



**TWEED**  
SHIRE COUNCIL

**Mayor:** Cr B Longland (Mayor)

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

# Minutes

## **Ordinary Council Meeting Tuesday 18 October 2011**

held at Murwillumbah Cultural and Civic Centre  
commencing at 3.30pm

## COUNCIL'S CHARTER

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

Tweed Shire Council has the following charter:

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

The Meeting commenced at 3.30pm.

## **IN ATTENDANCE**

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

Also present were Mr Mike Rayner (General Manager), Mr Troy Green (Director Technology and Corporate Services), Mr Patrick Knight (Director Engineering and Operations), Mr Vince Connell (Director Planning and Regulation), Mr David Oxenham (Director Community and 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 by Council's Chaplain, Rev. John Giles:

*"We commit to your care and guidance, O God, these whom we have appointed to positions of high responsibility and service - We pray then, for our Mayor for each Councillor.*

*May they be given, this very day, wisdom and clarity of thought. There are decisions to be made, procedures to be determined. Even the smallest thing that has to be settled cannot be dealt with carelessly. So we ask, sincerely and earnestly, that the very patterns of their thinking will come from you.*

*May there be given to each one, grace, understanding and tolerance, but at the same time, the required courage of conviction and determination of purpose that will mean right decisions, good results and happy days for our total community.*

*We come to you in confidence and say thank you in advance.*

*And all of this we ask in the strong name of Jesus Christ, your Son, Our Lord.*

*Amen.*

## CONFIRMATION OF MINUTES

- 1 [CONMIN] Confirmation of Minutes of the Extraordinary Council Meeting held Tuesday 20 September 2011

573

Cr D Holdom  
Cr K Milne

**RESOLVED** that the Minutes of the Extraordinary Council Meeting held Tuesday 20 September 2011 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

***FOR VOTE - Unanimous***

- 2 [CONMIN] Confirmation of Minutes of the Ordinary and Confidential Meetings held on Tuesday 20 September 2011

574

Cr D Holdom  
Cr K Milne

**RESOLVED** that the Minutes of the Ordinary and Confidential Council Meetings held Tuesday 20 September 2011 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

***FOR VOTE - Unanimous***

## APOLOGIES

Nil.

## DISCLOSURE OF INTEREST

Cr D Holdom declared a new but continuing significant, non-pecuniary Interest in Item 6. The nature of the interest is that Cr Holdom's spouse is an executive organising official of the event.

Under section 7.17 b Cr Holdom shall manage the item by leaving the room and taking no part in the debate or voting.

Cr J van Lieshout, with regard to Item 44, stated *"I wish to declare that I do not have a Pecuniary Interest in relation to the Byrrell Creek Dam Proposal and its effect on my husband's property should it be pursued.*

*I personally do not have a Conflict of Interest in this matter as I perceive my duty as a Councillor of Tweed Shire Council and the forward planning of the region as vital in representation of the constituents who placed their trust in me through the election process.*

*I do however believe that "as perceived by the community" I do have a "conflict of interest" and therefore will not be voting on this most important issue.*

*I wish to acknowledge that there have been unfair and unfounded allegations made by a minority group who have breached the democratic process of the right of the individual elected member to consider their position and responsibility in this matter.*

*It is disappointing that a vital part of the community will not be represented in this decision".*

Cr J van Lieshout also declared a non pecuniary interest in Item 4 of the Confidential Agenda. The nature of the interest is that Cr van Lieshout's spouse is a member of the Committee of Bilambil Sports Club.

Cr W Polglase declared a pecuniary interest in Item 24. The nature of the interest is that Cr Polglase is a Director of a company that is among those the subject of the report.

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

Nil.

## **SCHEDULE OF OUTSTANDING RESOLUTIONS**

### **3 [SOR-CM] Schedule of Outstanding Resolutions**

The Schedule of Outstanding Resolutions was received and noted.

## MAYORAL MINUTE

### 4 [MM] Mayoral Minute for the Period 03 September to 04 October 2011

575

Cr B Longland

**RESOLVED** that:-

1. The Mayoral Minute for the period 03 September to 04 October 2011 be received and noted subject to noting that on 24 September 2011, Cr D Holdom attended at the launch of the new inflatables and that on 30 September 2011, Cr K Milne attended the Public Consultation Session Planning System Review.
2. The attendance of Councillors at nominated Conferences be authorised.

28 Nov-1Dec - Australian Regional Food Cultures and Networks Conference - Peppers at Salt Beach, Bells Boulevard, Salt Village, Kingscliff.

The Motion was **Carried**

***FOR VOTE - Unanimous***

576

Cr J van Lieshout  
Cr D Holdom

**RESOLVED** that Cr J van Lieshout be the nominated representative to attend the Australian Regional Food Cultures and Networks conference on 28 November to 1 December 2011.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**a4 Mayoral Minute - Dual Reticulation of Greenfield Sites**

**LATE ITEM**

**577**

**Cr B Longland  
Cr D Holdom**

**RESOLVED** that Item a4 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***

**578**

**Cr B Longland**

**PROPOSED** that a workshop is held for Councillors on the technical aspects of dual reticulation in Greenfield sites. The workshop should cover issues of cost and potential benefits as well as other engineering considerations, impact on long term demand management objectives and details, if possible, of the experience of other Local Government Areas that have implemented these measures.

The Motion was **Lost**

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

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

**b4 Mayoral Minute - Tumbulgum Foreshore Parking**

**LATE ITEM**

**579**

**Cr B Longland  
Cr D Holdom**

**RESOLVED** that Item b4 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***

580

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

**PROPOSED** that:-

1. A letter be sent to each rateable assessment of Tumbulgum Village asking them to reply within 7 days of the date of the letter and advise whether they support either
  - (a) the current Riverside Drive Master Plan or
  - (b) a revised Riverside Master Plan that provides 10 more car parking spaces with a commensurate reduction in river side park area.
2. Upon receipt of the replies, The General Manager advise results by a memo to Councillors.
3. The General Manager be requested to defer that part of the works affected by the amended option until Councillors consider the results above.

581

**AMENDMENT**

**Cr W Polglase**  
**Cr J van Lieshout**

**RESOLVED** that

1. Council acknowledges the concern raised by the Residents' Group and the community members of Tumbulgum Village regarding additional car parking.
2. Council holds a public meeting with all of the residents of Tumbulgum at the Village Hall, including the Ratepayers Groups, the Residents' Groups and other concerned residents to address this issue to achieve a better outcome for car parking in the village.
3. A report be brought forward to the November meeting.

The Amendment was **Carried**

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

**AGAINST VOTE - Cr B Longland**

The Amendment on becoming the Motion was **Carried** - (Minute No 581 refers)

**FOR VOTE - Voting - Unanimous**



**ORDINARY ITEMS FOR CONSIDERATION**

**REPORTS THROUGH THE GENERAL MANAGER**

**REPORTS FROM THE GENERAL MANAGER**

**5 [GM-CM] Community Building Partnership 2011**

**582**

**Cr W Polglase**

**Cr K Skinner**

**RESOLVED** that Council:

1. Submits a grant funding application to the Community Building Partnership 2011 for \$130,000, for the Hastings Point Park Upgrade Project within the Tweed State Electorate.
2. Submits a grant funding application to the Community Building Partnership 2011 for \$20,000, for the upgrade of Newell Park within the Lismore State Electorate.
3. Submits a grant funding application to the Community Building Partnership 2011 for \$40,000, for the Murwillumbah Community Centre within the Lismore State Electorate.

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

***AGAINST VOTE - Cr K Milne***

**6 [GM-CM] Proposal to Host 2013 and 2014 (Option 2015) Surf Life Saving NSW Championships at Kingscliff**

Cr D Holdom declared an Interest in this item, left the Chamber at 04:18 PM and took no part in the discussion or voting. The nature of the interest is that Cr Holdom's spouse is on the Executive of the organiser of this event.

**583**

**Cr K Skinner  
Cr P Youngblutt**

**RESOLVED** that:

1. Council prepares and submits a proposal to host the Surf Life Saving NSW Championship 2013 and 2014 in conjunction with the Cudgen Headland Surf Life Saving Club.
2. Council endorses the allocation of \$90,000 in the 2012/2013 Budget as required to meet the conditions of the expression of interest.

