

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 20 April 2010

held at Murwillumbah Cultural & Civic Centre
commencing at 4.30pm

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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 Paul Morgan (Acting 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 Meredith Smith (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 read by the Mayor.

CONFIRMATION OF MINUTES

1 Minutes of the Ordinary and Confidential Council Meetings held Tuesday 16 March 2010

199

**Cr D Holdom
Cr J van Lieshout**

RESOLVED that the Minutes of the Ordinary and Confidential Council Meetings held Tuesday 16 March 2010 be adopted as a true and accurate record of proceedings of that meeting with an amendment to Ordinary Meeting Minute No 121-Mayoral Minute as follows:-

That Council nominates Cr Warren Polglase to attend the National General Assembly of Local Government on 14-17 June 2010 in Canberra.

The Motion was **Carried**

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Cr D Holdom wishes to declare an interest in Items 43 and 44 of the Ordinary Agenda.

The nature of the interest is that Cr D Holdom's spouse is a committee member of the Cudgen Headland Surf Life Saving Club (Item 43) and Cr D Holdom's spouse is employed as a Pool Attendant at the Tweed Regional Aquatic Centre.

Cr J van Lieshout wishes to declare an interest in Item 9 of the Ordinary Agenda.

This declaration is due to her interest in the Nightcap Village development which is located in the subject area.

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

SCHEDULE OF OUTSTANDING RESOLUTIONS

2 Schedule of Outstanding Resolutions

200

**Cr D Holdom
Cr K Skinner**

RESOLVED that the Schedule of Outstanding Resolutions be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

MAYORAL MINUTE

3 [MM] Mayoral Minute for the period 06 March to 05 April 2010

201

Cr W Polglase

RESOLVED that:-

1. The Mayoral Minute for the period 06 March to 05 April 2010 be received and noted with the following amendments:

24 March 2010 - Cr Holdom also attended the Tweed District Water Supply Augmentation Project, meeting with the Aboriginal Community - Minjungbal Museum.

12 March 2010 - Cr Holdom and Cr Youngblutt also attended the Sweetnam Park Upgrade, Official Opening.

23 March 2010 - Cr K Milne attended the Environmental Defender's Office forum on the Draft Local Environmental Plan.

18 March 2010 - Cr van Lieshout also attended the SCU Evening of Insight into the new economy.

2. The attendance of Councillors at nominated Conferences be authorised.

The Motion was **Carried**

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

202

Cr K Milne

Cr W Polglase

RESOLVED that Cr Milne attend both the Healthy Cities Conference on 12-13 July 2010 and the 3rd Victorian Sustainable Development conference on 25-26 May 2010.

The Motion was **Carried**

FOR VOTE - Unanimous

203

Cr J van Lieshout

Cr W Polglase

RESOLVED that Cr Holdom and Cr van Lieshout attend the Healthy Cities conference on 12-13 July 2010.

The Motion was **Carried**

FOR VOTE - Unanimous

a3 [MM] Tweed Local Environmental Plan 2010 - Rural Lands and Environmental Zones Concerns

LATE ITEM

204

Cr W Polglase

RESOLVED 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

205

Cr W Polglase

RESOLVED that Council:

- a. Through the attendance of relevant Council officers in respect of the upcoming meeting with the NSW Department of Planning on 12 May 2010:
 - i. Express the community and Council dissatisfaction with the constraints brought upon retaining important local planning controls by the NSW State Government's Standard LEP Template.
 - ii. Express the strong community concern and Council dissatisfaction for environmental zone controls contained within the current Draft Stage 1 Tweed Local Environmental Plan 2010.
 - iii. Seek endorsement to review State Government planning controls relating to rural land use in a timeframe consistent with Council's Stage Two comprehensive LEP review.
- b. Commences discussions with the Local Government Shires Association and NOROC to have the issue of State Government controls relating to rural land use elevated as an agenda item for the upcoming NSW State Government elections.

The Motion was **Carried**

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

ORDINARY ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

Nil.

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

4 [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

206

Cr D Holdom

Cr P Youngblutt

RESOLVED 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]
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]

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AMENDMENT

Cr K Milne
Cr B Longland

PROPOSED that Council defers 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 to enable Council to assist the telecommunications providers to conduct community consultation on the Uki phone tower.

The Amendment was **Lost**

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

The Motion was **Carried** - Minute No 206 refers

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

- 5 [PR-CM] Development Application DA09/0815 for a Four Storey Dwelling House, Inground Swimming Pool including SEPP1 Objection to Three Storey Height Limit at Lot 3 DP 1074375, No. 581 Piggabeen Road, Piggabeen

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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 Clause 16 of Tweed Local Environmental Plan 2000 to vary the 3 storey height limit.
- B. Development Application DA09/0815 for a four storey dwelling house, inground swimming pool including SEPP1 objection to three storey height limit at Lot 3 DP 1074375, No. 581 Piggabeen Road Piggabeen 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.

[GEN0015]
- 2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]
- 3. In respect of SEPP 44 Koala Habitat Protection the following conditions are imposed:
 - i) Trees are to be retained and removed in accordance with map (plan) on the second page in the Ecological Assessment/Fuel Management Report prepared by the applicant and dated 10-3-2010. No other trees are to be removed.
 - ii) Trees to be removed are to be flagged with orange tape and painted with an orange cross as well and removed prior to construction works commencing.
 - iii) Barriers are to be erected identifying trees to be retained as 'no-go zones'. These barriers are to be placed outside the critical root area (the drip-zone) prior to construction works commencing and are to remain for the period of the construction, including ancillary features.
 - iv) Koala Protection Measures – Prior to construction works, trees being removed are to be checked for koalas. If koalas are present then wait for them to move on before removing tree.
 - v) Koala Protection Measures – For the life of the development, prior to trimming or pruning trees check for koalas. If koalas are present then wait for them to move on before trimming or pruning tree.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- 3. 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]

4. Stormwater

- (a) Details of the proposed roof water disposal, 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.
- (b) All roof water shall be discharged to infiltration pits located wholly within the subject allotment.
- (c) The infiltration rate for sizing infiltration devices shall be 3m per day:
 - * As a minimum requirement, infiltration devices are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) over a range of storm durations from 5 minutes to 24 hours and infiltrate this storm within a 24 hour period, before surcharging occurs.
- (d) Surcharge overflow from the infiltration area to the street gutter, inter-allotment or public drainage system must occur by visible surface flow, not piped.
- (e) Runoff other than roof water must be treated to remove contaminants prior to entry into the infiltration areas (to maximise life of infiltration areas between major cleaning/maintenance overhauls).
- (f) If the site is under strata or community title, the community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
- (g) All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.
- (h) All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.
- (i) All infiltration devices are to be designed to allow for construction and operation vehicular loading.
- (j) All infiltration devices are to be located clear of stormwater or sewer easements.

