



TWEED
SHIRE COUNCIL

Mayor: Cr K Skinner (Mayor)

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

Minutes

Ordinary Council Meeting Tuesday 19 October 2010

held at Murwillumbah Cultural & Civic Centre
commencing at 3.30pm

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 3.30pm.

IN ATTENDANCE

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

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 Bob Spence.

Romans 15.1-6

We who are strong in the faith ought to help the weak to carry their burdens. We should not please ourselves. Instead, we should all please other believers for their own good, in order to build them up in the faith. For Christ did not please himself. Instead, as the scripture says, "The insults which are hurled at you have fallen on me". Everything written in the Scriptures was written to teach us, in order that we might have hope through the patience and encouragement which the Scriptures give us. And may God, the source of patience and encouragement, enable you to have the same point of view among yourselves by following the example of Christ Jesus, so that all of you together may praise with one voice the God and Father of our Lord Jesus Christ.

*Heavenly Father, Lord of heaven and earth,
We offer this meeting of our council to You,
and ask You to bless it with Your wisdom and guidance.
We thank You for this opportunity to be together
to grow in our love and service of You, and of each other.
We ask You to enlighten our minds to know what
is true and just, to strengthen our wills to carry
out faithfully what we come to see as our duty.*

May all of our thoughts, words and actions be directed in making Your name and Your love better known among mankind for their growth in holiness, and for their happiness here and in eternity. In Jesus Name. Amen.

CONFIRMATION OF MINUTES

1 Minutes of the Extraordinary Council Meetings held Tuesday 21 September 2010 and Friday 24 September 2010

676

**Cr D Holdom
Cr B Longland**

RESOLVED that the Minutes of the Extraordinary Council Meetings held on Tuesday 21 September 2010 and Friday 24 September 2010 respectively, be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

FOR VOTE - Unanimous

2 Minutes of the Ordinary and Confidential Council Meetings held Tuesday 21 September 2010

677

**Cr D Holdom
Cr B Longland**

RESOLVED that the Minutes of the Ordinary and Confidential Council Meetings held Tuesday 21 September 2010 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Cr J van Lieshout declared a perceived significant, pecuniary Interest in Items 23 and 24 of the Agenda and would be taking no part in the discussion or voting. The nature of the interest is that Cr J van Lieshout is the owner of property in the vicinity of the Byrill Creek Dam site.

Council Officer, Mr Troy Green, Director Technology and Corporate Services declared an interest in Item 46 of the Agenda and advised that he would leave the Chamber. The nature of Mr Green's interest is that he is the owner of an adjoining property.

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

678

Cr P Youngblutt
Cr D Holdom

RESOLVED that Standing Orders be suspended to deal with Item 23 [CNR-CM] Tweed District Water Supply - Demand Management Strategy and Item 24 [CNR-CM] Tweed District Water Supply Augmentation Options - Selecting a Preferred Option following Item 4 of the Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous

679

Cr P Youngblutt
Cr D Holdom

RESOLVED that Standing Orders be suspended to deal with Item 46 [NOM-Cr J van Lieshout] Lots 2-8 DP28597 Terranora Road, Terranora following Item 22 of the Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous

SCHEDULE OF OUTSTANDING RESOLUTIONS

3 Schedule of Outstanding Resolutions

The Schedule of Outstanding Resolutions Report was received and noted.

MAYORAL MINUTE

4 [MM] Mayoral Minute for the Period 6 September to 4 October 2010

680

Cr K Skinner
Cr P Youngblutt

RESOLVED that:-

1. The Mayoral Minute for the period 6 September to 4 October 2010 be received and noted with the following additions:
 - a) The inclusion of Cr Longland attending Peter Border's Funeral held on 29 September 2010.
 - b) The inclusion of Cr Holdom attending the Chillingham Hall Centenary and naming of the bridge over the Rous River held on 3 October 2010.
 - c) The inclusion of Cr Youngblutt attending the Tweed Chamber of Commerce Breakfast on 21 September
 - d) The inclusion of Cr Milne at the Unity Festival on 2 October 2010

The Motion was **Carried**

FOR VOTE - Unanimous

681

Cr K Milne
Cr P Youngblutt

RESOLVED that Cr J van Lieshout be authorised to attend the 19th NSW Coastal Conference hosted by Eurobodalla Shire – Batemans Bay, NSW - from 10 to 12 November.

The Motion was **Carried**

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

682

**Cr J van Lieshout
Cr K Skinner**

RESOLVED that Crs J van Lieshout and K Milne be authorised to attend the New Rural Industries Australia, 2010 Conference and Expo at Jupiters, Gold Coast from 28 to 30 November 2010.

The Motion was **Carried**

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

ORDINARY ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER

683

**Cr D Holdom
Cr J van Lieshout**

RESOLVED that Standing Orders be suspended to deal with Item 23 and 24 of the Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous

23 [CNR-CM] Tweed District Water Supply - Demand Management Strategy

DECLARATION OF INTEREST

Cr J van Lieshout declared a perceived significant, pecuniary Interest in this item, left the Chamber at 03:47 PM and took no part in the discussion or voting. The nature of the interest is that Cr J van Lieshout is the owner of property in the vicinity of the Byrill Creek Dam site.

684

**Cr W Polglase
Cr P Youngblutt**

PROPOSED that Council:

1. Adopts the recommended non-residential Water Demand Management program:
 - a. Develops an auditing program targeting the major users (>20 ML/year).
 - b. Continues the auditing program targeting the balance of the caravan parks, shopping centres, clubs and aged care facilities within the top 100 water users.
 - c. The auditing of major water using parks and gardens, training for Council's Recreation Services staff, and development of Open Space Irrigation Guidelines.
 - d. Consider the introduction of regulations to control non-residential internal fitting and fixtures including taps, showers, toilets and possibly urinals.
 - e. A non-residential education program be developed by Council as part of the overall education program.
 - f. Liaise with key state government departments regarding the implementation of water efficiency programs for state government buildings, such as hospitals and schools. Liaise with industry and commercial representatives to form relationships and disseminate key information regarding conservation programs to target sectors.
2. Continues to encourage effluent reuse schemes and other integrated water solutions that are sustainable in the long term proposed by developers of greenfield sites.
3. Implements a performance tracking plan to enable the monitoring of targets to ensure overall demand is achieving long-term reduction goals envisioned by the program.
4. Adopts Key Performance Targets for average residential demand of 200Litres/capita/day and average total demand of 300Litres/capita/day by 2013 (15% reduction on 2006 figures).