The Motion was **Carried**

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

***AGAINST VOTE - Cr K Milne***

***ABSENT. DID NOT VOTE - Cr D Holdom***

**Cr D Holdom has returned from temporary absence at 04:25 PM**

**7 [GM-CM] Festivals and Events Policy**

**584**

**Cr W Polglase  
Cr J van Lieshout**

**RESOLVED** that Council adopts the Festivals and Events Policy to replace the current Festivals Financial Assistance Policy.

The Motion was **Carried**

***FOR VOTE - Unanimous***

## REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

### 8 [PR-CM] Development Application DA10/0766 for Drainage, Shed, Stables, Horse Training Track and Fencing at Lot 1 DP 789618; No. 138 Cobaki Road Cobaki

585

Cr D Holdom  
Cr J van Lieshout

#### RESOLVED that:

- A. The ATTACHMENT be treated as CONFIDENTIAL in accordance with Section 104(2)(a) of the Local Government Act 1993, because it contains personnel matters concerning particular individuals (other than councillors).
- B. Development Application DA10/0766 for a drainage shed stables horse training track and fencing at Lot 1 DP 789618; No. 138 Cobaki Road COBAKI be approved subject to the following conditions:

#### GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects, Hydraulic Assessment prepared by Opus Engineering and the following plans:
  - Site Plan, prepared by Shane Fraser and dated 28 August 2010;
  - Stable Shed Plan, prepared by Shane Fraser and dated 28 September 2010;
  - Elevation & Section of Stables, prepared by Shane Fraser and dated 28 September 2010;
  - Shed plan- PFP-5626, prepared by Ranbuild and dated September 2011;
  - Shed elevation & section- Tweed1-5626, prepared by Ranbuild and dated September 2011.

as amended in red, except where varied by the conditions of this consent.

[GEN0005]

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

[GEN0115]

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

[GEN0135]

4. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.

[GEN0300]

5. No excavation works shall be carried out on any land shown as being Class 1, 2, 3, 4 or 5 land on the series of maps held in the office of the Council and marked 'Acid Sulfate Soil Planning Map' unless a site specific Acid Sulfate Soil and (if required) Dewatering Management Plan is prepared in accordance with the provisions of the New South Wales Acid Sulfate Management Advisory Committee Guidelines 1998 and submitted to Council's Environmental Health Unit for consideration and approval.

[GENNS01]

6. Within one (1) month of approval a level control weir shall be constructed within the watercourse at the common boundary between Lot 1 DP 789618 (No. 138 Cobaki Road, Cobaki) and Lot 6 DP 789875 (No. 172 Cobaki Road, Cobaki) to re-establish the pre-development water level within the watercourse as determined by the owners of Lot 6 DP 789875. Development plans and details relating to this level control weir are to be submitted to Council for approval by the General Manager or his delegate prior to construction of the weir.

Upon completion of construction of the level control weir, a certified works plan is to be submitted to Council by a suitably qualified engineer for approval by the General Manager or his delegate.

[GENNS02]

7. There is to be no net importation of fill or other material onto this allotment without prior approval from Council. If imported material is required to create the trotting track an identical amount is to be removed from the track area and the allotment in order to ensure there is no net increase of fill material. Additionally the trotting track is not to be raised above the adjacent ground level at this area of the site.

[GENNS03]

#### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

8. All imported fill material shall be from an approved source. Prior to the issue of a construction certificate details of the source of fill, description of material, proposed use of material, documentary evidence that the fill material is free of any contaminants and haul route shall be submitted to Tweed Shire Council for the approval of the General Manager or his delegate.

[PCC0465]

9. Council advises that the land is subject to inundation in a 1 in 100 year event to the design flood level of 2.6m AHD.

[PCCNS02]

10. A Section 68 application shall be required for:

- Erosion and sediment control works.
- Stormwater drainage works.

Applications for these works must be submitted on Council's Section 68 Stormwater Drainage Application form accompanied by the required attachments and the prescribed fee. The application shall be accompanied by three (3) copies of a site plan prepared by a suitably qualified engineer/surveyor to a scale of 1:50 with all site levels displayed at Australian Height Datum (AHD).

[PCCNS03]

#### PRIOR TO COMMENCEMENT OF WORK

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

[PCW0005]

12. 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]

13. 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]

14. 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]

15. 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

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

[DUR0005]

17. Construction and/or demolition site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

18. 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]

19. 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]

20. 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]

21. 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]

22. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications, Development Control Plan Part A1 to the satisfaction of the Principal Certifying Authority.

Please note timber retaining walls are not permitted.

[DUR0835]

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. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1875]

25. 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]

26. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary.

[DUR2205]

27. The following works are to be undertaken to ensure that pre-development flow capacities are maintained:

- Widen the section of drain from the dam to Section D (shown in Figure 3.0) to provide a trapezoidal channel with a base width of 5m, depth of 0.8m and side slopes of 1:4 (v:h);
- Install twin 600mm pipe culverts (or equivalent) at the access causeway (Figure 3.0, Section F) to replace the previously installed 300mm pipe culvert;
- Reduce the level of the low flow outlet from the dam by 200mm (to RL 0.9m AHD), in order for the high flow weir to operate adequately.
- All areas of fill shall be provided with adequate perimeter drainage discharging to a legal point of discharge in order to prevent ponding on adjacent land.

[DURNS01]

#### PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

28. 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]

29. 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]

30. Prior to the occupation of any building and prior to the issue of any occupation certificate approval to operate the on-site sewage management facility under Section 68 of the Local Government Act 1993 shall be obtained from Council.

[POC1040]

#### USE

31. 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]

32. 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]



33. The buildings are not to be used for any habitable commercial or industrial purpose.

[USE0455]

34. Prior to use of all prior cut and filling works, a certificate of compliance shall be submitted to the Principal Certifying Authority by a suitably qualified engineer verifying that the earthworks have been constructed in accordance with Tweed Shire Council Specifications.

[USENS01]

35. Prior to use a certificate of practical completion shall be obtained from Councils General Manager or his delegate for all works required under Section 68 of the Local Government Act.

[USENS02]

C. The owners of Lot 1 DP 780618 No. 138 Cobaki Road be issued with a Penalty Infringement Notice for undertaking development without consent.

The Motion was **Carried**

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

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

**A RESCISSION MOTION IN RELATION TO THE ABOVE ITEM HAS BEEN RECEIVED FROM COUNCILLORS MILNE, SKINNER AND YOUNGBLUTT**

**9 [PR-CM] Development Application DA10/0505 for a Three (3) Lot Subdivision at Lot 9 DP 583345; No. 70-76 Reserve Creek Road Kielvale**

**586**

**Cr P Youngblutt  
Cr W Polglase**

**RESOLVED** that Development Application DA10/0505 for a three (3) lot subdivision at Lot 9 DP 583345; No. 70-76 Reserve Creek Road KIELVALE be approved subject to the following conditions: -

**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and:  
Sheet 1 of 1 Revision D Job No. 21079 (Proposed Subdivision of Lot 9 DP 583345 Reserve Creek Road Kielvale) prepared by Brown and Haan and dated 30 June 2011,  
except where varied by the conditions of this consent.

[GEN0005]

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

[GEN0125]

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

[GEN0135]

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

- Construction of a new driveway access for proposed Lots 1, 2 and 3 in accordance with Council's "Driveway Access To Property – Design Specification".

Twenty four (24) hours notice is to be given to Council's Engineering & Operations Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the works and its reconstruction.

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

- Road works
- Stormwater drainage
- Water works
- Sediment and erosion control plans
- Location of all services/conduits
- Traffic control plan.

[GENNS01]

5. 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).

[GENNS02]

#### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. Prior to issue of the construction certificate, the applicant is to submit a Habitat Restoration Plan in accordance with Council's draft guidelines attached to this consent detailing additional environmental enhancement planting works and the removal of exotic species along the disturbed drainage channel.

[PCCNS01]

7. A Fisheries Permit is required from the Department of Primary Industries prior to issue of a Construction Certificate.

[PCCNS02]

#### PRIOR TO COMMENCEMENT OF WORK

8. 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.