[PCC1135]

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

- connection of a private stormwater drain to a public stormwater drain
- installation of stormwater quality control devices
- erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under 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]

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 the applicant is required to lodge an application to install/operate an onsite sewerage management system (private ejection pump station) under Section 68 of the Local Government Act 1993, pay the appropriate fee and be issued with an approval.

Any application to install/operate an onsite sewerage management system (private ejection pump station) under Section 68 of the Local Government Act 1993 shall be accompanied by three copies of detailed hydraulic design report certified by a qualified hydraulic engineer and shall address the following criteria:

- * System type and specifications including pump-well volume, pump specifications and rising main size, length and location.
- * Details of operation and maintenance
- * The sewer pump is to be constructed in a flood proof well.

Any approval to install an on site sewerage treatment system (private ejection pump station) shall comply with the hydraulic design specifications as certified by a qualified Hydraulic Engineer including all recommendations of that report and any addendum to the report to the satisfaction of Councils General Manager or his delegate.

[PCC1295]

8. Prior to the issue of the construction certificate the applicant/owner is to submit to the nominated principal certifying authority details of the external colours and finishes of the development which are sympathetic to the bushland environment.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

9. The proponent shall accurately locate and identify any existing 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. Prior to commencement of work all actions or prerequisite works required at that stage, as required by other conditions or approved management plans or the like, shall be installed/operated in accordance with those conditions or plans.

[PCW0015]

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. 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]

14. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (15) persons employed at the site. Each toilet provided must be:-
- (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the council

[PCW0245]

15. 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]

16. 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

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. 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]

19. 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]

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. 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. 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]

25. 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]

26. 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]

27. 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]

28. Swimming Pools (Building)

- (a) The swimming pool is to be installed and access thereto restricted in accordance with Australian Standard AS 1926.1 – 2007 & AS 1926.3 - 2003. (Refer Council's web site www.tweed.nsw.gov.au)
- (b) Swimming pools shall have suitable means for the drainage and disposal of overflow water.
- (c) The pool pump and filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
- (d) Warning notices are to be provided in accordance with Part 3 of the Swimming Pool Regulations 2008.

[DUR2075]

29. Backwash from the swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.

[DUR2085]

30. The proposed swimming pool is to be sited a minimum distance of 6 metres from any effluent disposal area.
[DUR2105]
31. 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]
32. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed.
[DUR2245]
33. 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]
34. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
[DUR2515]
35. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.
[DUR2525]
36. 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]
37. 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]
38. An On-site Sewage Management System shall be installed in accordance with an Approval to Install an On-site Sewage Management System under Section 68 of the Local Government Act 1993.
[DUR2775]

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 an occupation certificate,
- (a) Certification of termite protection methods performed by the person carrying out the works is to be submitted to the PCA; and
 - (b) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (i) the method of protection; and
 - (ii) the date of installation of the system; and
 - (iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (iv) the need to maintain and inspect the system on a regular basis.

[POC0235]

42. Application is to be made to Tweed Shire Council for a street address number. The number is to be prominently displayed prior to the occupation of the building.

[POC0245]

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]

RURAL FIRE SERVICE CONDITIONS

Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities.

1. At the commencement of building works and in perpetuity the property around the building shall be managed as follows 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':
 - north for a distance of 20 metres as an asset protection zone;

- east for a distance of 9 metres as an asset protection zone;
- south for a distance of 15 metres as an asset protection zone; and
- west for a distance of 19 metres as an asset protection zone (APZ). (Note: in forested areas a portion of the APZ may be maintained as an outer protection zone as specified in Table A2.7 of 'Planning for Bush Fire Protection 2006'.)

Water and Utilities

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

2. Water, electricity and gas are to comply with the following requirements of section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
 - The water source shall be made available or located within the inner protection area (IPA) and away from the structure.
 - A hardened ground surface for truck access is to be supplied up to and within 4 metres of the water source.
 - A 65mm metal Storz outlet with a gate or ball valve shall be provided.
 - In recognition that no reticulated water supply exists, a 20000 litre water supply shall be provided for fire fighting purposes.
 - Above ground tanks are manufactured of concrete or metal and raised tanks are to have their stands protected. Plastic tanks shall not be used.
 - A minimum 5hp or 3kW petrol or diesel powered pump shall be made available to the water supply. A 19mm (internal diameter) fire hose and reel shall be connected to the pump.
 - Gas cylinders kept close to the building shall have release valves directed away from the building. Connections to and from gas cylinders are to be metal. Polymer sheathed flexible gas supply lines to gas meters adjacent to building are not to be used.

Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation.

3. Property access roads shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack.

4. New construction shall comply with Australian Standard AS3959-1999 'Construction of buildings in bush fire-prone areas' Level 3.
5. All exposed/external timber used in the development shall be of a fire resistant timber species as identified in RFS Development Control Note 001.

These species include: Blackbutt, Kwila (Merbau), Red Iron Bark, Red River Gum, Silver Top Ash, Spotted Gum and Turpentine.

6. All Class 10 structures as defined per the 'Building Code of Australia' 2006 attached to or within 10 metres of the habitable building shall comply with Australian Standard AS3959-1999 'Construction of buildings in bush fire-prone areas' Level 3.
7. Roller doors, tilt-a-doors and other such doors shall be sealed to prevent the entry of embers into the building
8. Roofing shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall have a Flammability Index of no greater than 5 when tested in accordance with Australian Standard AS1530.2-1993 'Methods for Fire Tests on Building Materials, Components and Structures - Test for Flammability of Materials'.
9. Proposed bi-fold doors, french door and the like on the dwelling may be unscreened if it's a proprietary type door system incorporating, 5mm toughened glass, non combustible seals, and a design that does not permit gaps greater than 1.8mm in diameter to prevent the penetration of embers. Draught excluders, seals and door furniture shall be manufactured from materials having a "Flammability Index" no greater than 5. The entire door system (including jamb and seals) shall be designed and constructed to withstand 29kW/m² of radiant heat flux.

Landscaping

10. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'

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

6 [PR-CM] Tweed Development Control Plan Section B23 - Hastings Point Locality Based Development Code

209

Cr D Holdom

Cr P Youngblutt

RESOLVED that:-

1. The report on Tweed Development Control Plan Section B23 - Hastings Point Locality Based Development Code be received and noted;
2. Tweed Development Control Plan Section B23 - Hastings Point Locality Based Development Code be publicly exhibited for a minimum period of 60 days, in accordance with section 74E of the *Environmental Planning Assessment Act 1979*; and

3. Following public exhibition the Draft Tweed Development Control Plan, Section B23 - Hastings Point Locality Based Development Code, having regard to matters arising from the public consultation and any submissions received, a further report be submitted to Council seeking final adoption of the Plan.