685

Cr B Longland
Cr P Youngblutt

RESOLVED that an extension of 2 minutes be granted to Cr K Milne.

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr J van Lieshout

686

AMENDMENT

Cr K Milne
Cr B Longland

RESOLVED that Council:

1. Adopts the recommended non-residential Water Demand Management program:
 - a. Develops an auditing program targeting the major users (>20 ML/year).
 - b. Continues the auditing program targeting the balance of the caravan parks, shopping centres, clubs and aged care facilities within the top 100 water users.
 - c. The auditing of major water using parks and gardens, training for Council's Recreation Services staff, and development of Open Space Irrigation Guidelines.
 - d. Consider the introduction of regulations to control non-residential internal fitting and fixtures including taps, showers, toilets and possibly urinals, **greywater reuse and rainwater tanks**.
 - e. A non-residential education program be developed by Council as part of the overall education program.
 - f. Liaise with key state government departments regarding the implementation of water efficiency programs for state government buildings, such as hospitals and schools. Liaise with industry and commercial representatives to form relationships and disseminate key information regarding conservation programs to target sectors.
2. Continues to encourage effluent reuse schemes and other integrated water solutions that are sustainable in the long term proposed by developers of greenfield sites.
3. Implements a performance tracking plan to enable the monitoring of targets to ensure overall demand is achieving long-term reduction goals envisioned by the program.
4. Adopts Key Performance Targets for average residential demand of 200Litres/capita/day and average total demand of 300Litres/capita/day by 2013 (15% reduction on 2006 figures).
5. ***Conducts a Workshop with a view to forming a proposal to lobby the State Government to review the BASIX and WELS programs to enhance the water conservation outcomes.***
6. ***Develops a water friendly garden Policy.***

The Amendment was **Carried**

FOR VOTE - Cr D Holdom, Cr B Longland, Cr K Milne, Cr K Skinner

AGAINST VOTE - Cr P Youngblutt, Cr W Polglase

ABSENT. DID NOT VOTE - Cr J van Lieshout

The Amendment on becoming the Motion was **Carried** - (Minute No **686** refers)

FOR VOTE - Cr D Holdom, Cr B Longland, Cr K Milne, Cr K Skinner

AGAINST VOTE - Cr P Youngblutt, Cr W Polglase

ABSENT. DID NOT VOTE - Cr J van Lieshout

24 [CNR-CM] Tweed District Water Supply Augmentation Options - Selecting a Preferred Option

DECLARATION OF INTEREST

Cr J van Lieshout declared a perceived significant, pecuniary Interest in this item, left the Chamber at 03:47 PM and took no part in the discussion or voting. The nature of the interest is that Cr J van Lieshout is the owner of property in the vicinity of the Byrrell Creek Dam site.

687

Cr D Holdom

Cr B Longland

PROPOSED that Council:

1. Monitors and resources demand management actions with the aim of achieving at least BASIX/WELS reductions and reports to Council annually on progress.
2. Adopts the raising of Clarrie Hall Dam as the preferred option for augmenting the Tweed District Water Supply.
3. Proceeds with the Planning Approvals process and Detailed Design in relation to the raising of Clarrie Hall Dam.
4. Liaises with landholders at Doon Doon Creek to facilitate acquisition of properties or parts thereof as required.
5. Determines the most cost-effective approach to upgrading the existing Clarrie Hall Dam spillway by 2016.
6. Pursues dialog with the relevant South East Queensland water authorities in parallel as an alternative augmentation option and as an emergency drought option.

7. Retains ownership of land at Byrrill Creek to enable consideration of future water supply augmentations beyond the current planning horizon.

688

AMENDMENT 1

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Council:

1. Monitors and resources demand management actions with the aim of achieving at least BASIX/WELS reductions and reports to Council annually on progress.
2. Adopts the Byrrill Creek Dam as the preferred option for augmenting the Tweed District Water Supply.
3. Proceeds with the Planning Approvals process and Detailed Design in relation to Byrrill Creek Dam.
4. Pursues dialog with the relevant South East Queensland water authorities in parallel as an alternative augmentation option and as an emergency drought option.

The Amendment 1 was **Carried** on the Casting Vote of the Mayor.

**FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr K Skinner
AGAINST VOTE - Cr D Holdom, Cr B Longland, Cr K Milne
ABSENT. DID NOT VOTE - Cr J van Lieshout**

689

AMENDMENT 2

**Cr K Milne
Cr B Longland**

PROPOSED that Council:

1. Monitors and resources demand management actions with the aim of achieving at least BASIX/WELS reductions and reports to Council annually on progress.
2. Adopts the Byrrill Creek Dam as the preferred option for augmenting the Tweed District Water Supply.
3. Proceeds with the Planning Approvals process and Detailed Design in relation to Byrrill Creek Dam.

4. Pursues dialog with the relevant South East Queensland water authorities in parallel as an alternative augmentation option and as an emergency drought option.
5. Council engages an appropriate research organisation such as the Sydney University, Institute for Sustainable Futures, to undertake an independent review of the Tweed Shire Council Water Demand Management Strategy to ascertain if water savings could be further enhanced with dual reticulation, stormwater harvesting in the context of the timing for further water augmentation in this current planning horizon and to achieve best possible outcomes for the environment and receiving waters.

Further consideration of climate change impacts be included in any such review.

The Amendment 2 was **Lost** on the Casting Vote of the Mayor.

FOR VOTE - Cr D Holdom, Cr B Longland, Cr K Milne
AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr K Skinner
ABSENT. DID NOT VOTE - Cr J van Lieshout

The Amendment 1 on becoming the Motion was **Carried** - (Minute No **688** refers)

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

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr K Skinner
AGAINST VOTE - Cr D Holdom, Cr B Longland, Cr K Milne
ABSENT. DID NOT VOTE - Cr J van Lieshout

Cr J van Lieshout has returned from temporary absence at 05:10 PM

NOTE: A NOTICE OF RESCISSION ON THIS ITEM HAS BEEN RECEIVED FROM COUNCILLORS HOLDOM, MILNE AND LONGLAND.