[PCW0985]

9. The Habitat Restoration Plan must be approved to the satisfaction of Council's Director of Planning and Regulation or delegate prior to commencement of works.

[PCWNS01]

#### DURING CONSTRUCTION

10. 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

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

[DUR0205]

11. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

A. Short Term Period - 4 weeks.

$L_{Aeq, 15 \text{ min}}$  noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

B. Long term period - the duration.

$L_{Aeq, 15 \text{ min}}$  noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0215]

12. 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]

13. 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]

14. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. Such materials shall either be recycled or disposed of in a manner acceptable to Councils General Manager or his delegate.

[DUR1015]

15. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.

[DUR1025]

16. 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]

17. Acid sulfate soils shall not be exposed or disturbed. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the Tweed Shire Council General Manager or his delegate.

[DUR2425]

18. All waters that are to be discharged from the site shall have a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/l.

[DUR2435]

19. All operations must comply with the fauna and flora protection measures as outlined in the Ecological Impact Assessment prepared by Biolink Pty Ltd and dated June 2011. In the event that any threatened species, populations, ecological communities or their habitats not addressed in the report are discovered during operations, appropriate Plans of Management for those species must be formulated to the satisfaction of the General Manager or delegate. No further operational works will take place until the Plan(s) of Management is/are approved.

[DURNS01]

20. Tree removal is limited to two (2) individuals as specified in the Ecological Impact Assessment conducted by Biolink Pty Ltd provided with the application, no other trees may be cleared without specific approval of the General Manager or delegate and works will avoid all other individuals.

[DURNS02]

21. A spotter-catcher is to be present during clearing works to relocate any displaced fauna and attend to any injured fauna.

[DURNS03]

#### USE

22. Vegetation shall be removed or lopped only as strictly necessary to complete the proposed works. Boundaries of vegetation along the drainage line that are to be retained must be clearly marked in the field with highly visible traffic control barriers prior to the commencement of any clearing operations. No machinery is to traverse beyond the marked boundaries. All tree-felling and vegetation removal must be undertaken so as to avoid damage to remaining native vegetation.

[USENS01]

23. Due to the potential for Koala habitat and thus the high probability of Koalas traversing the vegetation of the 1(a) Rural zone, the keeping of dogs on Lot 3 is prohibited.

[USENS02]

#### PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

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

[PSC0005]

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

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

Water DSP2: 2.4 ET @ \$11571 per ET \$27770.4

These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.

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

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.

[PSC0165]

26. Section 94 Contributions

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

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

These charges include indexation provided for in the S94 Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

- |  |             |
|--|-------------|
| (a) Tweed Road Contribution Plan:<br>13 Trips @ \$1601 per Trips<br>((\$1455 base rate + \$146 indexation)<br>S94 Plan No. 4<br>Sector10_4 | \$20406.28* |
| (b) Open Space (Casual):<br>2 ET @ \$526 per ET<br>((\$502 base rate + \$24 indexation)<br>S94 Plan No. 5                                  | \$1041.48*  |
| (c) Open Space (Structured):<br>2 ET @ \$602 per ET<br>((\$575 base rate + \$27 indexation)<br>S94 Plan No. 5                              | \$1191.96*  |
| (d) Shirewide Library Facilities:<br>2 ET @ \$792 per ET<br>((\$792 base rate + \$0 indexation)<br>S94 Plan No. 11                         | \$1568.16*  |

- (e) Bus Shelters:  
2 ET @ \$60 per ET \$118.8\*  
(\$60 base rate + \$0 indexation)  
S94 Plan No. 12
- (f) Eviron Cemetery:  
2 ET @ \$120 per ET \$237.6\*  
(\$101 base rate + \$19 indexation)  
S94 Plan No. 13
- (g) Community Facilities (Tweed Coast - North)  
2 ET @ \$1325 per ET \$2623.5\*  
(\$1305.6 base rate + \$19.4000000000001 indexation)  
S94 Plan No. 15
- (h) Extensions to Council Administration Offices  
& Technical Support Facilities  
2 ET @ \$1772.82 per ET \$3510.18\*  
(\$1759.9 base rate + \$12.9199999999998 indexation)  
S94 Plan No. 18
- (i) Regional Open Space (Casual)  
2 ET @ \$1042 per ET \$2063.16\*  
(\$1031 base rate + \$11 indexation)  
S94 Plan No. 26
- (j) Regional Open Space (Structured):  
2 ET @ \$3656 per ET \$7238.88\*  
(\$3619 base rate + \$37 indexation)  
S94 Plan No. 26

\* Includes adjustments which effect compliance with the Directions from the Minister for Planning in relation to the maximum contribution payable per dwelling dated 13 January 2009 and 19 July 2009.

27. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of this Development Consent have been complied with. [PSC0175]

28. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following: [PSC0825]

- (a) Easements for water supply and drainage over ALL public services/infrastructure on private property.
- (b) Restriction to be created over Lot 2 and Lot 3 stating that all roofwater from houses, buildings or structures shall be discharged to an approved infiltration pit located on the subject property. The infiltration pit shall be approved by the Principle Certifying Authority.
- (c) Restriction to be created over Lot 2 and Lot 3 stating that the lots are not connected to a reticulated sewer system, and any dwelling to be constructed on the sites will need to provide on-site sewage management systems.

- (d) Restriction as to user regarding no dogs to be kept. Burden: Lot 3. Benefit: Tweed Shire Council.
- (e) Restriction as to user regarding the environmental covenant area to be described within the approved Habitat Restoration Plan for the site – this area must be subject to an ecological restoration program where native vegetation is protected. Burden: Each lot. Benefit: Tweed Shire Council.
- (f) Restriction as to user regarding protection of all Koala food tree species on the site of 3m or greater in height. Burden: Each lot on the subject site. Benefit: Tweed Shire Council.

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

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

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

- 29. [PSC0835] Submit to Council's property officer an appropriate plan indicating the rural address number to both new and existing lots for approval. Prior to the issue of a Subdivision Certificate, each lot shall have its' rural address number displayed in accordance with Council's "Rural Addressing Policy".

- 30. [PSC0845] Prior to registration of the plan of subdivision, a Subdivision Certificate shall be obtained.

The following information must accompany an application:

- (a) original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.
- (b) all detail as tabled within Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, CL 5.7.6 and Councils Application for Subdivision Certificate including the attached notes.

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

- 31. [PSC0885] Prior to the issue of a Subdivision Certificate, a properly dimensioned plan shall be lodged with Council showing the relative position of existing fences, road formation and boundaries. Any encroaching road boundary fence is to be relocated to the correct alignment prior to issuing a Subdivision Certificate. Any road widening deemed necessary following submission of the plan shall be dedicated at no cost to Council.

[PSC0945]

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

The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act, 2000 to be certified by an Accredited Certifier.

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

[PSC1115]

[PSC1165]

34. The production of written evidence from the local electricity supply authority certifying that the reticulation of electricity and energising has been provided to each allotment.

Should any electrical supply authority infrastructure (sub-stations, switching stations, cabling etc) be required to be located on Council land (existing or future), then Council is to be included in all negotiations. Appropriate easements are to be created over all such infrastructure, whether on Council lands or private lands.

Compensatory measures may be pursued by the General Manager or his delegate for any significant effect on Public Reserves or Drainage Reserves.

[PSC1175]

35. Prior to the issue of a Subdivision Certificate, documentary evidence shall be provided to Council to confirm the registration of a Right of Carriageway 10 wide over proposed Lot 1 and Lot 2, benefiting proposed Lot 2 and Lot 3.

[PSCNS01]

36. Prior to the issue of a Subdivision Certificate, a 4.0m wide sealed driveway shall be provided within the existing Right Of Carriageway through proposed Lot 1 and Lot 2, to the property boundary of proposed Lot 3.

This access must be bitumen sealed from the edge of Reserve Creek Road to the property boundary of proposed Lot 3, in accordance with Tweed Shire Council's Development Control Plan, Part A5 - Subdivision Manual and Council's "Driveway Access To Property – Part 1 – Design Specification".

[PSCNS02]

37. Prior to the issue of a Subdivision Certificate, Council must undertake a final inspection of the works and be satisfied that all conditions of consent have been complied with.

