas currently zoned Environmental Protection that have not be classified Environmental Protection in the LEP and the total size of EP areas gained or lost on the coast and hinterland?

The Director Planning and Regulations responded that it would be possible to prepare mapping which demonstrates a comparison between the current and proposed LEP Environmental Protection zones, as well as a corresponding approximate land quantity. I will ask Council's Planning Reform Unit to prepare this information and it will be distributed to all Councillors in upcoming weeks.

**67 [QT-Cr K Milne] Provisions for Clearing Under Current LEP**

**Cr K Milne**

Asked Can Council describe the implications for the loss of the current LEP vegetation clearing provisions and whether these can be reinstated as a local clause?

The Director Planning and Regulations responded that this information can be provided to Councillors, but given its complexity of the issues involved, and the need to prepare various graphic and mapping tools, and time needed for detailed explanation, it is not possible, given the restricted timeframe to provide this information in tonight's Council Meeting Questions session. He will organise for this information to be prepared in more detail, and be delivered through an upcoming Councillors Workshop.

**68 [QT-Cr K Milne] Stotts Island Nature Reserve**

**Cr K Milne**

Asked, the new zoning of the waterways do not reflect sensitive areas such the Stotts Island World Heritage Nature Reserves or major seagrass beds. Can these waterways zonings be changed to incorporate these sensitivities?

The Director Planning and Regulations responded that this information can be provided to Councillors, but given its complexity of the issues involved, and the need to prepare various graphic and mapping tools, and time needed for detailed explanation, it is not possible, given the restricted timeframe to provide this information in tonight's Council Meeting Questions session. He will organise for this information to be prepared in more detail, and be delivered through an upcoming Councillors Workshop.

**69 [QT-Cr K Milne] Noble Lakeside Estate, Cobaki Lakes and Kings Forest**

**Cr K Milne**

Asked can the General Manager table and provide to this meeting all correspondence engaged in with Cr Polglase, in relation to Noble Lakeside Estate, Cobaki Lakes or Kings Forest developments, and any advice provided to him that has not been made available to all other Councillors?

The Public Officer advised that Code of Conduct Section 10.1 applies – Councillor Access to Information. The General Manager and Public Officer are responsible for ensuring that members of the public, councillors and administrators can gain access to the documents available under Section 12 of the Local Government Act 1993. The proper process for this request is via the completion of an Access to Information Request.

Further, Section 10.8 Use of Certain Council Information also applies, particularly in regard to information obtained in your capacity as a council official, you must:

- a) only access council information needed for council business
- b) not use that council information for private purposes

**70 [QT-Cr K Skinner] Anti-social Behaviour, Kingscliff**

**Cr K Skinner**

Asked given the anti social behaviour on the new boardwalk in Kingscliff can council request after dark patrols in this area on Fridays, Saturdays and Sundays as well as intermittently during the week.

The General Manager responded that make a formal request to the Tweed Heads police in regards to the extra patrols.

**71 [QT-Cr K Skinner] Reintroduction of the Summary Offences Act**

**Cr K Skinner**

Asked can the General Manager please enquire as to whether the police have a desire for the introduction of additional legislation to give them more ability to control this fast growing anti social behaviour that is denegrating the fabric of our society.

The General Manager advised that Council will draft a letter in this regard.

## COMMITTEE OF THE WHOLE

117

Cr K Skinner  
Cr D Holdom

**RESOLVED** that Council resolves itself into a Confidential Committee of the Whole in accordance with Section 10A(2) of the Local Government Act 1993 (as amended) and that the press and public be excluded 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 reasons of the confidential nature of the business to be transacted

The Motion was **Carried**

### ***FOR VOTE - Unanimous***

The General Manager reported that the Confidential Committee of the Whole had excluded the press and public from the whole of the Committee Meeting because, in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest, by reason of the confidential nature of the business to be transacted, and made the following recommendations to Council:-

## REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

### REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

- 1 **[EO-CM] Acquisition of Land for Road Widening - Clothiers Creek Road, Bogangar**

### REASON FOR CONFIDENTIALITY:

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

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

## C 6

That:-

1. Council enters into negotiations with the landowner of Lot 4 in DP 876253 and Lot 20 in DP 1009550 to purchase those parts of the land that contain the road formation of Clothiers Creek Road, Bogangar to remedy the historical encroachment;

2. The purchased land be dedicated as road following completion of the purchase; and
3. All documentation be executed under the Common Seal of Council.