690

Cr W Polglase
Cr D Holdom

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE GENERAL MANAGER

5 [GM-CM] Nomination of Council Representative to Tweed Tourism Board

691

Cr D Holdom
Cr W Polglase

RESOLVED that Council writes to the Chief Executive Officer of Tweed Tourism requesting that:

1. Cr J van Lieshout be Council's representative of the Board of Tweed Tourism.
2. Cr D Holdom to be an ex officio alternate representative of the Board of Tweed Tourism

The Motion was **Carried**

FOR VOTE - Unanimous

6 [GM-CM] Progress Update for Online Economic and Demographic Profiles

692

Cr W Polglase
Cr B Longland

RESOLVED that Council receives and notes this report on the Progress Update for Online Economic and Demographic Profiles.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

7 [PR-CM] Planning Reform Fees and Charges

693

**Cr W Polglase
Cr B Longland**

RESOLVED that Council adopts the amendment to Council's Fees and Charges Schedule 2010/2011, identified within Table 1 of this report, which will take effect from 19 October 2010.

The Motion was **Carried**

FOR VOTE - Unanimous

8 [PR-CM] Planning Proposal PP10/0005 - Lot 1 DP 1046935 Old Lismore Road, Murwillumbah

694

**Cr D Holdom
Cr W Polglase**

RESOLVED that Council:

1. As the Relevant Planning Authority (RPA), prepares a planning proposal for the site identified as Lot 1 DP 1046935 Old Lismore Road, Murwillumbah; and
2. Endorses the Planning Reforms Unit (PRU) to enter into dialogue with the landowner of Lot 1 DP 10469357 regarding the relevant supporting documentation and technical assessment to satisfy the RPA's requirements for preparing a planning proposal for subsequent lodgement of a planning proposal with the Department of Planning for Gateway determination.

The Motion was **Carried**

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

9 [PR-CM] Tweed Local Environmental Plan Amendment No. 69 - Seabreeze Estate (Stage 2)

695

**Cr D Holdom
Cr B Longland**

RESOLVED that Council:

1. Receives and notes the summary content of submissions received as part of the exhibition of Tweed Local Environmental Plan Amendment No. 69 – Seabreeze Estate (Stage 2) relating to the rezoning of the area identified as Lots 1145 and 1147 DP 1115395, Lots 7 and 10 DP 1137819, Lot 740 DP1072580 and Lot 138 DP 1045822 from 1(a) Rural to 2(a) Low Density Residential and 7(l) Environmental Protection (Habitat) with additional clause 53E Specific Provisions for Seabreeze Estate – Stage 2.
2. Endorses the additional definitions and mapping extracted from the Standard Instrument relating to Urban Release Areas to ensure consistency with the Standard Instrument Order 2006 and the emerging Draft Tweed Local Environmental Plan 2010.
3. Endorses the preparation and subsequent furnishing of a report to the Director General, pursuant to the provision of s68(4) of the Environmental Planning and Assessment Act 1979.

The Motion was **Carried**

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

10 [PR-CM] Request for a Planning Proposal - Lot 16 DP 856265, No. 225 Terranora Road, Banora Point

696

**Cr D Holdom
Cr J van Lieshout**

RESOLVED that Council:

1. As the Relevant Planning Authority (RPA), approves the preparation of a planning proposal for the site identified as Lot 16 DP 856265, No. 225 Terranora Road, Banora Point, and
2. Endorses the Planning Reforms Unit (PRU) to enter into dialogue with the landowner of Lot 16 DP 856265, No. 225 Terranora Road, Banora Point regarding the preparation and funding of any relevant supporting technical documentation required to satisfy the RPA's requirements for preparing a

planning proposal sufficient for submission to the Department of Planning for a Gateway determination.

The Motion was **Carried**

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

AGAINST VOTE - Cr B Longland, Cr K Milne

11 [PR-CM] Draft Tweed Local Environmental Plan 2000 Amendment No. 35 - Lot 1 & 6 DP 9042, Lot 14 DP 733411, Dry Dock Road, Tweed Heads South and Application to Convert the Local Environmental Plan (LEP) to a Planning Proposal

697

**Cr D Holdom
Cr W Polglase**

RESOLVED that:

1. Council endorses the referral of the draft Local Environmental Plan Amendment No. 35 to the Department of Planning for a Section 65 Certificate to publicly exhibit the draft Plan, and
2. The Department of Planning be requested to rollover draft Local Environmental Plan Amendment No. 35 into a 'planning proposal' for the purposes of Part 3, Division 4 of the Environmental Planning and Assessment Act, 1979.

The Motion was **Carried**

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

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

12 [PR-CM] Planning Reform Unit - Tweed Development Control Plan Section B23 - Hastings Point Locality Based Development Code

698

**Cr D Holdom
Cr J van Lieshout**

RESOLVED that the report on Planning Reform Unit – Tweed Development Control Plan Section B23 – Hastings Point Locality Based Development Code be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

699

Cr D Holdom
Cr J van Lieshout

RESOLVED that Standing Orders be suspended to deal with Item 46 of the Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous

46 **[NOM-Cr J van Lieshout] Lots 2-8 DP28597 Terranora Road Terranora**

DECLARATION OF INTEREST

Council Officer, Mr Troy Green, Director Technology and Corporate Services declared an Interest in this item, left the Chamber at 5.51PM. The nature of Mr Green's interest is that he is the owner of an adjoining property.

NOTICE OF MOTION:

700

Cr J van Lieshout
Cr W Polglase

RESOLVED that Council gives support to the owners of the property known as Lots 2-8 DP28597 Terranora Road, Terranora to lodge a planning proposal to change the current rural zoning to a more appropriate residential zoning.

The Motion was **Carried**

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

Mr Green returned to the meeting at 6.04pm.

NOTE: A NOTICE OF RESCISSION ON THIS ITEM HAS BEEN RECEIVED FROM COUNCILLORS HOLDOM, MILNE AND LONGLAND.

701

Cr W Polglase
Cr P Youngblutt

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE - Unanimous

13 [PR-CM] State Emergency Services - Tweed Heads Unit

702

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Council writes to the Minister of Emergency Services Mr Steve Whan seeking urgent assistance to make representations on behalf of Council with the NSW Land and Property Management Authority to seek a review of its position on the continuing use of the operations of the State Emergency Service (SES) Tweeds Head Unit at Lot 682 DP41192, Crown Reserve 89237 Pioneer Parade, Banora Point.