[PSCNS03]

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

[PSCNS04]

39. Prior to the issue of a Subdivision Certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all works required under Section 68 of the Local Government Act 1993.

[PSCNS05]

40. Environmental restoration works shall be completed to a level specified in the approved Habitat Restoration Plan prior to the release of the subdivision certificate and shall be maintained at all times to the satisfaction of the General Manager or his delegate.

[PSCNS06]



41. The planted area and/or regenerated area shall be fenced to prevent cattle access until species attain the minimum height for protection by Council's Vegetation Management Order.
42. Fencing shall not restrict the free movement of koalas that may traverse the site from time to time and shall allow a clearance of at least 30cm at the bottom to enable koalas to move under it. If post and wire fencing is used, the bottom strand must not be barbed. Thus, subdivision boundary fences to be erected on the property, shall comply with the following conditions:
- a. Fences shall be constructed of wire, with the top wire and the bottom two wires consisting of non-electrified plain wire.
  - b. The bottom fence wire shall be no closer than 40 cm to the ground at any point.
  - c. The removal of vegetation for fence construction shall be undertaken with hand tools only (e.g. brush cutters, lawn mowers), and shall be limited to a maximum width of 1 m.

[PSCNS07]

[PSCNS08]

The Motion was **Carried**

***FOR VOTE - Unanimous***

- 10 [PR-CM] Development Application DA11/0164 for alterations, additions and part demolition of three flats to construct a three storey dwelling at Lot 2 DP557216 26 Tweed Coast Road Hastings Point**

**587**

**Cr D Holdom  
Cr B Longland**

**PROPOSED** that

1. This item be deferred to the November meeting, and
2. Council officers work with the applicant to further reduce the pitch of the roof of the top storey by 500mm, and
3. A workshop be held for Councillors with regards to which DCP applies in light of an unforeseen inconsistency.

588

**AMENDMENT 1**

**Cr W Polglase  
Cr P Youngblutt**

**PROPOSED** that Development Application DA11/0164 for alterations, additions and part demolition of three flats to construct a three storey dwelling at Lot 2 DP557216 26 Tweed Coast Road Hastings Point be approved subject to the following conditions:

**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos Johnston EP:01 Issue V, Johnston DA:01 Issue V, Johnston DA:02 Issue V, Johnston DA:03 Issue V, Johnston DA:04 Issue V, Johnston DA:04A Issue V and Johnston DA:05 Issue V prepared by Brian Kenny and dated 29 August 2011, 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. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.  
[GEN0300]
4. 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. The footing design is to incorporate design principles as detailed in the structural design intent certificate by Mark Traucnieks consulting Engineers dated 8th March 2011 to address potential coastal erosion influences.  
[PCC0945]
5. The existing brick barbeque on the foreshore are east of the site is to be removed.  
[GENNS01]

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

6. 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]

7. 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]

8. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW1065]

9. Dilapidation reports detailing the current general condition including the structural condition of the adjoining buildings/sites, infrastructure and driveway are to be prepared and certified by a suitably qualified and experienced structural engineer. The reports are to be submitted to Council prior to commencement of ANY works on the site.

[PCW0775]

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

[PCW0995]

11. Prior to commencement of any work on the site a construction management plan is to be submitted to and approved by the Principal Certifying Authority. The plan is to detail how the construction will manage deliveries, general construction vehicle movement, concrete deliveries, traffic management, and in particular the minimisation of disruption to the residential units that share the driveway access.

[PCWNS01]

#### PRIOR TO COMMENCEMENT OF WORK

12. 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]
13. 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]
14. 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]
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. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. Note All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the Principal Certifying Authority prior to commencement of building works.

[PCW1005]

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]

18. 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]

19. During construction the Principal Certifying Authority is to be provided with a Registered Surveyors' floor level certificate at each floor platform stage and when the roof framework is in place, to confirm that the height of the building is proceeding in accordance with the approved plans.

[DURNS01]

20. Minimum notice of 48 hours shall be given to Tweed Shire Council for the capping of any disused sewer junctions. Tweed Shire Council staff in accordance with the application lodged and upon excavation of the service by the developer shall undertake the works.

[DUR0675]

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

22. Construction and management of the building shall comply with Section 1.0 of the Bushfire Threat Assessment Report by BCA Check Pty Ltd dated 15th February 2011 and all boundary fences are to be constructed of non-combustible materials.

[DURNS02]

DURING CONSTRUCTION

23. No retaining walls or similar structures are to be constructed over or within the zone of influence of Council's sewer main.

[DUR2705]

24. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications, Development Control Plan Part A1 to the satisfaction of the Principal Certifying Authority.

Please note timber retaining walls are not permitted.

[DUR0835]

25. 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]

26. 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]

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

[DUR0905]

28. 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]

29. 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]

30. 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]

31. 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]

32. 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]

33. 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]

34. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

- (a) internal drainage, prior to slab preparation;
- (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
- (c) external drainage prior to backfilling.
- (d) completion of work and prior to occupation of the building.

[DUR2485]

35. Plumbing

- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.

[DUR2495]

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

[DUR1945]

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

[DUR2515]

38. 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]

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

[DUR0445]

40. 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]

41. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and

Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1875]

42. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

[POC1045]

43. Upon completion of all works on the site and prior to the issue of an Occupation (including interim) / Subdivision Certificate, a further dilapidation report is to be prepared and certified by a suitably qualified and experienced structural engineer detailing the current general condition including the structural condition of the adjoining buildings / sites, infrastructure and roads. The dilapidation reports shall take into consideration the findings of the original reports and provide to Council the written acceptance of the adjoining / adjacent owners confirming agreement that no damages have occurred / repairs carried out are acceptable.

[POC0825]

#### PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

44. 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]

45. Prior to occupation of the building the property street number is to be clearly identified on the site by way of painted numbering on the street gutter within 1 metre of the access point to the property.

The street number is to be on a white reflective background professionally painted in black numbers 100mm high.

On rural properties or where street guttering is not provided the street number is to be readily identifiable on or near the front entrance to the site.

For multiple allotments having single access points, or other difficult to identify properties, specific arrangements should first be made with Council and emergency services before street number identification is provided.

The above requirement is to assist in property identification by emergency services and the like. Any variations to the above are to be approved by Council prior to the carrying out of the work.

[POC0265]

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

[POC0435]

#### USE

47. 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.



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

[USE0175]

Amendment 1 was **Lost**

[USE0505]

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

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

**589**

**AMENDMENT 2**

**Cr J van Lieshout**

**Cr B Longland**

**RESOLVED** that

1. A workshop be held for Councillors with regards to which DCP applies in light of an unforeseen inconsistency.
2. This item be deferred to the next Council meeting after the Workshop, and

The Amendment was **Carried**

**FOR VOTE - Cr D Holdom, Cr K Skinner, Cr K Milne, Cr J van Lieshout, Cr B Longland**

**AGAINST VOTE - Cr P Youngblutt, Cr W Polglase**

The Amendment on becoming the Motion was **Carried** - (Minute No 589 refers)

**FOR VOTE - Cr D Holdom, Cr K Skinner, Cr K Milne, Cr J van Lieshout, Cr B Longland**

**AGAINST VOTE - Cr P Youngblutt, Cr W Polglase**

**11 [PR-CM] Development Application DA11/0278 for a Shed at Lot 6 DP 777940; No. 1282 Tyalgum Road Tyalgum**

**590**

**Cr D Holdom**

**Cr J van Lieshout**

**RESOLVED** that Development Application DA11/0278 for a shed at Lot 6 DP 777940; No. 1282 Tyalgum Road Tyalgum 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. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.

[GEN0300]

#### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

4. Prior to issue of a construction certificate evidence must be provided to the Principal Certifying Authority and Council that the site earthworks comply with drawing No A3 -109 - C01 by Tweed Coast Consulting Engineers Pty Ltd dated as approved with development consent DA08/1137.

[PCCNS01]

5. A certificate from a registered Geotechnical Engineer must be provided to the Principal Certifying Authority and Council that the filling operations for the approved house and shed pads comply with AS 3798 as required in condition No 7 of DA08/1137 prior to the issue of a construction certificate.