The Motion was **Carried**

FOR VOTE - Unanimous

7 [PR-CM] Pottsville Locality Based Development Code

210

Cr B Longland

Cr J van Lieshout

RESOLVED that Council:-

1. Receives and notes the amendments to the publicly exhibited Draft Development Control Plan Section B21 - Pottsville Locality Based Development draft Plan, arising from the review of public consultation submissions;
2. Adopts the Development Control Plan Section B21 - Pottsville Locality Based Development draft Plan, as amended, and provided as an attachment to this report, and resolves to give public notice of the Plan's adoption in accordance with Clause 21(2) of the Environmental Planning and Assessment Regulation 2000; and
3. Requests the Director of Planning and Regulation to forward a copy of Development Control Plan Section B21 - Pottsville Locality Based Development draft Plan to the Director-General of the NSW Department of Planning in accordance with Clause 25AB of the Environmental Planning and Assessment Regulation 2000.

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

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

211

Cr P Youngblutt

Cr D Holdom

RESOLVED that Council notes the March 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

9 [CNR-CM] Water Sharing Plans

DECLARATION OF INTEREST

Cr J van Lieshout declared an Interest in this item, left the Chamber at 5.10pm and took no part in the discussion or voting. The nature of the interest is that Cr J van Lieshout has an interest in the Nightcap Village development which is located in the subject area.

212

**Cr P Youngblutt
Cr D Holdom**

RESOLVED that Council receives and notes the report on Water Sharing Plans.

The Motion was **Carried**

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

AGAINST VOTE - Cr K Milne

ABSENT. DID NOT VOTE - Cr J van Lieshout

Cr J van Lieshout has returned from temporary absence at 05:20 PM

10 [CNR-CM] Host Sponsorship - Australian Water Association (AWA) 2010 Queensland Branch Regional Conference 26-28 November 2010

213

**Cr D Holdom
Cr K Skinner**

RESOLVED that Council:-

1. Accepts the invitation to be host sponsor to the Australian Water Association (AWA) 2010 Queensland Branch Regional Conference to be held at SALT Village, Kingscliff 26-28 November 2010 for the amount of \$7,500 excl of GST.
2. Votes the expenditure from the Water and Sewer Fund budgets.

The Motion was **Carried**

FOR VOTE - Unanimous

11 [CNR-CM] Pottsville Beach Neighbourhood Centre

214

Cr D Holdom

Cr K Skinner

RESOLVED that Council:-

1. Includes in the current review of Contribution Plan 15 – Community Facilities, consideration of the revised building requirements for the Pottsville Community Centre.
2. Seeks community feedback on the proposed new Community Centre at Pottsville.
3. Proceeds with finalising concept design and estimate for the proposed new community centre at Pottsville.
4. Officers bring forward a further report to Council prior to the lodgement of the Development Application.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

12 [CNR-CM] Nomination of Youth Representative to State Conference

215

Cr D Holdom

Cr K Skinner

RESOLVED that Council:

1. Approves the expenditure for travel costs to the Community Economic Development conference in Broken Hill from 4 to 6 May 2010 for Council's nominated youth representative, Shey Doyle, from Youth Development project funds.
2. Receives a conference report from the youth representative Shey Doyle.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

13 [CNR-CM] Combined Neighbourhood Watch Funds under the NSW Government Community Building Grants

216

**Cr D Holdom
Cr K Skinner**

RESOLVED that Council:-

1. Accepts the grant of \$5,000 from the NSW Government Community Building Grants to assist the Combined Neighbourhood Watch.
2. Votes the expenditure and completes all necessary documents.

The Motion was **Carried**

FOR VOTE - Unanimous

14 [CNR-CM] Request for "in Kind" Support/Waive Fee

217

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council:-

1. With reference to the request from Tweed Valley Jazz Club Inc, provides the Murwillumbah Civic Centre Auditorium free of charge for a free workshop for high school music students on 1 June 2010, 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 Northern Rivers Writers' Centre, provides the Murwillumbah Civic Centre Auditorium for a reduced fee of \$95 being 50% of the full fee of \$190 for the primary schools event which is part of the 2010 Byron Bay Writers Schools Program on 4 August 2010, and that Council's support is recognised with the following acknowledgement "This program has been supported by Tweed Shire Council".
3. With reference to the request from the Murwillumbah Theatre Company, provides the Murwillumbah Civic Centre Auditorium for a reduced fee of \$13.50 per hour for rehearsals being 50% of the full fee of \$27.00, and a reduced fee of \$110.50 per performance being 50% of the full fee of \$221.00, for a period of 12 months.

The Motion was **Carried**

FOR VOTE - Unanimous

15 [CNR-CM] North East Waste Forum (NEWF) Membership 2010/2011

218

Cr D Holdom

Cr P Youngblutt

RESOLVED that Council renews membership to the North East Waste Forum (NEWF) for 2010-2011 and reviews its ongoing membership upon the completion of the Level 2 review referred to in the report.

The Motion was **Carried**

FOR VOTE - Unanimous

16 [CNR-CM] 2009/2010 Fees and Charges - New Waste Management Fees

219

Cr D Holdom

Cr P Youngblutt

RESOLVED that the following fees be adopted and included in Council's Fees and Charges Register:

Commercial Garbage Services - Non-Domestic Waste Management
80L garbage per service \$3.00
140L garbage per service \$3.00
240L recycling per service \$3.86

The Motion was **Carried**

FOR VOTE - Unanimous

17 [CNR-CM] Policy - Waiving of Disposal Fees (Waste Management)

220

Cr D Holdom

Cr B Longland

RESOLVED that Council places the Waiving of Disposal Fees Policy on exhibition for twenty-eight (28 days) in accordance with Section 160 of the Local Government Act 1993.

The Motion was **Carried**

FOR VOTE - Unanimous

18 [CNR-CM] Jobs Fund Project 'Building the Environmental Capacity of Tweed Valley Farmland' - Works on Private Property

221

Cr D Holdom

Cr P Youngblutt

RESOLVED that Council:-

1. Approves the expenditure as detailed in the Jobs Fund funding agreement to undertake rehabilitation works on private land as detailed in the report.
2. Votes the expenditure and completes all necessary paperwork under the Common Seal of Council if required.

The Motion was **Carried**

FOR VOTE - Unanimous

19 [CNR-CM] NSW Environmental Trust Grant 2009/SL/0071 - Recovery of Threatened Species in Priority Implementation Areas

222

Cr D Holdom

Cr P Youngblutt

RESOLVED that Council accepts the grant of \$100,000 from NSW Environmental Trust Grant 2009/SL/0071 – Recovery of Threatened Species in Priority Implementation Areas.