The Motion was **Carried**

FOR VOTE - Unanimous

14 [PR-CM] Major Project Application MP09_0016 Mixed Use Tourist and Residential Development at Lots 1-3 Section 1 DP 29748; Lot 4 Section 1 DP 31209 Nos. 2-6 Tweed Coast Road and No. 10 Cypress Crescent, Cabarita Beach (DA10/0642)

703

**Cr D Holdom
Cr W Polglase**

RESOLVED that Council endorses the preparation of a submission to the Department of Planning regarding MP09_0016 (DA10/0642) Environmental Assessment (EA) for a three storey mixed use tourist and residential development comprising 24 accommodation units including 6 x 3 bedroom tourist/residential units 15 x 3 bedroom residential units and 3 x 2 bedroom residential units at Lots 1-3 Section 1 DP 29748; Lot 4 Section 1 DP 31209, Nos. 2-6 Tweed Coast Road and No. 10 Cypress Crescent, Cabarita Beach based on the matters identified in this report.

The Motion was **Carried**

FOR VOTE - Unanimous

15 [PR-CM] Development Application DA10/0395 for The Unity Festival at Lot 167 DP 729468, Queensland Road, Murwillumbah

704

Cr W Polglase
Cr B Longland

RESOLVED that Council's fees associated with Development Application DA10/0395 for The Unity Festival at Lot 167 DP 729468, No. 37 Queensland Road, Murwillumbah be donated to The Unity Festival Inc.

The Motion was **Carried**

FOR VOTE - Unanimous

16 [PR-CM] Development Application DA10/0342 for a Proposed Two Storey Outbuilding and Use of an Illegally Constructed Retaining Wall at Lot 19 DP 737064, No. 54 Parkes Lane, Terranora

705

Cr D Holdom
Cr P Youngblutt

RESOLVED that Development Application DA10/0342 for a two storey outbuilding, decks, two bali huts, conversion of the existing double garage into a bedroom & the use of the illegally constructed retaining wall at Lot 19 DP 737064, No. 54 Parkes Lane, Terranora be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by conditions of this consent, ***subject to a revised plan being submitted which alters the layout of the proposed bathroom on the mezzanine floor of the proposed outbuilding to limit the facilities within, to correspond with the proposed adjoining rumpus room use, to the satisfaction of the Director Planning and Regulation.***

[GEN0015]

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

[GEN0115]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

3. Prior to issue of Construction Certificate the applicant is to submit to the PCA a list of the finished building materials and colours for approval. Such materials and colours are to be sympathetic with the rural residential environment.

[PCC0175]

4. A detailed plan of landscaping is to be submitted and approved by the PCA prior to the issue of a Construction Certificate. Such plan is to detail particular species

and densities of plants located within the southern, eastern and northern setbacks of the development which upon reaching maturity will minimise impact from the development onto surrounding properties.

[PCC0585]

5. The footings and floor slab are to be designed by a practising Structural Engineer after consideration of a soil report from a NATA accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0945]

6. **Stormwater**

Details of the proposed roof water disposal and surface water runoff disposal (i.e including driveway runoff), including surcharge overland flow paths are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. These details shall include likely landscaping within the overland flow paths and indicate connection of stormwater into the private stormwater easement located at the rear of the site.

[PCC1135]

7. 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]

8. Prior to the release of the construction certificate details of the conversion of the existing garage attached to the existing dwelling house into habitable area are to be submitted to the Principal Certifying Authority in respect that the proposed works satisfy the requirements for habitable construction as prescribed in the Housing Provisions Volume Two of the Building Code of Australia 2010.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

9. 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]

10. 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]

11. 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]

12. 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]

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 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]

15. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. Note All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the Principal Certifying Authority prior to commencement of building works.

[PCW1005]

16. 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

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

[DUR0005]

18. During construction, all works required by other conditions or approved management plans or the like shall be installed and operated in accordance with those conditions or plans.

[DUR0015]

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. 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]

21. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

[DUR0375]

22. 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]

23. 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]

24. 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]

25. Excavation

- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with WorkCover 2000 Regulations.
- (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

[DUR0425]

26. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Occupational Health and Safety Regulation 2001.

The proponent shall also observe the guidelines set down under the Department of Environment and Climate Change publication, "A Renovators Guide to the Dangers of Lead" and the WorkCover Guidelines on working with asbestos.

[DUR0645]

27. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent.

[DUR0905]

28. Landscaping of the site shall be carried out in accordance with the submitted/approved landscaping plans.

[DUR1045]

29. 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]

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

[DUR2245]

31. 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]

32. 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]

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

[DUR2515]

34. 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]

35. 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]

36. House drainage lines affected by the proposal are to be relocated to Council's satisfaction. Prior to the relocation of any plumbing and drainage lines, a plumbing permit and the relevant plumbing permit fee is to be submitted to Council. Inspection of drainage works prior to covering is required

[DUR2565]

37. 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 the PCA and Tweed Shire Council.

[DURNS01]

38. The existing pool is to be fenced in conformity with the requirements of the Swimming Pools Act, 1992 as amended.

[DURNS02]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

39. 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]

40. 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]

41. Prior to the issue of a final occupation certificate adequate proof and/or documentation is to be submitted to the Principal Certifying Authority to identify that all commitment on the BASIX "Schedule of Commitments" have been complied with.

[POC0435]

42. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.

[POC0475]

43. 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]

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

[POC1055]

45. Prior to the issue of the occupation certificate for the building works associated with DA10/0342, the existing swimming pool is to be fenced in accordance with Swimming Pools Act, 1992 as amended.

[POCNS01]

USE

- 46. 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]
- 47. The building is not to be used for any habitable commercial or industrial purpose. [USE0455]
- 48. The garage/rumpus must not be used for human habitation or occupation. [USE0475]
- 49. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building. [USE0735]

The Motion was **Carried**

FOR VOTE - Unanimous

17 [PR-CM] Development Application DA10/0495 for a Smash Repair and Tow Truck Business (Holding Yard) at Lots 3 and 4 SP 75111, No. 3/23 and No. 4/23 Enterprise Avenue, Tweed Heads South

706

Cr W Polglase
Cr J van Lieshout

RESOLVED that Development Application DA10/0495 for a smash repair and tow truck holding yard at Lot 3, 4 SP 75111, No. 3/23 and 4/23 Enterprise Avenue, Tweed Heads South be approved subject to the following conditions:

GENERAL

- 1. The development shall be completed in accordance with the Statement of Environmental Effects and plans as follows, except where varied by the conditions of this consent:

| Title | Dated | Submitted to Council |
|--|----------------|----------------------|
| Site Plan - Units 3 and 4 | 23 August 2010 | 23 August 2010 |
| Floor Plan (Issue A - as amended in red) | July 2010 | 28 September 2010 |

[GEN0005]

- 2. Future advertising structures/signs to be the subject of a separate development application (where statutorily required). [GEN0065]
- 3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0115]
- 4. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a

Trade Waste Licence. This application is to be approved by the General Manager or his delegate prior to any discharge to sewer being commenced. A trade waste application fee will be applicable in accordance with Councils adopted Fees and Charges.