[PCCNS02]

6. Prior to the issue of a construction certificate the 600mm high rock scour protection along the bottom of the fill pad batter as advised by Tweed Coast Consulting Engineers as part of DA 08/1137 must be completed.

[PCCNS03]

7. Prior to the issue of a construction certificate the proposed shed design must be certified by a practising structural engineer that its construction specifications will be capable of withstanding expected flood flow rates in the area during a flood event.

[PCCNS04]

#### PRIOR TO COMMENCEMENT OF WORK

8. 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.

9. 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. [PCW0215]
10. Residential building work: [PCW0225]
- (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.
11. 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: [PCW0235]
- (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.
12. All roof waters are to be disposed of through properly jointed pipes to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. Note All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the Principal Certifying Authority prior to commencement of building works. [PCW0255]

[PCW1005]

#### DURING CONSTRUCTION

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

[DUR0005]

14. 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]

15. 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]

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

[DUR0375]

17. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0395]

18. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

[DUR0405]

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

[DUR0415]

20. 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]

#### PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

21. 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]

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

[POC1055]

USE

23. 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]

24. The shed must not be used for human habitation or occupation.

[USE0475]

The Motion was **Carried**

***FOR VOTE - Unanimous***

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

**591**

**Cr K Milne**

**Cr J van Lieshout**

**RESOLVED** that Council notes the September 2011 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**a12 [PR-CM] Fees and Charges 2011/2012 - Amendment to Item 18 Clause (2)**

**LATE ITEM**

**592**

**Cr P Youngblutt**

**Cr D Holdom**

**RESOLVED** that Item a12 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***

**593**

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

**RESOLVED** that Council adopts amended Item 18, Clause (2) of the "2011/2012 Fees and Charges", and includes the following subclause regarding modifications of consents for single dwellings or structures associated with single dwellings:

*"(a) in the case of an application with respect to a development application that involves the erection of a dwelling-house or structures associated with a single dwelling house. \$190.00"*

The Motion was **Carried**

***FOR VOTE - Unanimous***

**594**

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

**RESOLVED** that Standing Orders be suspended to deal with Items 44 and 45 of the Agenda.

The Motion was **Carried**

***FOR VOTE - Unanimous***

#### **ORDERS OF THE DAY**

**44 [NOR-Crs B Longland, D Holdom and K Milne] Tweed District Water Supply Augmentation**

Cr J van Lieshout declared a perceived, non-pecuniary Interest in this item, left the Chamber at 05:20PM and took no part in the discussion or voting. The nature of the interest is that there is a community perceived interest in the item arising from being a landholder within the subject area.

**NOTICE OF RESCISSION:**

**595**

**Cr D Holdom  
Cr B Longland**

**RESOLVED** that Parts 2 and 3 of Minute 688 from the meeting held 19 October 2010 Item 24-Tweed District Water Supply Augmentation Options - Selecting a Preferred Option, being:

2. *Adopts the Byrrell Creek Dam as the preferred option for augmenting the Tweed district Water Supply; and*
3. *Proceeds with the Planning Approvals process and Detailed Design in relation to Byrrell Creek Dam; and*

Part 5 of Minute 769 from meeting held 16 November 2010 Item 18-Tweed District Water Supply Augmentation - Subsequent Issues, being

5. *Proceeds with planning approval investigations for Preliminary Geological / Geotech Studies, Seismic Studies and Hydrology Studies; a Legal and Planning Advice Study; a Land Acquisitions Plan; and liaising with Government Agencies regarding Planning Approval Requirements (EIS requirements, Adaptive Management requirements, Water Sharing Plan, Fisheries requirements).*

***be rescinded.***

The Motion was declared **Carried** on the casting vote of the Mayor.

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

Cr J van Lieshout has returned from temporary absence at 05:30 PM

**45 [NOM-Cr D Holdom] Tweed District Water Supply Augmentation Options -  
Selecting a Preferred Option**

**NOTICE OF MOTION:**

**596**

**Cr D Holdom  
Cr B Longland**

**PROPOSED** that:

1. Adopts the raising of Clarrie Hall Dam as the preferred option for augmenting the Tweed District Water Supply;
2. Proceeds with the Planning Approvals process and Detailed Design in relation to the raising of Clarrie Hall Dam;
3. Officers continue to liaise with landholders at Doon Doon Creek to facilitate acquisition of properties or parts thereof as required; and
4. Writes to the Minister advising of the Tweed District Water Supply Augmentation - Preferred Options.

The Motion was **Lost**

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

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

**597**

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that Standing Orders be resumed.

The Motion was **Carried**

***FOR VOTE - Unanimous***



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

**13 [CNR-CM] Request for Additional Once Off Contribution - Arts Northern Rivers**

**598**

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that:

1. Council agrees to contribute \$1,375 to support Arts Northern Rivers in its relocation to the Barratt Galleries in Alstonville.
2. The \$1,375 contribution be included in the September Quarterly Review.

**Cr W Polglase left the Chamber at 5.32pm.**

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

***AGAINST VOTE - Cr K Skinner***

***ABSENT DID NOT VOTE - Cr W Polglase***

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

**599**

**Cr P Youngblutt  
Cr K Skinner**

**RESOLVED** that Council:

1. Accepts grant funding of \$3,555,000 (excluding GST) for the Burringbar/Mooball Sewerage Scheme as provided in letter received 12 September 2011 from the Minister for Primary Industries and Small Business and votes the income.
2. Executives all necessary agreements under the Common Seal of Council.

The Motion was **Carried**

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

***ABSENT DID NOT VOTE - Cr W Polglase***

**15 [CNR-CM] Quarterly Variation Report for Contract EC2009-068 - Banora Point Wastewater Treatment Plant Upgrade construction: April 2011 to September 2011**

**600**

**Cr K Milne  
Cr D Holdom**

**RESOLVED** that Council notes and endorses the total value of variations to date of \$1,002,643.65 inclusive of GST, for Contract EC2009-068 Banora Point Wastewater Treatment Plant Upgrade, including the following variations not previously reported:

- Variation No.31 – Supply and install additional 225 diameter stormwater pipe and two pits to drain low areas adjacent to the Balance Tank. (\$13,689.54 GST Incl.)
- Variation No.32 – Costs to reduce aperture size of RAS screen to 3mm (\$7,733.47 GST Incl.)
- Variation No.33 – Materials for and construction of a swale drain and stormwater pit adjacent to Road 4 to prevent ponding (\$5,058.52 GST Incl.)
- Variation No. 34 – Additional car parking spaces adjacent to the Laboratory (\$14,693.14 GST Incl.)
- Variation No. 35 – Labour and material for the re-design of Road 4 to give a constant grade and improve drainage. (\$11,067.02 GST Incl.)
- Variation No. 36 – March Quarter CPI adjustment to the contract sum. (\$61,571.24 GST Incl.)
- Variation No. 37 – Supply of materials for redesign of clarifier expansion joints ( \$12,161.86 GST Incl.)
- Variation No. 38 – Labour and materials for the redesign of the entrance culvert widening. (\$7,486.71 GST Incl.)
- Variation No. 39 – June Quarter CPI adjustment to the contract sum. (\$152,219.38 GST Incl.)
- Variation No. 40 – adjustment to the contract price due to the increase in quantities over the contract scheduled quantities (\$299,032.65 GST Incl.)