The Motion was **Carried**

FOR VOTE - Unanimous

20 [CNR-CM] Proposed Biodiversity Grants

223

Cr D Holdom

Cr P Youngblutt

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

TEMPORARY ABSENCE FROM MEETING

Cr K Skinner left the meeting at 05:39 PM

The Motion was **Carried**

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr K Skinner

21 [CNR-CM] Provision of Funding by NSW Land and Property Management Authority towards Indian Myna Control on Crown Lands in Tweed and Byron Catchments

224

Cr D Holdom
Cr P Youngblutt

RESOLVED that Council:-

1. Accepts the grant of \$3500 from the NSW Land and Property Management Authority to contribute to Indian Myna control on Crown Land in Tweed and Byron Shires.
2. Votes the expenditure.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr K Skinner

22 [CNR-CM] Koala Plan of Management

225

Cr P Youngblutt
Cr J van Lieshout

RESOLVED that Council:-

1. Accepts the grant of \$40,000 from the NSW Department of Environment, Climate Change and Water to undertake koala field surveys and associated works as part of a Comprehensive Koala Plan of Management under SEPP 44.
2. Notes the commencement of the Tweed Coast Koala Habitat Study (Stage 1) in preparation for the Comprehensive Koala Plan of Management (Stage 2).
3. Endorses the Tweed Coast Koala Advisory Group Terms of Reference.

4. Nominates a Councillor representative to sit on and chair the Tweed Coast Koala Advisory Group.
5. Calls for nomination from the community and the community groups as detailed in the attached Terms of Reference for positions on the Tweed Coast Koala Advisory Committee.
6. Officers bring forward a report with recommendations on the membership of the Tweed Coast Koala Advisory Committee.

Cr P Youngblutt
Cr J van Lieshout

RESOLVED council nominates Cr D Holdom to sit on and chair the Tweed Coast Koala Advisory Group.

TEMPORARY ABSENCE FROM MEETING

Cr B Longland left the meeting at 05:41 PM

RETURN TO MEETING

Cr K Skinner has returned from temporary absence at 05:41 PM
Cr B Longland has returned from temporary absence at 05:41 PM

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

23 [CNR-CM] Regulation of Traffic - Heath Road, Round Mountain

226

Cr K Skinner
Cr D Holdom

RESOLVED that Council:

1. Under section 122 of the Roads Act 1993, regulates the traffic on Heath Road, Round Mountain by means of a gated structure
2. Advertises the regulation of traffic on Heath Road, Round Mountain in the Tweed Link.

The Motion was **Carried**

FOR VOTE - Unanimous

24 [CNR-CM] Increasing Solar Power in the Tweed

227

Cr D Holdom

Cr P Youngblutt

RESOLVED that Council:-

1. Endorses the Tweed Shire Council Solar Rooftops Plan to establish a framework for installing solar photovoltaic systems on community facilities.
2. Endorses the Solar Alliance proposal to increase the voluntary uptake of solar power in the local community and to contribute to the implementation of the Tweed Shire Council Solar Rooftops Plan.

The Motion was **Carried**

FOR VOTE - Unanimous

25 [CNR-CM] National Greenhouse and Energy Reporting Scheme

228

Cr B Longland

Cr J van Lieshout

RESOLVED that the report on the National Greenhouse and Energy Reporting Scheme be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

26 [CNR-CM] Northern Rivers Food Links - Update

229

Cr P Youngblutt

Cr K Skinner

RESOLVED that Council:-

1. Endorses Option Two for the establishment of the Local Government Area Reference Group as detailed in the report.
2. Nominates Cr van Lieshout to participate in the project launch, being a *'local food cook off'* between a Councillor, chef and hospitality student.

The Motion was **Carried**

FOR VOTE - Unanimous

27 [CNR-CM] Policy - Oxley Cove Canal Estate - Flood Debris Removal

230

Cr D Holdom

Cr P Youngblutt

PROPOSED that the Oxley Cove Canal Estate - Flood Debris Removal Policy be placed on public exhibition in accordance with Section 160 of the Local Government Act 1993, following which a report be brought forward for Council's consideration for adoption.

231

AMENDMENT

Cr K Skinner

Cr K Milne

RESOLVED that this Item be deferred to allow a Workshop to be scheduled.

The Amendment was **Carried**

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

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

The Amendment on becoming the Motion was **Carried** - (Minute No 231 refers)

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

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

REPORTS FROM THE ACTING DIRECTOR ENGINEERING AND OPERATIONS

28 [EO-CM] Double View Road - Parish of Condong - Road Closure Application

232

Cr D Holdom

Cr P Youngblutt

RESOLVED that:-

1. Council consents to the closure of part of the road reserve that runs through Lots 9-12 in DP 11924, and north south and east of Lot 2 in DP 563711 at Farrants Hill; and
2. As a condition of this consent the owners of Lots 1 and 2 DP 563771 are to open and dedicate public road access from Booths Road to the boundary of Lot 69 DP 755698 prior to closure of the road reserve.

3. As a condition of the consent, the owners of Lots 11 and 12 in DP 11924 be required to create a Right of Carriageway in favour of Lot 11 and burdening Lot 12 to secure access to Lot 11 in the event that Lot 11 is sold separately to Lot 12.
4. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by a local registered valuer;
5. Easements be created over public authority reticulation services, if any; and
6. All necessary documentation be 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

29 [EO-CM] Lot 52 DP 755685 - Parish of Berwick - Road Closure Application

233

Cr D Holdom

Cr P Youngblutt

RESOLVED that Council objects to the closure and purchase by the applicant of the section of Crown road reserve west of Lot 52 in DP 755685 at Dungay.

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

30 [EO-CM] Lot 311 DP1000653 Parish of Mooball - Road Closure Application

234

Cr D Holdom

Cr P Youngblutt

RESOLVED that:-

1. Council approves the closure of part of the road reserve on the eastern boundary of Lot 311 in DP 1000653 at Cudgera Creek; and
2. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by a local registered valuer;

3. Easements be created over public authority reticulation services, if any; and
4. All necessary documentation be 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

31 [EO-CM] Parish of Nullum - Road Closure Application

235

Cr D Holdom

Cr P Youngblutt

RESOLVED that Council objects to the closure and purchase by the applicant of the section of Crown road reserve within Lot 40 in DP 755730 and Lot 2 DP 539592, south of Lot 3 in DP 44783 and north and east of Lot 4 in DP 44783 at Rowlands Creek.

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

32 [EO-CM] Lot A in DP 108795 - Parish of Tyalgah - Road Closure Application

236

Cr D Holdom

Cr P Youngblutt

RESOLVED that Council objects to the closure and purchase by the applicant of the sections of Crown road east and west of Lot A in DP 108795 at Tyalgah.