[GEN0190]

5. No tow trucks are permitted to be stored or held at the premises or onsite.
6. No smashed or wrecked cars are to be stored or held within the road reserve or within the car park area.
7. All vehicles undergoing repair work shall be held entirely within Units 3 and 4 at all times.

[GENNS01]

8. Signage is not permitted to be illuminated at any time or by any means.
9. No retailing of any description is permitted from the subject site.

[GENNS02]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

10. 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]

11. An application for a Building Certificate together with the prescribed fee is to be submitted to Council for all building works carried out without development consent, prior to the issue of an occupation certificate.

[POCNS01]

USE

12. 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]

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

[USE0145]

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

- * 7.00 am to 5.00 pm – Mondays to Fridays
- * 7.00 am to 11.00am - Saturdays
- * No operations are to be carried out on Sundays or Public Holidays
- * All waste collections, deliveries and pickups relating to the business are to occur within the approved hours

[USE0185]

15. A person must not commence a change of building use for the whole or any part of an existing building unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[USE0395]

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

[USE0415]

17. No items or goods are to be stored or displayed outside the confines of the premises.
[USE0445]
18. All trade materials, product and plant to be kept within confines of the building at all times.
[USE0515]
19. All loading/unloading to take place within the boundary of the subject property.
[USE0525]
20. All commercial / industrial wastes shall be collected, stored and disposed of to the satisfaction of the General Manager or his delegate.
[USE0875]
21. The premises shall be maintained in a clean and tidy manner at all times.
[USE0965]
22. All hazardous and/or dangerous goods shall be stored in accordance with requirements of WorkCover NSW.
[USE1035]
23. All containers, whether or not empty, which contain or once contained potentially contaminated materials, mechanical parts and the like shall be stored to the satisfaction of Council's General Manager or his delegate.
[USE1045]
24. The disposal of all wash water, oil, grease or other pollutants from the business shall be disposed of to the satisfaction of Council's General Manager or his delegate. No pollutants are permitted to exit the workshop where they may enter Council's stormwater drain.
[USE1055]
25. All bulk waste collection activities shall occur within the property boundary.
[USE1345]
26. All spray painting must be undertaken within a WorkCover NSW approved spray booth that has an exhaust fan and filter. The spray booth must be designed, constructed and maintained in accordance with AS 4114.1 and 4114.2.
[USENS01]
27. All damaged, smashed or wrecked cars are to be held within the confines of the building only.
[USENS02]
28. All hazardous and/or dangerous goods shall be handled and stored in a designated area away from stormwater drains. The designated area is to be: -
- Roofed; and
 - Provided with a sealed floor.
- [USENS03]
29. The repair and servicing of air conditioners is not permitted at the site.
[USENS04]

707

AMENDMENT

Cr K Milne
Cr P Youngblutt

PROPOSED that this item be deferred for a Workshop on this matter.

The Amendment was **Lost**

FOR VOTE - Cr K Milne, Cr J van Lieshout

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

The Motion was **Carried** (Minute No **706** refers).

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

AGAINST VOTE - Cr K Milne

18 **[PR-CM] Equestrian Pad Compliance Matter - Lot 7 DP 826941. No. 308 Tomewin Road, Dungay**

708

Cr D Holdom
Cr B Longland

RESOLVED that Council engages its solicitors to commence appropriate proceedings against the owners of Lot 7 DP 826941, No. 308 Tomewin Road, Dungay to require a development application to be lodged with Council for the equestrian pad.

The Motion was **Carried**

FOR VOTE - Unanimous

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.32pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.27pm

19 [PR-CM] Failing Retaining Wall Between No. 2 Kerry Court and No. 18 Tyrone Terrace, Banora Point

709

**Cr D Holdom
Cr K Milne**

RESOLVED that:

1. ATTACHMENTS 1-3 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain personnel matters concerning particular individuals (other than councillors).
2. Council receives and notes this report on the failing retaining wall between No. 2 Kerry Court and No. 18 Tyrone Terrace, Banora Point and supports the Council officers' continuing compliance action including the next step of the service of a *Notice of Intention to Serve an Order* on the owners of 2 Kerry Court, Banora Point in respect of the failing retaining wall on rear of their site; and
3. Council supports that a further report be submitted to Council should there not be a satisfactory response from the owners of No. 2 Kerry Court, Banora Point within a reasonable timeframe.

The Motion was **Carried**

FOR VOTE - Unanimous

20 [PR-CM] Cobaki Lakes Concept Plan for Residential Community Development and Project Application for Central Open Space and Lake System - Council Submission to the Department of Planning

710

**Cr D Holdom
Cr B Longland**

RESOLVED that Council:

1. Endorses the attached draft submission to the Department of Planning on the Addendum to the Preferred Project Report for Cobaki Lakes Concept Plan and the comments on the Preferred Project Report for the Project Application for the central open space and drainage corridor for Cobaki Lakes.
2. Does not accept dedication or maintenance of open space, drainage corridors, environmental protection areas and other infrastructure unless the recommended conditions in the attached correspondence are applied and implemented to the satisfaction of the General Manager or his Delegate.