The Motion was **Carried**

***FOR VOTE - Unanimous***

## **2 [EO-CM] Naming of a Council Public Bridge**

### **REASON FOR CONFIDENTIALITY:**

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

- (a) personnel matters concerning particular individuals (other than councillors)

## **C 7**

That Council:-

1. Publicises its intention to name the bridge over Cudgera Creek on the new link road between Seabreeze Boulevard and Macadamia Drive at Pottsville as Russ King Bridge allowing one month for submissions or objections to the proposal;
2. Notifies the relevant authorities under the provisions of the Roads (General) Regulation 2000.

The Motion was **Carried**

***FOR VOTE - Unanimous***

## **3 [EO-CM] Naming of a Council Public Road - Pottsville**

### **REASON FOR CONFIDENTIALITY:**

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

- (a) personnel matters concerning particular individuals (other than councillors)

## **C 8**

That Council:-

1. Publicises its intention to name the road that runs from Seabreeze Boulevard to Macadamia Drive as Tom Merchant Drive.
2. Notifies the relevant authorities under the provisions of the Roads (General) Regulation 2000.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**a3 [EO-CM] Illegal Structure Within Council Road Reserve-Carool Road, Carool**

**LATE ITEM**

**C 9**

That Item a3 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**C 10**

That:-

1. Council orders the landowner of Lot 1 DP 873622, at his own cost, to remove, within 28 days of receiving a notice, the retaining wall, the wire and star picket fence and unauthorised sign constructed within the road reserve of Carool Road fronting the property pursuant to the authority granted under section 107 of the Roads Act, 1993.
2. If such wall, fence and sign are not removed within the requested timeframe, then Council will remove the structure, fencing and sign from the road reserve and charge costs plus overheads and administrative costs to the owner of Lot 1 DP 873622.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**ORDERS OF THE DAY IN COMMITTEE**

**4 [NOM-Cr Holdom] Russell Way Park**

**NOTICE OF MOTION:**

**Reason for Confidentiality**

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*Confidential Nature of this Item: The Local Government Act 1993 Clause 10A(2)*

*(f) matters affecting the security of the council, councillors, council staff or council property*

**C 13**

That:

1. The park known as Russell Way Park be refurbished by way of tree planting and bench seating x 3 (as shown on diagram) to be undertaken by Council.
2. A small plaque is to be created and placed within the newly refurbished area to Travis McCarron as a memorial. The plaque and plinth will be donated by an anonymous donor.

Wording to appear on plaque as consulted with Kirsty and Ricky McCarron:

*"In loving memory of  
Travis James McCarron  
11/07/06 - 11/04/08*

*Remembering an Angel  
So Small  
So Sweet  
So Soon"*

The Motion was **Carried**

**FOR VOTE - Unanimous**

**5 [NOM-Cr D Holdom] Ministerial Visits**

**NOTICE OF MOTION:**

**Reason for Confidentiality**

*Confidential Nature of this Item: The Local Government Act 1993 Clause 10A(2)*

*(f) matters affecting the security of the council, councillors, council staff or council property*

**C 14**

That the General Manager investigates and reports back to Council on the following:

- A new Policy Document to cover any and all Ministerial Visits (at either State or Federal level) to the Tweed Shire Local Government area, addressing/governing the protocols of; who is (Executive Management, Staff and Councillors) to be advised of said visits, when, and whom by, in the draft policy.