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

33 [EO-CM] Lot 4 DP 733832 - Parish of Tyalgum - Road Closure Application

237

Cr D Holdom

Cr P Youngblutt

RESOLVED that:-

1. Council consents to the closure of part of the road reserve that runs west of Lot 4 in DP 733832 at Brays Creek; and
2. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by a local registered valuer;
3. Easements be created over public authority reticulation services, if any; and
4. All necessary documentation be executed under 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

34 [EO-CM] Lot 10 in DP 1131920 - Parish of Dunbible - Road Closure Application

238

Cr D Holdom

Cr P Youngblutt

RESOLVED that Council

1. Objects to the closure and purchase by the applicant of the sections of Crown road along the eastern and northern boundaries of Lot 10 in DP 1131920 and the first 100m along the eastern boundary of Lot 11 in DP 1131920 at Byangum.
2. Does not object to the closure and purchase by the applicant of the sections of Crown road which runs through Lot 10 in DP 1131920 and into Lot 1 in DP 583624.

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

35 [EO-CM] Lot 1 in DP 755754 - Parish of Wollumbin - Road Closure Application

239

Cr D Holdom

Cr P Youngblutt

RESOLVED that Council:-

1. Objects to the closure and purchase by the applicant of the sections of Crown road forming part of the southern and eastern boundaries of Lot 1 in DP 755754 as well as the narrow Crown road reserve east and within Lot 10 in DP 755754 at Byangum.
2. Does not object to the closure and purchase by the applicant of the sections of Crown road reserve which run east and through Lot 30 in DP 755754.

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

36 [EO-CM] Lot 5 DP 377684 Parish of Condong - Road Closure Application

240

Cr D Holdom

Cr P Youngblutt

RESOLVED that:-

1. Council consents to the closure of part of the road reserve that runs south of Lot 5 in DP 600974 within Lot 3 in DP 834433 north and west of Lot 5 in DP 377684 at Eviron; and
2. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by a local registered valuer;
3. Easements be created over public authority reticulation services, if any; and
4. All necessary documentation be 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

37 [EO-CM] Lot 95 in DP 755754 - Parish of Murwillumbah and Wollumbin - Road Closure Application

241

Cr D Holdom

Cr P Youngblutt

RESOLVED that Council:-

1. Objects to the closure and purchase by the applicant of the sections of Crown road reserve which runs along the eastern boundary of Lot 4 DP 705636 and Crown road separating Lot 95 in DP 755754 from the Tweed River at Eungella and Byangum.
2. Does not object to the closure and purchase by the applicant of the sections of Crown road reserve which run through Lot 4 in DP 705636.

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

38 [EO-CM] Doon Doon - Naming of a Council Public Road

242

Cr D Holdom

Cr P Youngblutt

RESOLVED that Council:-

1. Publicises its intention to name the road that runs off Lone Pine Road approximately 1km north from the intersection of Commissioners Creek Road at Doon Doon as Cypress Lane.
2. Notifies the relevant authorities under the provisions of the Roads (General) Regulation 2000.

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] Pottsville - Naming of a Council Public Road

243

Cr D Holdom

Cr P Youngblutt

RESOLVED that Council:-

1. Publicises its intention to name the road that runs off Coronation Avenue next to St Marks Anglican Church as Berkleys Lane.
2. Notifies the relevant authorities under the provisions of the Roads (General) Regulation 2000.

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

40 [EO-CM] Unformed Part of Road Reserve - Ozone Street, Chinderah

244

Cr K Skinner

Cr D Holdom

RESOLVED that:-

1. Council orders the landowner of the Tweed Heritage Caravan Park operating on Lots 102, 103 and 104 in DP 755701, at his/her own cost, to remove, within 28 days of receiving a notice, all unauthorised obstructions, including caravans, locked gate and other items, stored or located within the unformed road reserve of Ozone Street on the southern boundary of the above lots pursuant to the authority granted under section 107 of the Roads Act, 1993.
2. If such caravans, locked gate and other items are not removed, then Council is to remove the caravans, locked gate and other items from the road reserve and charge costs plus overheads and administrative costs to the landowner of the Tweed Heritage Caravan Park operating on Lots 102, 103 and 104 in DP 755701.

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

41 [EO-CM] Easement for Underground Powerlines 3 wide within Lot 14 in DP 746154, Lot 836 in DP 856271 and Lot 1435 in DP 1005048 - Foxhill Place, Banora Point

245

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that:-

1. Council approves the creation of an Easement for Underground Powerlines 3 wide within Lot 14 in DP 746154, Lot 836 in DP 856271 and Lot 1435 in DP 1005048;
2. Country Energy bears all survey and legal costs relating to the creation of the Easement for Underground Powerlines; and
3. Council executes all documentation under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

42 [EO-CM] Variation of Restriction on Use Created in DP 1120559 - 32 Kellehers Road, Pottsville

246

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council advises the applicant that it will not consider the modification of the Restriction of Use created over Lot 272 in DP 1120559 until the Department of Ageing, Disability and Home Care (DADHC) provides evidence and results of the public consultation.

The Motion was **Carried**

FOR VOTE - Unanimous

43 [EO-CM] EC2010-019 Kingscliff Foreshore Protection Project Construction of Cudgen Headland Surf Life Saving Club Seawall

DECLARATION OF INTEREST

Cr D Holdom declared an Interest in this item, left the Chamber at 06:22 PM and took no part in the discussion or voting. The nature of the interest is that Cr D Holdom's spouse is a committee member of the Cudgen Headland Surf Life Saving Club.

247

Cr B Longland
Cr K Skinner

RESOLVED that:-

1. The tender from Australian Sheet Piling Pty Ltd be accepted to the value of \$369,900 exclusive of GST for Tender EC2010-019 Kingscliff Foreshore Protection Project Construction of Cudgen Headland Surf Life Saving Club Seawall.
2. ATTACHMENT A be treated as 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 - Cr P Youngblutt, Cr K Skinner, Cr B Longland, Cr J van Lieshout, Cr W Polglase

AGAINST VOTE - Cr K Milne

ABSENT. DID NOT VOTE - Cr D Holdom

44 [EO-CM] EC2010-033 Expressions of Interest for the Leased Management Rights of the Tweed Regional Aquatic Centre

DECLARATION OF INTEREST

Cr D Holdom declared an Interest in this item, left the Chamber at 06:23 PM and took no part in the discussion or voting. The nature of the interest is that Cr D Holdom's spouse is employed as a Pool Attendant at the Tweed Regional Aquatic Centre.