711

AMENDMENT

**Cr K Milne
Cr B Longland**

PROPOSED that: Council

1. Endorses the attached draft submission to the Department of Planning on the Addendum to the Preferred Project Report for Cobaki Lakes Concept Plan and the comments on the Preferred Project Report for the Project Application for the central open space and drainage corridor for Cobaki Lakes.
2. Does not accept dedication or maintenance of open space, drainage corridors, environmental protection areas and other infrastructure unless the recommended conditions in the attached correspondence are applied and implemented to the satisfaction of the General Manager or his Delegate.
3. ***Writes to thank the Department of Planning for responding to issues of concern raised, but expresses serious concerns about issues still unresolved.***
4. ***Council expresses in the strongest terms their concern for the loss of biodiversity and Council's desire for more sustainable outcomes, and that serious consideration for a waterwise and wildlife friendly concept be adopted to achieve Ecologically Sustainable development principles.***
5. ***Requests that the Department of Planning to consider appropriate research organisation such as the Sydney University, Institute for Sustainable Futures, to undertake an independent review of the Cobaki Concept Plan to achieve the best possible outcomes for the environment and receiving waters.***

The Amendment was **Lost**

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

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

The Motion was **Carried** (Minute No **710** refers)

FOR VOTE - Cr D Holdom, Cr B Longland, Cr K Milne, Cr K Skinner

AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr J van Lieshout

- 21 [PR-CM] Class 1 Appeal Lodged in Relation to Consent Conditions applied to Development Application DA06/0897.01 for an Amendment to a Nine (9) Lot Subdivision Involving Alterations to the Approved Lot Sizes, Realignment of the Road and the Staging of the

712

Cr D Holdom
Cr B Longland

RESOLVED that Council instructs its solicitors to defend the Class 1 Application (Case No. 10794/10 relating to the premises at Lot 1 DP 601049; Lot 1 DP 1084992, No. 15 Tanglewood Drive, Tanglewood filed by Storey and Gough Lawyers in the Land and Environment Court on 30 September 2010.

The Motion was **Carried**

FOR VOTE - Unanimous

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

713

Cr B Longland
Cr K Milne

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

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

- 23 [CNR-CM] Tweed District Water Supply - Demand Management Strategy

This item was dealt with at Minute No **686**.

- 24 [CNR-CM] Tweed District Water Supply Augmentation Options - Selecting a Preferred Option

This item was dealt with at Minute No **688**.

25 [CNR-CM] EC2010-141 - Pottsville Beach Neighbourhood Centre

714

**Cr K Milne
Cr B Longland**

RESOLVED that Council:

1. Declines to accept any of the Tenders received for EC2010-141 Pottsville Beach Neighbourhood Centre as no tender represents value for money.
2. Completes the design component of the work.
3. Enters into direct negotiations, in accordance with the Independent Commission Against Corruption (ICAC) Guidelines, with any person for the construction component of the work to ensure project timeframes are met and to provide best value for money.
4. ATTACHMENT A 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

26 [CNR-CM] HACC 2010/2011 Indexation

715

**Cr K Milne
Cr B Longland**

RESOLVED that Council:

1. Accepts the 2010/11 Service Improvement Funding from Human Services, Ageing Disability and Home Care of \$28,364.
2. Votes the expenditure.

The Motion was **Carried**

FOR VOTE - Unanimous

27 [CNR-CM] Adoption of Art Gallery Collection Accession and De-accession Protocol

716

**Cr K Milne
Cr B Longland**

RESOLVED that Council:

1. Revokes the existing Council Policy pertaining to the Art Gallery Collection.
2. Notes the organisation's adoption of the Art Gallery Collection Accession and De-accession Protocol.

The Motion was **Carried**

FOR VOTE - Unanimous

28 [CNR-CM] Waste and Sustainability Payments 2010-2011

717

**Cr D Holdom
Cr B Longland**

RESOLVED that Council authorises the General Manager to sign the 2010/2011 Action Table Report to commit the Waste and Sustainability Improvement Payment (WaSIP) funds to the nominated projects.

The Motion was **Carried**

FOR VOTE - Unanimous

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

718

**Cr B Longland
Cr D Holdom**

RESOLVED that Council:-

1. With reference to the request from Blind & Vision Impaired Support Group (NSW Far North Coast) Inc, provides the Banora Point Community Centre free of charge for one, 2 hour meeting on the third Monday of each month from 1 February 2011 to 30 June 2011, and that Council's support is recognised with the following acknowledgement "This programme has been supported by Tweed Shire Council".

2. With reference to the request from The Tweed Hospital, provides the Tweed Heads Civic Centre free of charge for the Tweed Hospital Remembrance Service on 18 November 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 - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

30 [EO-CM] Classification of Land as Operational - Lot 468 DP 1144944 at Terranora

719

**Cr W Polglase
Cr B Longland**

RESOLVED that:

1. Lot 468 in DP 1144944 at Terranora be classified as "Operational" pursuant to Section 31 of the Local Government Act, 1993 and
2. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

31 [EO-CM] Classification of land as Operational, Murwillumbah

720

**Cr W Polglase
Cr B Longland**

RESOLVED that:

1. Proposed Lot 166 in the plan of subdivision of Lot 123 in DP 1142485 at Murwillumbah be classified as "Operational" pursuant to Section 31 of the Local Government Act, 1993; and
2. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

32 [EO-CM] Lot 2 DP706328 Parish Murwillumbah - Road Closure Application

721

**Cr W Polglase
Cr B Longland**

RESOLVED that Council objects to the closure and purchase by the applicant of the section of Crown road reserve east of Lot 2 in DP 706328 at North Arm.

The Motion was **Carried**

FOR VOTE - Unanimous

33 [EO-CM] Lot 2 DP 629387 Parish of Terranora - Road Closure Application

722

**Cr W Polglase
Cr B Longland**

RESOLVED that Council objects to the closure of the Crown Road north and northwest of Lot 2 DP 629387 and north of Lot 1 DP 820666 at Cobaki.

The Motion was **Carried**

FOR VOTE - Unanimous

34 [EO-CM] Dedication of Land as Road - Seaside City

723

**Cr D Holdom
Cr B Longland**

RESOLVED that:

1. Council approves the transfer of Lots 16, 53, 84, 121 and 152 in DP 1145386 for the purposes of a road;
2. Council dedicates the subject parcels as road pursuant to section 10 of the Roads Act, 1993 following transfer to Council; and
3. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

35 [EO-CM] EC2010-128 Piggabeen Road Deviation - Asphalt Surfacing

724

**Cr D Holdom
Cr B Longland**

RESOLVED that:

1. The tender from Boral Resources (QLD) Pty Ltd be accepted to the value of \$192,892.29 exclusive of GST for tender EC2010-128 Piggabeen Road Deviation – Asphalt Surfacing.
2. The General Manager be given delegated authority to approve variations up to 20% above the initial tender price.
3. The ATTACHMENT A 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

36 [EO-CM] EC2007-032 Supply and Delivery of Bulk Fuels: Contract Extension

725

**Cr D Holdom
Cr B Longland**

RESOLVED that the non-exclusive supply arrangement with Reliance Petroleum and Caltex Australia for the supply and delivery of bulk fuel be extended to 30 September 2012 and the rates as submitted for the period 1 October 2010 until 30 September 2011 be accepted.