The Motion was **Carried**

**FOR VOTE - Voting - Unanimous  
ABSENT. DID NOT VOTE - Cr W Polglase**

**16 [CNR-CM] Lease to Tweed Valley Respite Service Inc - Turnock Street Kingscliff**

**601**

**Cr K Milne  
Cr D Holdom**

**RESOLVED** that:

1. Council approves entering into a lease agreement for a term of 20 years as a vehicle for the repayment of loan monies over part of Lot 2 in DP 1041750 at Turnock Street, Kingscliff.
2. All documentation be executed under the Common Seal of Council.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous  
ABSENT. DID NOT VOTE - Cr W Polglase***

**17 [CNR-CM] EC2011-188 Manufacture Supply and Delivery of DN 375mm and 450mm Diameter Pressure Pipe, Fittings and Valves**

**602**

**Cr K Milne  
Cr D Holdom**

**RESOLVED** that the interim report regarding tender EC2011-188 Manufacture Supply and Delivery of DN 375mm and 450mm Diameter Pressure Pipe, Fittings and Values be received and noted.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous  
ABSENT. DID NOT VOTE - Cr W Polglase***

**a17 [CNR-CM] EC2011-188 Manufacture, Supply and Delivery of DN 375mm and 450mm Diameter Pressure Pipe, Fittings and Vales**

**LATE ITEM**

**603**

**Cr K Milne  
Cr D Holdom**

**RESOLVED** that Item a17 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***

604

Cr K Milne  
Cr D Holdom

**RESOLVED** that:

1. Council awards the Tenders for EC2011-188 Manufacture, Supply and Delivery of DN 375mm and 450mm Diameter Pressure Pipe, Fittings and Valves as follows:
  - (a) Crevet Pipelines for the Manufacture, Supply and Delivery of DN 375mm and 450mm Diameter Pressure Pipe and Ductile Iron Fittings to the value of \$184,204.57 exclusive of GST; and
  - (b) Vinidex for the Supply of 300mm and 375mm Diameter Valves to the value of \$13,640.00 exclusive of GST.
2. The ATTACHMENT be treated as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993 because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous  
ABSENT. DID NOT VOTE - Cr W Polglase***

18 [CNR-CM] EC2011-168 Operation of Quirks Quarry

605

Cr K Milne  
Cr D Holdom

**RESOLVED** tThat:

1. Council awards EC2011-168 Operation of Quirks Quarry to SEE Civil Pty Ltd for at the royalty schedule nominated in Schedule 1 of the tender submission.
2. ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(c) or 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 - Voting - Unanimous***  
***ABSENT. DID NOT VOTE - Cr W Polglase***

**19 [CNR-CM] Easement for Underground and Overhead Powerlines within Council Land - Quirks Quarry Eviron**

**606**

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

**RESOLVED** that :

- 1 Council approves the creation of easements for underground and overhead powerlines within Lot 1 DP 34555 and Lot 1 DP 1159352 for the benefit of Essential Energy.
2. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous***  
***ABSENT. DID NOT VOTE - Cr W Polglase***

**20 [CNR-CM] Amended Fees and Charges Stotts Creek Resource Recovery Centre (Electronic Waste and Compact Fluorescent Lighting/Fluoro Recycling - Commercial Customers)**

**Cr W Polglase has returned from temporary absence at 05:48 PM**

**607**

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

**RESOLVED** that Council exhibits for twenty-eight (28) days the following fees and charges for electronic waste and Compact Fluorescent Lighting/Fluoro tube lighting disposal at Stotts Creek Resource Recovery Centre:

| Product               | Fee                 |
|-----------------------|---------------------|
| Domestic e-waste      | No charge           |
| Domestic CLF/Fluoro   | No charge           |
| Commercial e-waste    | \$0.85 per kilogram |
| Commercial CFL/Fluoro | \$3.30 per kilogram |

The Motion was **Carried**

***FOR VOTE - Unanimous***

**21 [CNR-CM] Biodiversity Grant Program Implementation 2011/2012 Financial Year**

**608**

**Cr D Holdom  
Cr K Milne**

**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.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**22 [CNR-CM] River Health Grant Program Implementation 2011/2012 Financial Year**

**609**

**Cr D Holdom  
Cr K Milne**

**RESOLVED** that the proposed River Health Grants included within this report be endorsed.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**23 [CNR-CM] Contract EC2011-123 Construction of the New Murwillumbah Community Centre**

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that:

1. Council accepts the tender from Multi Span Australia Pty Ltd for the amount of \$2,888,754.40 including GST, for Contract EC2011-123 Construction of the New Murwillumbah Community Centre.
2. The General Manager be given delegated authority to approve variations up to a total value of \$150,000.
3. Council approves the contribution of \$150,000 to this project from the sale of the Wollumbin Street property.
4. The General Manager be given delegated authority to accept the financial conditions for licence of the land on which the community centre is to occupy in accordance with the Department of Primary Industries - Catchment and Lands' letter dated 18 October 2011, prior to reporting back to Council to formalise the agreement.
5. ATTACHMENT is CONFIDENTIAL in accordance with Section 10A(2)(c) or Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret

The Motion was **Carried**

**FOR VOTE - Unanimous**

**610**

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that Council makes representation to the State Members, to discuss the issue of Crown deriving commercial lease rentals from Council for the provision of community services and facilities.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**24 [CNR-CM] Water Demand Management Strategy - Implementation Update**

Cr W Polglase declared an Interest in this item, left the Chamber at 06:04 PM and took no part in the discussion or voting. The nature of the interest is that Cr Polglase has a commercial involvement with one of the top 20 users as listed in the confidential attachment.

**611**

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that Council:

1. Notes the progress of the implementation of the Demand Management Strategy.
2. Proceeds with offering of rebates to the top 20 water users in the Shire.

The Motion was **Carried**

**FOR VOTE - Voting - Unanimous  
ABSENT. DID NOT VOTE - Cr W Polglase**

**25 [CNR-CM] Proposed Youth Facility - Les Burger Field Tweed Coast Road Bogangar**

**Cr W Polglase has returned from temporary absence at 06:17 PM**

**612**

**Cr K Skinner  
Cr J van Lieshout**

**RESOLVED** that Council endorses the concept of a new youth facility at Les Burger Field, Bogangar and supports the Expression of Interest process for Police and Community Youth Clubs funding.

**Cr D Holdom left the meeting at 06:18 PM**



**Cr P Youngblutt left the meeting at 06:19 PM**

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

***ABSENT. DID NOT VOTE - Cr P Youngblutt, Cr D Holdom***

**a25 [CNR-CM] Department of Sustainability, Environment, Water, Population and Communities**

**Cr D Holdom has returned from temporary absence at 06:21 PM**

**Cr P Youngblutt has returned from temporary absence at 06:21 PM**

**LATE ITEM**

**613**

**Cr K Skinner**

**Cr B Longland**

**RESOLVED** that Item a25 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***

**614**

**Cr K Skinner**

**Cr B Longland**

**PROPOSED** that:

1. Council selects Horizon Housing Company as the preferred partner to lodge an application under the Building Better Regional Cities Grant program and commences discussion with this organisation to determine the scope and form of a proposal.
2. The ATTACHMENT be treated as CONFIDENTIAL in accordance with Section 10A(2)(c) of the Local government Act 1993 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposed to conduct) business. Accordingly, disclosure of the information is not in the public interest.

**615**

**Cr W Polglase**

**Cr D Holdom**

**RESOLVED** that Item a25 be moved from Ordinary to confidential Council to allow for confidential discussion.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**ADJOURNMENT OF MEETING**

Adjournment for dinner at 6.25pm.

**RESUMPTION OF MEETING**

The Meeting resumed at 7.25pm.

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

**26 [EO-CM] Donation of Park Bench by Residents of Bupa Care Services**

**616**

**Cr K Milne  
Cr K Skinner**

**RESOLVED** that Council accepts the donation of the park bench and plaque from the residents of Bupa Care Services and installs same within Lot 51 DP 881261.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**27 [EO-CM] Transfer of Sewer Pump Station - Lot 409 DP 1162588 - Seaside City, Kingscliff**

**617**

**Cr K Milne  
Cr K Skinner**

**RESOLVED** that:

1. Council approves the transfer of Lot 409 DP 1162588 for sewer pump station;  
and
2. Executes all documentation under the Common Seal of Council.

The Motion was **Carried**

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**FOR VOTE - Unanimous**

- 28            **[EO-CM] Acquisition of Proposed Easement for Underground Powerlines Variable Width within Lot 34 DP 260432 - Shearwater Parade, Tweed Heads South**

618

Cr K Milne  
Cr K Skinner

**RESOLVED** that Council:

1. Approves the acquisition of Easement for Underground Powerlines Variable Width within Lot 34 DP 260432 at Shearwater Parade, Tweed Heads South by Essential Energy;
2. Approves the quantum of compensation payable for the acquisition from Council;
3. Executes all documentation under the Common Seal of Council.