248

Cr K Skinner
Cr P Youngblutt

RESOLVED that:-

1. Council invites Abermain Holdings, Belgravia Leisure, Blue Fit and DUSwimming to submit a tender for the Leased Management Rights of the Tweed Regional Aquatic Centre.
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 - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr D Holdom

45 [EO-CM] EC2010-017 Supply and Laying of Asphaltic Concrete Overlays

RETURN TO MEETING

Cr D Holdom has returned from temporary absence at 06:28 PM

249

Cr K Skinner
Cr B Longland

RESOLVED that:-

1. The tender from Suncoast Asphalt Pty Ltd be accepted to the value of \$330,254.55 exclusive of GST for tender EC2010-017 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. 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.

FOR VOTE - Unanimous

46 [EO-CM] Jack Evans Boat Harbour - EC2009-143 Foreshore, Boardwalk, Amenities Facilities, Landscaping and Associated Construction Works

250

Cr D Holdom

Cr P Youngblutt

RESOLVED that:-

1. Council awards the contract EC2009-143 Foreshore, Boardwalk, Amenities Facilities, Landscaping and Associated Construction Works for the Jack Evans Boat Harbour to Multi Span Australia Pty Ltd for Work Package 2 (Stage 1A and Stage 1B) for the lump sum price of \$6,189,414.55 excluding GST.
2. The General Manager be given delegated authority to approve variations up to 20% above the initial contract price.
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 - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr J van Lieshout, Cr W Polglase

AGAINST VOTE - Cr K Milne

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.39pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.39pm

a46 [EO-CM] Purchase of Lot 1 DP 10436, 121 Kennedy Drive, Tweed Heads

LATE ITEM

251

Cr D Holdom

Cr P Youngblutt

RESOLVED that Item a46 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

252

Cr D Holdom

Cr P Youngblutt

RESOLVED that where it relates to the purchase of Lot 1 DP 10436, all necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR TECHNOLOGY AND CORPORATE SERVICES

47 [TCS-CM] Policy - Business Continuity Management

253

Cr D Holdom

Cr P Youngblutt

RESOLVED that :-

1. The Business Continuity Management Policy Version 1.0 be adopted and included as a Corporate Policy in accordance with Section 161(2) of the Local Government Act 1993 and that there be an annual review date, being the anniversary date, included through amendment of Section 3.1 of the policy.

2. In accordance with Section 377 of the Local Government Act 1993 the General Manager be granted delegated authority in the event of the Business Continuity Plan being implemented to approve emergency expenditure to a limit of \$1 million, to be expended as required to maintain the operations of the Council.

The Motion was **Carried**

FOR VOTE - Unanimous

48 [TCS-CM] Policy - Enterprise Risk Management

254

Cr D Holdom

Cr P Youngblutt

RESOLVED that the Enterprise Risk Management Policy Version 1.0 be adopted as a Corporate Policy of Council in accordance with Section 161(2) of the Local Government Act 1993.

The Motion was **Carried**

FOR VOTE - Unanimous

49 [TCS-CM] Monthly Investment Report for Period Ending 31 March 2010

255

Cr D Holdom

Cr P Youngblutt

RESOLVED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at 31 March 2010 totalling \$121,130,909 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

50 [TCS-CM] Tweed Futures 2004/2024 Strategic Plan

256

**Cr B Longland
Cr D Holdom**

PROPOSED that:

1. The review of Tweed Futures 2004/2024 Strategic Plan be noted and the outstanding and ongoing actions identified within this plan be transferred to form the basis of the Community Strategic Plan.
2. The Tweed Futures 2004/2024 Strategic Plan document be finalised effective from the date of this Council meeting.

257

AMENDMENT

**Cr K Milne
Cr J van Lieshout**

RESOLVED that this item be deferred to allow a workshop to be scheduled.

The Amendment was **Carried**

FOR VOTE - Unanimous

The Amendment on becoming the Motion was **Carried** - (Minute No 257 refers)

FOR VOTE - Unanimous

51 [TCS-CM] Policy - Refund Transaction Version 1.0

258

**Cr K Skinner
Cr P Youngblutt**

RESOLVED that :-

1. Council approves the inclusion in the draft 2010/2011 Fees and Charges of a Refund Administration Fee structure as follows:
 - a. A \$20.00 Administration Fee will apply to all refunds due to overpayments where the applicant is at error.
 - b. A \$20.00 Administration Fee will apply to the following services when the application is withdrawn/cancelled in writing from the applicant once lodged in Council's system:

- 603 & 149 (2) (5) Certificates
 - Dwelling Entitlement Search
 - Dwelling Consent Search
 - Drainage Diagram
 - Swimming Pool Certificate
 - Outstanding Notices Building or Health
 - Caravan Parks, Camping Grounds, Manufactured Homes.
 - Section 68 Stormwater Drainage Works
 - Section 138 Driveway Access to Property
 - Water Services
 - Freedom of Information Request
- c. A \$60.00 Administration Fee will apply to the following services when the application is withdrawn/cancelled in writing from the applicant once lodged in Council's system:
- Building Information
 - Construction Certificate Fees
 - Complying Development Certificate Fees
 - Sewer Application
 - On Site Sewage Management System Application
 - Stormwater Application
- d. Building Certificate Fee – 75% of original fee
- e. Development Application Fees - calculated by Town Planner or Building Surveyor as per Section 52 Environmental Planning and Assessment Regulation 2000
2. The Refund Transaction Policy be advertised in conjunction with the Draft Management Plan, Draft Fees and Charges, Draft Revenue Policy and Draft Budget.

The Motion was **Carried**

FOR VOTE - Unanimous

52 [TCS-CM] 2010/2013 Draft Management Plan, incorporating the 2010/2011 Draft Budget, Draft Revenue Policy and Draft Fees and Charges

259

Cr D Holdom

Cr P Youngblutt

RESOLVED that:

1. Council places the 2010/2013 Draft Management Plan, incorporating the 2010/2011 Draft Budget, Draft Revenue Policy and Draft Fees and Charges on exhibition for public comment from Friday 23 April 2010 to Monday 24 May 2010.
2. Copies of the 2010/2013 Draft Management Plan, 2010/2011 Draft Budget, Draft Revenue Policy and Draft Fees & Charges be available on Council's website, at the Civic Centre offices and libraries and copies provided to each of the resident, community and business groups detailed in the report.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

53 [SUB-AAC] Minutes of the Tweed Shire Council Aboriginal Advisory Committee meeting Committee Meeting held Friday 5 March 2010

260

Cr D Holdom

Cr P Youngblutt

RESOLVED that the:-

1. Minutes of the Tweed Shire Council Aboriginal Advisory Committee Meeting held Friday 5 March 2010 be received and noted; and
2. Executive Management Team's recommendations be adopted as follows

AI 2 4 Lot Industrial Subdivision – DA09/0006

Recommendation that Council notes the concerns of the Aboriginal Advisory Committee in relation to the Ozone Street development on the potential impact of the adjoining waterway.