The Motion was **Carried**

FOR VOTE - Unanimous

37 [EO-CM] EC2010-146 Supply and Laying of Asphaltic Concrete Overlays

726

**Cr D Holdom
Cr B Longland**

RESOLVED that:

1. The tender from Fulton Hogan Industries Pty Ltd be accepted to the value of \$391,194.55 exclusive of GST for tender EC2010-146 Supply and Laying of Asphaltic Concrete Overlays.
2. The General Manager be given delegated authority to approve variations up to 20% above the initial tender price. Any variations to be reported to Council following completion of the works.
3. ATTACHMENT A 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

38 [EO-CM] Cobaki Lakes Concept Plan for Residential Community Development - Amended Council Submission Regarding Cobaki Parkway to the Department of Planning

727

**Cr D Holdom
Cr B Longland**

RESOLVED that Council recommends to the NSW Department of Planning a statement of commitments and conditions for the Cobaki Lakes Concept Plan that:

1. Requires the proponent to agree to dedicate to Council such extent of the Cobaki Parkway Road Reserve as at the time remains to be dedicated, upon the earliest of
 - The date upon which the Gold Coast City Council gives the proponent the notice under clause 4.3 of the Deed between the Gold Coast City Council and the proponent to undertake the Boyd Street Four Lane Upgrade; or

- Five years after the date of the approval of the Cobaki Lakes Part 3A Concept Plan.
- 2. Requires the construction of the balance of Cobaki Parkway in two lane standard (including the Cobaki Creek Bridge) to the connection with Piggabeen Road (if not already constructed by others) to be constructed within 12 months of the release of 3,000 lots at Cobaki Lakes.
- 3. Requires the proponent to enter into a Deed with Tweed Shire Council replacing the Deed between Council and Calsonic Management Services Pty Ltd dated 6 August 1993, which replacement Deed will include the requirements under 3.2 of the proposed statement of commitments and additionally release Council from such obligations it has under the current Deed with respect to the Boyd Street Four Lane Upgrade.
- 4. Requires the proponent to include the southern section of Sandy Lane connecting to Piggabeen Road in the subdivision design, to provide an alternate connection to Cobaki Parkway for the development.

The Motion was **Carried**

FOR VOTE - Unanimous

LATE ITEM

728

**Cr D Holdom
Cr B Longland**

RESOLVED that Item a38 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

a38 [EO-CM] Tender No. EC2010-132 for the Supply of Three (3) Compact Tractor Units

729

**Cr D Holdom
Cr B Longland**

RESOLVED that:

1. The tender from Northern Rivers New Holland be accepted to the value of \$144,208.35 Exclusive of GST.

2. ATTACHMENT A 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

REPORTS FROM THE DIRECTOR TECHNOLOGY AND CORPORATE SERVICES

39 [TCS-CM] Pecuniary Interest Returns 2009/2010

730

**Cr D Holdom
Cr B Longland**

RESOLVED that the Pecuniary Interest Returns for the period 1 July 2009 to 30 June 2010, as tabled, be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

40 [TCS-CM] Draft Access to Information Policy Version 1.4

731

**Cr D Holdom
Cr B Longland**

RESOLVED that Council adopts the Draft Access to Information Policy Version 1.4, which replaces the Access to Information Policy Version 1.3

The Motion was **Carried**

FOR VOTE - Unanimous

41 [TCS-CM] Budget Review - 2009/10 Carry Over Works

732

**Cr D Holdom
Cr B Longland**

RESOLVED that the:

1. Budget Review - 2009/10 Carry Over Works be adopted.
2. Expenditure and income, as detailed in the report, be voted for the year ending 30 June 2011.

The Motion was **Carried**

FOR VOTE - Unanimous

42 [TCS-CM] 2009/2010 Statutory Financial Reports / Audit Report

733

**Cr D Holdom
Cr B Longland**

RESOLVED that the statement as to Council's opinion on the general purpose financial report as required by Section 413 (2) (c) of the Local Government Act and the Special Purpose Financial Reports as required by the Local Government Code of Accounting Practice and Financial Reporting be executed.

The Motion was **Carried**

FOR VOTE - Unanimous

43 [TCS-CM] Monthly Investment Report for Period Ending 30 September 2010

This report was dealt with in conjunction with Addendum Item a43.

LATE ITEM

734

**Cr D Holdom
Cr B Longland**

RESOLVED that Item a43 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

a43 [TCS-CM] Monthly Investment Report for Period Ending 30 September 2010

735

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 30 September 2010 totalling \$152,808,811 be received and noted with the following amendments identified in bold and italics:

7. DIRECT SECURITIES

| Counterparty/ Product Name | Face Value | Market Value | % Return on Face Value | Investment Type | Final Maturity Date | Credit Rating |
|-------------------------------|-------------------|---------------|---------------------------------|--------------------|---------------------------|------------------|
| ANZ | 1,000,000.00 | 1,035,910.00 | 5.15 | Bond | 08/11/2011 | AA |
| ANZ | 1,000,000.00 | 1,095,610.00 | 8.65 | Bond | 22/04/2013 | AA |
| Bank of Queensland | 1,500,000.00 | 1,529,296.84 | 5.55 | Bond | 02/12/2010 | BBB+ |
| Bank of Queensland | 1,000,000.00 | 1,019,531.23 | 6.00 | Bond | 02/12/2010 | BBB+ |
| CBA | 1,000,000.00 | 1,010,716.84 | 5.29 | FRN | 21/01/2011 | AA |
| CBA | 1,000,000.00 | 1,023,820.54 | 6.10 | FRN | 17/04/2012 | AA |
| Deutsche Bank | 1,000,000.00 | 893,968.00 | 5.72 | FRN | 23/11/2012 | A+ |
| Macquarie/HSBC | 2,000,000.00 | 2,014,440.93 | 5.42 | FRN | 24/01/2011 | A |
| Members Equity | 2,000,000.00 | 1,919,500.00 | 5.78 | FRN | 08/03/2012 | BBB- |
| Westpac | 1,000,000.00 | 1,027,400.00 | 4.90 | Bond | 24/09/2012 | AA |
| Westpac | 1,000,000.00 | 1,027,400.00 | 5.15 | Bond | 24/09/2012 | AA |
| CBA Zero Coupon Bond | 2,000,000.00 | 2,439,600.00 | 7.28 | Bond | 22/01/2018 | AA |
| Total | 15,500,000 | 16,037,194.38 | 6.34 | | | |