The Motion was **Carried**

**FOR VOTE - Unanimous**

- 29            **[EO-CM] EC2011-183 Supply and Delivery of Bitumen Emulsion**

619

Cr K Milne  
Cr K Skinner

**RESOLVED** that:

1. The tender from Downer EDI Works be accepted for the Supply and Delivery of Bitumen Emulsion for a two (2) year period from 1 November 2011 until 31 October 2013. Supply rates are subject to rise and fall and linked to the General Market Price for C170 bitumen ex Shell (Qld : Pinkenba) list price currently at \$930 / tonne (GST Excl)
2. The ATTACHMENT A be treated as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the products offered by each tenderer. If disclosed,

the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**30 [EO-CM] EC2011-132 tender for the supply of Two (2) Tracked Excavator Units CCF Class 20: 20,000Kg>25,000Kg**

**620**

**Cr K Milne  
Cr K Skinner**

**RESOLVED** that:

1. The Tender from CJD Equipment Pty Ltd for the supply of Two (2) Tracked Excavators be accepted to the value of \$505,000 exclusive of GST.
2. ATTACHMENT A be treated as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**31 [EO-CM] Draft Section 94 Contributions Plan No31 – Terranora Area E**

**621**

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that

1. Council adopts Draft S94 Plan No 31 – Terranora Area E Version 1.0 as a basis for exhibition and community discussion/consultation.
2. Draft S94 Plan No 31 – Terranora Area E Version 1.0 is exhibited as required by the Environmental Planning and Assessment Regulations.

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

## REPORTS FROM THE DIRECTOR TECHNOLOGY AND CORPORATE SERVICES

### 32 [TCS-CM] Budget Review - 2010/11 Carry Over Works

622

**Cr P Youngblutt**  
**Cr J van Lieshout**

**RESOLVED** that:-

1. The Budget Review - 2010/11 Carry Over Works be adopted.
2. The expenditure and income, as detailed within the report, be voted for the year ending 30 June 2012.

The Motion was **Carried**

**FOR VOTE - Unanimous**

### 33 [TCS-CM] 2010/2011 Statutory Financial Reports/Audit Report

623

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

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

The Motion was **Carried**

**FOR VOTE - Unanimous**

**34 [TCS-CM] Monthly Investment Report for the Period Ending 30 September 2011**

**624**

**Cr P Youngblutt  
Cr D Holdom**

**RESOLVED** that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at 30 September 2011 totalling \$169,649,626 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**35 [TCS-CM] Audit Committee Report for Period Ending 30 June 2011**

**625**

**Cr P Youngblutt  
Cr D Holdom**

**RESOLVED** that Council receives and notes the report from the Audit Committee for the financial year ended 30 June 2011.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**36 [TCS-CM] Pecuniary Interest Returns 2010/2011**

**626**

**Cr P Youngblutt  
Cr D Holdom**

**RESOLVED** that the Pecuniary Interest Returns for the period 1 July 2010 to 30 June 2011, as tabled, be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**37 [TCS-CM] EC2011-158 Supply, Install and Maintenance of Multifunction Devices for 5 Years**

**627**

**Cr P Youngblutt  
Cr D Holdom**

**RESOLVED** that:

1. Tender EC-2011-158 "Supply, Install and Maintenance of Multifunction Devices for 5 Years" from BBCdigital be accepted to the value of \$904,727 including GST.
2. The General Manager be given delegated authority to approve variations up to a total value of \$150,000 in the event of changes to predicted print requirements or volumes over the life of the five year contract.
3. All documents be executed under the Common Seal of Council.
4. The ATTACHMENT be treated as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**38 [TCS-CM] Review of Council Policy "Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors"**

**628**

**Cr P Youngblutt  
Cr D Holdom**

**RESOLVED** that Council gives 28 day notice to adopt the "Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors" Policy Version 1.6 under the provisions of Section 253(1) Local Government Act 1993.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**39 [TCS-CM] Internal Reporting (Protected Disclosures) Policy Version 1.0**

**629**

**Cr P Youngblutt  
Cr D Holdom**

**RESOLVED** that Council adopts the draft Internal Reporting (Protected Disclosures) Policy Version 1.0 and agrees to the deletion of the Internal Reporting Policy Version 1.1.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**A NOTICE OF RESCISSION HAS BEEN RECEIVED ON MINUTE NUMBER 629, ITEM 39 FROM COUNCILLORS B LONGLAND, D HOLDOM AND K SKINNER. THE NOTICE OF RESCISSION WILL BE DEALT WITH AT THE COUNCIL MEETING TO BE HELD 15 NOVEMBER 2011.**

**40 [TCS-CM] Councillor Numbers**

**630**

**Cr D Holdom  
Cr J van Lieshout**

**RESOLVED** that Council determines the number of Councillors for the electoral term commencing September 2012 as seven (7).

**631**

**AMENDMENT 1**

**Cr K Skinner  
Cr D Holdom**

**PROPOSED** that Council determines the number of Councillors for the electoral term commencing September 2012 as five (5).

Amendment 1 was **Lost**

***FOR VOTE - Cr K Skinner***

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



632

**AMENDMENT 2**

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that Council determines to conduct a constitutional referendum at the September 2012 election to seek the response from the electors for an increase in the number of Councillors for the electoral term commencing September 2016 to nine (9).

Amendment 2 was **Carried**

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

Amendment on becoming the Motion was **Carried** - (Minute No 632 refers)

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

**A NOTICE OF RESCISSION WAS RECEIVED ON MINUTE NO 632 FROM CR D HOLDOM ON 25 FEBRUARY 2012 WHICH WILL BE CONSIDERED AT THE MEETING TO BE HELD 20 MARCH 2012.**

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

**41 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 2 September 2011**

633

**Cr D Holdom  
Cr K Skinner**

**RESOLVED** that the:-

1. Minutes of the Aboriginal Advisory Committee Meeting held Friday 2 September 201 be received and noted; and
2. The recommendations of the Executive Management Team be adopted as follows

**IC1. Canowindra Tweed Byron Aged and Disabled Aboriginal Corporation**

*That \$500 be donated to the Canowindra Tweed Byron Aged and Disabled Aboriginal Corporation to assist with the holding of the Elders Indigenous Ball in November 2011 and that it be funded from the Aboriginal Development program.*

The Motion was **Carried**

**FOR VOTE - Unanimous**

**42 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 22 September 2011**

**634**

**Cr K Skinner  
Cr D Holdom**

**RESOLVED** that the:-

1. Minutes of the Local Traffic Committee Meeting held Thursday 22 September 2011 be received and noted; and
2. The recommendations of the Executive Management Team be adopted as follows:

***A1 [LTC] Eyles Avenue, Murwillumbah***

That "No Stopping" signs and yellow kerb lines be installed on Eyles Avenue at the Prince Street intersection to reinforce the 10 metre "No Stopping" rule at intersections.

***A2 [LTC] Heffron Street, Tweed Heads***

That:

1. Bus Zone signage on Heffron Street be amended to reflect standard School Zone times being 8.00am to 9.30am and 2.30pm to 4.00pm.
2. Council officers consult with Surfside Buses regarding potential reductions in the length of Bus Zones in Heffron Street.
3. Tweed River High School explore options to provide drop off and pick up areas within School grounds
4. Existing "No Parking" signage at the intersection of Currawong Place be replaced with "No Stopping" signage as per NSW Road Rules.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**43 [SUBCOM] Reports from Subcommittees and/or Working Groups**

**635**

**Cr D Holdom  
Cr K Milne**

**RESOLVED** that the Minutes of the reports from Subcommittees and/or Working Groups be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**44 [NOR - Crs B Longland, D Holdom and K Milne] Tweed District Water Supply Augmentation**

This item was dealt with earlier in the meeting at Minute Number 595.

**45 [NOM - Cr D Holdom] Tweed District Water Supply Augmentation Options - Selecting a Preferred Option**

This item was dealt with earlier in the meeting at Minute Number 596.

**46 [NOM-Cr D Holdom] Affordable Housing/Housing Affordability/Social Housing and Local Government's Role**

**NOTICE OF MOTION:**

**636**

**Cr D Holdom  
Cr K Milne**

**RESOLVED** that the General Manager investigates and reports back to Council on "What is Affordable Housing against "Housing Affordability/Social Housing", the report defines local government's role in such matters and a glossary of terms and acronyms be attached to the final report.