GB 1 60 Tringa Street, Tweed Heads West

As per the Committee's recommendation, being that, Council considers a Cultural Heritage Assessment being performed on the proposed section 96 Development Application, Industrial Development site, 60 Tringa Street, Tweed Heads West.

GB 2 Local Environment Plan (LEP)

Recommendation that Council recognises the request from the Aboriginal Advisory Committee to extend the LEP exhibition period by two months and notes that at its meeting of 16 March 2010, Council extended the period by one month.

TEMPORARY ABSENCE FROM MEETING

Cr K Skinner left the meeting at 08:10 PM

The Motion was **Carried**

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr K Skinner

54 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 25 March 2010

261

Cr D Holdom
Cr P Youngblutt

RESOLVED that the:-

1. Minutes of the Local Traffic Committee Meeting held Thursday 25 March 2010 be received and noted; and
2. Executive Management Team's recommendations be adopted as follows

A1 (LTC) Unnamed Road off Coronation Avenue, Pottsville

1. *A loading zone posted as '9.00am - 5.00pm Mon - Fri, 9.00am - 12pm Sat' on Coronation Avenue, Pottsville be installed adjacent to the recently constructed shops to cater for a small commercial vehicle only.*
2. *The existing 'evenings only' loading zone be shortened to accommodate the daytime loading zone in (1) above.*
3. *"No Parking" signage be installed in the vehicle turnaround area in the unnamed lane off Coronation Avenue, Pottsville.*

A2 (LTC) Prospero Street, South Murwillumbah

1. *The existing Mail Zone located in Prospero Street, South Murwillumbah be amended by including the following hours of operation:-*

"2.30pm - 4.30pm Monday - Friday"
2. *The mail zone also be marked as 15 minute time limited parking 9.00am to 2.30pm Monday to Friday.*

The Motion was **Carried**

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr K Skinner

55 [SUBCOM] Minutes of Subcommittees Not Requiring a Decision of Council

The report on Minutes of Subcommittees not requiring a decision of Council was received and noted.

ORDERS OF THE DAY

56 [NOR-Crs J van Lieshout, W Polglase and P Youngblutt] Vegetation Clearing at Lot 4 DP 1106447 Tweed Coast Road, Chinderah

RETURN TO MEETING

Cr K Skinner has returned from temporary absence at 08:10 PM

NOTICE OF RESCISSION:

262

Cr J van Lieshout
Cr P Youngblutt

RESOLVED that Council resolution at Minute No 151 in relation to Item 19 of the Meeting held 16 March 2010 being:

".... that a Penalty Infringement Notice (PIN) be issued to the owner of Lot 4 DP 1106447 Tweed Coast Road, Chinderah for breach of Council's Tree Preservation Orders."

be rescinded with no further action be taken and the Penalty Infringement Notice (PIN) be withdrawn.

The Motion was **Carried**

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

57 [NOM-Cr B Longland] Memorial - Vicinity Byangum Bridge

NOTICE OF MOTION:

263

Cr B Longland
Cr D Holdom

RESOLVED that Council brings forward a report on the feasibility of establishing a suitable memorial to the Hatton family on Council land in the vicinity of the Byangum Bridge. The memorial to be centred around a replanted seedling taken from the original "Hatton's fig tree" adjacent to Kyogle Rd at Byangum which has to be removed for safety reasons. Council should consult with the Uki & South Arm Historical Society to determine a suitable dedication for the newly planted fig tree.

The Motion was **Carried**

FOR VOTE - Unanimous

58 [NOM-Cr D Holdom) Far North Coast Regional Strategy - Environmental Zone Reduction(s)

NOTICE OF MOTION:

This item was withdrawn by the mover of the motion, Cr Holdom.

59 [NOM-Cr K Milne] Section 94 Plans

NOTICE OF MOTION:

264

Cr K Milne
Cr B Longland

PROPOSED that Council investigates the possible engagement of consultants through the Institute of Sustainable Futures and Social Advocacy Networks to review Council's section 94 plans.

TEMPORARY ABSENCE FROM MEETING

Cr B Longland left the meeting at 08:29 PM

The Motion was **Lost**

FOR VOTE - Cr K Milne

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

ABSENT. DID NOT VOTE - Cr B Longland

60 [NOM-Cr K Milne] Population Committee

NOTICE OF MOTION:

This item lapsed as there was no seconder to the Motion.

RETURN TO MEETING

Cr Longland has returned to the meeting at 8.30PM.

61 [NOM-Cr K Milne] Sustainable Water Options

NOTICE OF MOTION:

This item lapsed as there was no seconder to the Motion.

62 [NOM-Cr K Milne] Local Environment Plan Exhibition Extension

NOTICE OF MOTION:

265

Cr K Milne

Cr B Longland

PROPOSED that the exhibition of the draft Tweed Local Environment Plan 2010 be extended for a further one month until the end of May 2010 due to the complexity of the documents, the significant implications for the Tweed, and the need to ensure that the Tweed environment is provided with protection appropriate to its internationally significant status.

266 PROCEDURAL MOTION

Cr K Milne

PROPOSED a Motion of dissent in the chair.

FOR VOTE - Cr K Milne

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

The Motion was **Lost**

FOR VOTE - Cr B Longland, Cr K Milne

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

63 [NOM-Cr K Milne) Local Environment Plan Fact Sheets

NOTICE OF MOTION:

This item lapsed as there was no seconder to the Motion.

64 [NOM-Cr K Milne) Local Environment Plan Public Consultation

NOTICE OF MOTION:

This item lapsed as there was no seconder to the Motion.

65 [NOM-Cr K Milne] Food Policy

NOTICE OF MOTION:

This item lapsed as there was no seconder to the Motion.

66 [NOM-Cr K Milne] Investment Opportunities

NOTICE OF MOTION:

This item lapsed as there was no seconder to the Motion.

67 [NOM-Cr K Milne] Banora Point Highway Upgrade

NOTICE OF MOTION:

This item lapsed as there was no seconder to the Motion.

68 [NOM-Cr K Milne] Rowing and Canoeing Policy

NOTICE OF MOTION:

267

**Cr K Milne
Cr J van Lieshout**

PROPOSED that a report be brought forward on the development of a policy to promote the opportunities for rowing and canoeing on the Tweed River in light of the Olympic grade level of the Rowing Course at Murwillumbah and the ideal natural attributes of the Waterways.

The Motion was **Lost**

FOR VOTE - Cr K Milne, Cr J van Lieshout, Cr W Polglase

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

69 [NOM-Cr K Milne] Tweed Wetlands

NOTICE OF MOTION:

268

**Cr K Milne
Cr B Longland**

PROPOSED that Council holds a workshop on the state of the Tweed Wetlands and pressures from development such as at Waterlily Close Nunderi.