ABS = Asset Backed Security

Bond = Fixed Rate Bond

CDO = Collateralised Debt Obligation

FRN = Floating Rate Note

11. PERFORMANCE BY CATEGORY

| Category | Face Value | Market Value | Average Yield | Above/(Below) 30 day BBSW Benchmark |
|---|------------------------|------------------|------------------|---|
| Overnight Money Market | \$0.00 | \$0.00 | 4.45% | -0.16% |
| Managed Funds | \$2,771,616.67 | \$2,771,616.67 | 3.79% | -0.82% |
| Direct Securities Investments | \$15,500,000.00 | \$16,037,194.38 | 6.34% | 1.73% |
| Term Deposits | \$134,000,000.00 | \$134,000,000.00 | 6.34% | 1.73% |
| Benchmark 30 Day UBS Bank Bill Index | 4.61% | \$154,271,616.67 | \$152,808,811.05 | 5.23% |

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

44 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 23 September 2010

736

Cr D Holdom
Cr B Longland

RESOLVED that the:-

1. Minutes of the Local Traffic Committee Meeting held Thursday 23 September 2010 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

A1 Moss Street, Kingscliff

As per the Committee's recommendation being:

"That 'No Parking' signage be installed along the vehicular part of the access way between numbers 7 and 9 Moss Street, joining Hungerford Lane and Moss Street, Kingscliff."

The Motion was **Carried**

FOR VOTE - Unanimous

45 [SUBCOM] Minutes of Subcommittees/Working Groups not requiring a Council decision

The Minutes of Sub-committees not requiring a decision of Council, as circulated, were received and noted.

ORDERS OF THE DAY

46 [NOM-Cr J van Lieshout] Lots 2-8 DP28597 Terranora Road, Terranora

This item was dealt with at Minute No **700**.

47 [NOM-Cr D Holdom] Kings Forest and Cobaki Native Tree Planting

NOTICE OF MOTION:

737

**Cr D Holdom
Cr K Milne**

RESOLVED that:

1. Council writes to the proponents of Kings Forest and Cobaki requesting that they undertake the Native Tree planting on both sites, as soon as possible, for the necessary establishment, growth and maintenance of same, for food and shelter provision for Native Fauna, and
2. Council writes to the Minister for Planning NSW requesting the Minister to give serious consideration to making the same written request to the proponents of Kings Forest and Cobaki.

The Motion was **Carried**

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

48 [NOM-Cr K Milne] Kings Forest and Cobaki Lakes Workshop

NOTICE OF MOTION:

738

**Cr K Milne
Cr B Longland**

PROPOSED that Council holds a workshop to discuss ways to develop satisfactory working arrangements for Council and interested stakeholders in the Kings Forest and Cobaki Lakes Developments in an effort to support these developments in achieving further sustainable outcomes including the option of involving specialised university services.

The Motion was **Lost**

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

49 [NOM-Cr K Milne] Section 94 Developer Contributions

NOTICE OF MOTION:

739

**Cr K Milne
Cr B Longland**

RESOLVED that Council holds a workshop on s94 developer contributions in regard to any perceived gaps in funding plans and what can be done to redress this.

The Motion was **Carried**

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

QUESTION TIME

50 [QON-Cr K Milne] Chemical Storage in Flood Prone Areas

QUESTION ON NOTICE:

Councillor K Milne asked:

Can Council describe the requirements for chemical storage in flood prone areas and what education residents/ businesses receive in regard to this?

The Director Planning and Regulation responded that in NSW there are strict laws to prevent water pollution. The *Protection of the Environment Operations Act 1997* sets requirements for protecting the environment from water pollution. Council and the NSW Department of Environment, Climate Change & Water (DECCW) enforce environmental legislation and are able to issue notices and fines and commence prosecutions where legislative requirements are breached.

It is important to note that a lack of knowledge about environmental legal requirements is not a defence to an offence committed in breach of environmental laws. It is the responsibility of the individual to know their obligations.

When using and storing chemicals individuals should be aware of their obligations to:

- Ensure that water does not become polluted
- Prevent spills and leaks to the environment
- Dispose of wastes appropriately

Council's Environmental Health Unit routinely responds to complaints relating to the poor storage of chemicals within the community where they pose a risk to the environment and appropriate education and action is undertaken when required.

Commercial and industrial activities are also required to comply with WorkCover NSW occupational health and safety requirements for the use and storage of chemicals classified as dangerous goods.

Council's Environmental Health Unit undertakes a thorough environmental assessment of commercial and industrial activities that may pose a risk to the environment during the development assessment process. An assessment against the WorkCover NSW Code of Practice for the Storage and Handling of Dangerous Goods and Australian Standards is undertaken and appropriate conditions are applied.

There are a range of educational resources available on the DECCW, NSW WorkCover and Tweed Shire Council websites to assist the community comply with their environmental responsibilities.

DECCW <http://www.environment.nsw.gov.au/water/index.htm>.

WorkCover NSW www.workcover.nsw.gov.au

Tweed Shire Council www.tweed.nsw.gov.au

In terms of flood prone areas, Council has not conducted any specific education relating to the management of chemical storage, although there have been various workshops held which were targeted at business owners on more general flooding issues.

Council's Development Control Plan flooding controls and DA consent conditions also require that businesses below the Q100 flood level need to provide adequate storage of flood susceptible goods and equipment.

CONFIDENTIAL COMMITTEE

740

**Cr D Holdom
Cr B Longland**

RESOLVED that Council resolves itself into a Confidential Committee 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

CONFIDENTIAL ITEMS FOR CONSIDERATION

The General Manager reported that the Confidential Committee 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 COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

1 [CNR-CM] Acceptance of Grant - Creative Industries Art Licensing Project

REASON FOR CONFIDENTIALITY:

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

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

C 53

That Council:

1. Accepts the grant from Industry & Investment NSW for the amount of \$7,500 for the art licensing and art lessons project.
2. Completes all documentation under the Common Seal of Council.
3. Votes the expenditure.

The Motion was **Carried**

FOR VOTE - Unanimous

741

Cr P Youngblutt
Cr D Holdom

RESOLVED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

FOR VOTE - Unanimous

There being no further business the Meeting terminated at 8.30pm



Minutes of Meeting Confirmed by Council

at Meeting held

Chairman