The Motion was **Lost**

**FOR VOTE - Cr P Youngblutt, Cr K Skinner**

**AGAINST VOTE - Cr D Holdom, Cr B Longland, Cr K Milne, Cr J van Lieshout, Cr W Polglase**

**6 [NOM-Cr D Holdom] Aboriginal Advisory Committee/Aboriginal and Torres Strait Islander Matters**

**NOTICE OF MOTION:**

**Reason for Confidentiality**

*Confidential Nature of this Item: The Local Government Act 1993 Clause 10A(2)*

*(f) matters affecting the security of the council, councillors, council staff or council property*

**C 15**

That:

1. The representatives of each organisation that make up the composition of the Aboriginal Advisory Committee (AAC), report back to the Committee each following month, via a full written report of any comments, amendments and any general feedback from their relevant organisations that have input into the Committee's deliberations and after the relevant monthly meetings held by the organisation/s themselves, and
2. That these reports (as bought back) form part of the AAC Minutes, and
3. That all correspondence pertaining to the AAC is listed on a Master Sheet as "Inward" and "Outward" including a dot point overview of all correspondence and this Master List is presented to the AAC as a document of all correspondence for the month and representatives then call for their own individual inspection of said correspondence at the end of General Business, should they wish to peruse the correspondence in full to assist streamlining the committee, and
4. That the Aboriginal Liaison Officer of Tweed Shire Council request in writing of each organisation (that forms the composition of the AAC) a full written list of all Executives and Members of their organisation/s to facilitate a "Register of Interested Persons" when the Liaison Officer needs to formally advise (all) members of the broader Aboriginal and Torres Strait Islander Community of any matters that may effect the Community and/or Cultural Heritage matters relating to the Community, this advice (that may effect the broader Aboriginal and Torres Strait Islander community be transmitted by email to the Executive of each organisation in the first instant, and
5. That Councillors as the Corporate Body write to the Minister for Local Government and the Division of Local Government, advising them of the

unfounded allegations and claims made by Mr James McKenzie against the General Manager and Council in general at the meeting held in the Civic Centre on 3 February 2010 regarding the independent review (by Mr M Cahill) of the Repco Rally, these unfounded allegations include; supposed breaches of the Code of Conduct via Conflict of Interest, supposed dishonesty (of the General Manager) in relationship to his Council resolved position on the board of Rally Australia.

6. That Council formally writes to The Homebush Motor Racing Authority on behalf of Mr (Uncle) Harry Boyd requesting that the Authority organise a meeting with Mr (Uncle) Harry Boyd to view/read and discuss any matters pertaining to the Report commissioned on Aboriginal Cultural/Heritage matters of the Repco Rally conducted in parts of the Kyogle and Tweed Shire's as was his request/statement/demand, at the meeting held the 3 February 2010 at the Murwillumbah Civic Centre conducted by the Independent Reviewer Mr M Cahill.

The Motion was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr W Polglase**  
**AGAINST VOTE - Cr B Longland, Cr K Milne, Cr J van Lieshout**

## **7 [NOM-Cr K Milne] State Emergency Services (SES) Facility**

### **NOTICE OF MOTION:**

#### **Reason for Confidentiality**

*Confidential Nature of this Item: The Local Government Act 1993 Clause 10A(2)*

*(f) matters affecting the security of the council, councillors, council staff or council property*

## **C 16**

That following the recent workshop from the State Emergency Service (SES) a report be brought forward by Council outlining the following:

1. Consideration of the need for an improved SES Control Centre identified by the SES, to the standard of the new Lismore Control Centre (\$1.5 million), and options for providing funding in Council's upcoming and future budgets for such a facility.
2. Options for enhancement of emergency infrastructure funds due to the high risk flooding category of the Tweed as outlined by the SES.
3. Any other emergency services infrastructure responsibilities under Council's jurisdiction.
4. Consideration of advertising the evacuation centres and evacuation routes on the Council website.

The Motion was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr K Skinner, Cr B Longland, Cr K Milne, Cr J van Lieshout**

**AGAINST VOTE - Cr D Holdom, Cr W Polglase**

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**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that the recommendations of the Confidential Committee of the Whole be adopted.

**FOR VOTE - Unanimous**

There being no further business the Meeting terminated at 10.40 pm.



**Minutes of Meeting Confirmed by Council  
at Meeting held**

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**Chairman**