The Motion was **Lost**

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

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

70 [NOM-Cr K Milne] Food Stalls and the Tweed Road Contributions Plan

NOTICE OF MOTION:

This item lapsed as there was no seconder to the Motion.

QUESTIONS ON NOTICE

71 [QT-Cr K Milne] Breaches

QUESTION ON NOTICE:

Councillor K Milne asked can the Director Planning and Regulation outline Council's policy for development breaches of the Environmental Planning and Assessment Act and the imposition of fines for developers?

The Director Planning and Regulation responded that Council receives daily submissions (phone calls, written, counter) from the public regarding potential development breaches and related compliance matters. Council investigates these items within resource constraints. Various forms of information gathering is carried out such as zoning checks, site inspections, consent searches, file history searches, interview with owners, operations, neighbours, liaison with State Government agencies, legal advice etc. Action is determined according to the circumstances which accords with Council's adopted Enforcement Policy. This Policy was prepared in accordance with the NSW Ombudsman's Office document, "Enforcement Guidelines for Councils". A variety of actions may be undertaken by Council such as requiring lodgement of the Development Application, stop work/use, lodgement of a DA and PIN, PIN, Class 4 Civil Proceedings, Class 5 Criminal Proceedings.

72 [QT-Cr K Milne] Cobaki Infrastructure

QUESTION ON NOTICE:

Councillor K Milne asked can the General Manager provide details on any real or potential costs implications for Tweed ratepayers through the infrastructure requirements of Cobaki Lakes development?

The General Manager responded that Council has an extensive range of s64 (Water and Sewer) and s94 (Community Infrastructure including arterial roadworks) Contribution Plans that are to be applied to the Cobaki Lakes Project. Council officers across all infrastructure areas have applied and negotiated infrastructure provisions consistent with Planning and Infrastructure policies that are applied generally to development in the Tweed.

Real or potential cost implications could well eventuate if the approval does not embrace those infrastructure issues identified by Council in various submissions to the Department of Planning.

73 [QT-Cr K Milne] Draft Local Environment Plan Implications

QUESTION ON NOTICE:

Councillor K Milne asked can the Director Planning and Regulation outline any proposed changes to the current planning controls with the draft Local Environment Plan that have major implications for the Tweed environment or residents other than those already identified through previous questions?

The Director Planning and Regulation responded that major changes to current planning controls arising from the Draft Tweed LEP 2010 are described in detail within the public exhibition material, which are accessible through both hard copy form in advertised public venues and electronic form on Council's web sites. At this stage, I am not aware of any further major implications relating to the draft planning controls to those outline in the public exhibition material and highlighted in public responses to date. There may be further issues arising from the submissions made in respect of the draft LEP, and in any subsequent discussions with the NSW Department of Planning.

74 [QT-Cr K Milne] Implications in the draft Local Environment Plan for Koala Habitat and the Koala Plan of Management

QUESTION ON NOTICE:

Councillor K Milne asked can the Director Planning and Regulation outline the implications of the draft Local Environment Plan (dLEP) for reduced protection for koala habitat and corridors and the potential for reduced effectiveness of the forthcoming Koala Plan of Management under the new controls proposed in the dLEP?

The General Manager responded that significant work is required to respond to the question and the question should therefore be put forward as a Notice of Motion.

75 [QT-Cr K Milne] Compliance Issues Cobaki Lakes and Kings Forest

QUESTION ON NOTICE:

Councillor K Milne asked can the Director Planning and Regulation provide details of inspections to monitor compliance issues at Kings Forest and Cobaki Lakes over the last two years and any updates or outcomes of these inspections, including the adequacy of current erosion and sediment control measures utilised, especially in light of concerns for the Cobaki Broadwater?

The General Manager responded that significant work is required to respond to the question and the question should therefore be put forward as a Notice of Motion.

COMMITTEE OF THE WHOLE

269

Cr D Holdom

Cr P Youngblutt

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

TEMPORARY ABSENCE FROM MEETING

Cr K Milne left the meeting at 08:59 PM

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

ABSENT. DID NOT VOTE - Cr K Milne

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 PLANNING AND REGULATION IN COMMITTEE

1 [PR-CM] Unauthorised Earthworks and Clearing at Lot 2 DP 871483, Lot 14 DP 252178, Lot 1 DP 871483, No. 975 Tomewin Road, Tomewin

REASON FOR CONFIDENTIALITY:

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

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

RETURN TO MEETING

Cr K Milne has returned from temporary absence at 09:01 PM

C 22

That: -

1. Council engages its Solicitors to commence legal proceedings (for a breach of the Environmental Planning and Assessment Act 1979 (as amended)) in respect of the following unauthorised works:
 - (a) Substantial earthworks including the construction of a pad site within the 7(d) Environmental Protection (Scenic/Escarpment) Zone without the prior approval of Council;
 - (b) Vegetation removal in the 7(d) Environmental Protection (Scenic/Escarpment) Zone without the prior approval of Council, including the following:
 - Removal of a vegetation community on site which is considered to comprise of Endangered Ecological Community Lowland Rainforest;
 - Removal of a threatened plant species, the Crystal Creek Walnut (*Endiandra floydii*);
 - Removal of a threatened plant species, the Rough-shelled Bush Nut (*Macadamia tetraphylla*);
2. The owner implements adequate measures immediately to prevent any further erosion and sedimentation occurring in accordance with the Protection of the Environment Operations Act 1997.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE ACTING DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

2 [EO-CM] Land Acquisition for Road - Centennial Drive, 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 23

That:-

1. Council approves the acquisition of Lots 1 DP 1148830 for public road purposes under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary application to the Minister and/or Governor;

2. Lot 1 in DP 1148830 be dedicated as road following gazettal of the acquisition; and
3. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

3 [EO-CM] Acquisition of Land for Road - Brooks Road, Kynnumboon

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 24

That:-

1. Council approves the compensation payable to the owner of Lot 12 in DP 714939 for the acquisition and dedication of road as noted in the body of the report.
2. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

4 [EO-CM] Urban Addressing - Bilambil Heights

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 25

That Council notifies:-

1. The residents currently known as 2-12 Warringa Drive that their legal addresses will change to 3-13 Nabilla Street and take effect as at the date of this Council resolution; and

2. All relevant authorities.

The Motion was **Carried**

FOR VOTE - Unanimous

270

Cr K Skinner

Cr D Holdom

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

The Motion was **Carried**

FOR VOTE - Unanimous

There being no further business the Meeting terminated at 9.02pm



Minutes of Meeting Confirmed by Council

at Meeting held

Chairman

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