The Motion was **Carried**

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

**47 [NOM-Cr D Holdom] Camphor Laurel Policy Development**

**NOTICE OF MOTION:**

637

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

**RESOLVED** that the General Manager investigates and reports back to Council on a draft policy document on the eradication and management of Camphor Laurel on all public or private land in the Tweed Shire.

The Motion was **Carried**

**FOR VOTE - Cr D Holdom, Cr K Milne, Cr J van Lieshout, Cr B Longland**

**AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr K Skinner**

48            **[NOM-Cr K Skinner] Infrastructure Maintenance**

**NOTICE OF MOTION:**

638

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

**RESOLVED** that given the State Government commitment to paying half the interest on borrowings for infrastructure, moves that Council brings forward a report as to how Council can take advantage of this offer given the identified backlog in infrastructure maintenance.

**Cr W Polglase left the meeting at 08:31 PM**

**Cr W Polglase has returned from temporary absence at 08:32 PM**

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

**AGAINST VOTE - Cr J van Lieshout**

49            **[NOM-Cr K Skinner] Change of Meeting Dates**

**NOTICE OF MOTION:**

639

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

**RESOLVED** that January's Council Meeting be moved back to the fourth Tuesday of the month i.e. 24 January 2012.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**50 [NOM-Cr K Skinner] Request for Response - State Government**

**NOTICE OF MOTION:**

Cr Skinner requested that this item be withdrawn.

**51 [NOM-Cr K Skinner] Dredging of Cudgen Creek**

**NOTICE OF MOTION:**

**640**

**Cr K Skinner  
Cr D Holdom**

**RESOLVED** that a report be brought forward to the November Council meeting regarding the possibility of dredging of Cudgen Creek for navigational purposes.

**Cr D Holdom left the meeting at 08:53 PM**

**Cr D Holdom has returned from temporary absence at 08:54 PM**

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

***AGAINST VOTE - Cr K Milne***

**52 [NOM-Cr J van Lieshout] Request for Workshop - Audit Charter Version 1.5**

**NOTICE OF MOTION:**

**641**

**Cr J van Lieshout  
Cr D Holdom**

**RESOLVED** that a Workshop be held to inform elected Council on the details of the roles and responsibilities of the Tweed Shire Council Audit Committee as indicated in the "Audit Committee Charter Version 1.5" adopted by Council at the Council Meeting of 20 September 2011.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**53 [NOM-Cr K Milne] Popularly Elected Mayor**

**642**

**Cr K Milne  
Cr B Longland**

**RESOLVED** that Council determines to conduct a constitutional referendum at the September 2012 election to seek the response from the electors for a popularly elected Mayor for the electoral term commencing September 2016.

The Motion was **Carried**

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

**A NOTICE OF RESCISSION WAS RECEIVED ON MINUTE NO 642 FROM CR D HOLDOM ON 25 FEBRUARY 2012 WHICH WILL BE CONSIDERED AT THE MEETING TO BE HELD 20 MARCH 2012.**

**54 [NOM-Cr K Milne] Council Assistance for the Homeless**

**NOTICE OF MOTION:**

The proposed Motion lapsed as there was no seconder.

**55 [NOM-Cr K Milne] Sustainability Development Control Plan**

**643**

**Cr K Milne  
Cr B Longland**

**RESOLVED** that Council brings forward a report on developing a Sustainability Development Control Plan for medium to large subdivisions utilising a sustainability assessment tool for subdivisions.

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

**56 [NOM-Cr K Milne] Tweed Community's Preferred Population Levels**

The proposed Motion lapsed as there was no seconder.

**57 [NOM-Cr K Milne] Review of Council's Water Reports**

**NOTICE OF MOTION:**

The Mayor ruled the proposed Motion out of order as it contravened Council's Procurement Policy.

**a57 [NOM-Cr W Polglase] Kingscliff Police Station**

**URGENCY MOTION**

The Mayor ruled that the Urgency Motion submitted by Cr W Polglase regarding Kingscliff Police Station was not of great urgency and therefore could not be dealt with.

**QUESTIONS ON NOTICE**

**58 [QoN-Cr K Milne] Cost of Dual Reticulation for Cobaki**

**QUESTION ON NOTICE:**

Councillor asked is the extra cost for a third pipe dual reticulation system treatment plant for the Cobaki development, if it included directing overflow back to the Banora Point Sewerage Treatment, considered one of the main impediments to dual reticulation, and what would be the estimated cost per new resident if this extra infrastructure was required?

The Director Community and Natural Resources responded that previously on 23 and 30 June 2011 Cr Milne has received answers to this question from Council Officers. Through a triple bottom line assessment the Demand Management Strategy did not mandate dual reticulation. The cost of the overflow pipework from a decentralised treatment plant to the Banora Point Wastewater Treatment Plant was not one of the main impediments to Dual Reticulation for Cobaki. This study was undertaken to compare the cost of a centralised system to a decentralised system.

**59 [QoN-Cr K Milne] Water Supply Predicted Shortfall at 2036**

**QUESTION ON NOTICE:**

Councillor K Milne asked what is the estimated secure water yield shortfall predicted for 2036, for each scenario, if the following were included:

- i. Demand Management Strategy savings predictions
- ii. The readjusted population predictions from ID Consulting
- iii. Dual reticulation
- iv. 10,000 litre tanks
- v. All of the above

The Director Community and Natural Resources responded that a proper and true assessment of this request would require the commissioning of a study and a response as a question on notice by Council Staff is not considered appropriate. Further to this the question is based on a high risk planning philosophy which is not supported by Staff as an appropriate means of planning for a robust and reliable water supply.

**60 [QoN-Cr K Milne] Route of Access for Blacks Drain Clearing**

**QUESTION ON NOTICE:**

Councillor K Milne asked over what route would it have been possible to have gained access to this area for the heavy machinery required, and where have these trees been cleared to?

The Director Planning and Regulation responded to Questions on Notice at Items 60 and 61 as follows:

*Council officers have received the following advice from the Acting Area Manager Tweed Area, National Parks & Wildlife Service Office of Environment & Heritage Department of Premier & Cabinet in respect of this matter:*

*"In response to the two questions on notice relating to Blacks Creek in Cudgen Nature Reserve.*

*These matters are currently the subject of investigation by the Office of Environment and Heritage (OEH) and no comments can be made at this stage."*

*On the basis of this advice, and given that they are the responsible compliance authority, Council officers will await further advice from this Office, and report any subsequent information to Council.*

**61 [QoN-Cr K Milne] Compliance Clearing etc along Blacks Drain**

**QUESTION ON NOTICE:**

Councillor K Milne asked does Council have any role in compliance with regard to the recent clearing, tree removal and planting of exotic grasses along the Blacks drain in the Cudgen Nature Reserve between the Kings Forest development site and Cudgen Creek, and if so, what are the actions Council is taking?

The Director Planning and Regulation responded to Questions on Notice at Items 60 and 61 as follows:

*Council officers have received the following advice from the Acting Area Manager Tweed Area, National Parks & Wildlife Service Office of Environment & Heritage Department of Premier & Cabinet in respect of this matter:*

*"In response to the two questions on notice relating to Blacks Creek in Cudgen Nature Reserve.*



*These matters are currently the subject of investigation by the Office of Environment and Heritage (OEH) and no comments can be made at this stage."*

*On the basis of this advice, and given that they are the responsible compliance authority, Council officers will await further advice from this Office, and report any subsequent information to Council.*

## **CONFIDENTIAL COMMITTEE**

**644**

**Cr K Skinner**

**Cr D Holdom**

**RESOLVED** that Council resolves itself into a Confidential Committee in accordance with Section 10A(2) of the Local Government Act 1993 (as amended) and that the press and public be excluded from the whole of the Committee Meeting, because, in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest, by reasons of the confidential nature of the business to be transacted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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

## **REPORTS THROUGH GENERAL MANAGER IN COMMITTEE**

## REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

### 1 [PR-CM] Failure to Comply with Prevention Notice - On-site Sewage Management System - Lot 2 DP 726118, No. 8 Urliup Rd Bilambil

#### 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 59

That the report regarding Failure to Comply with Prevention Notice - On-site Sewage Management System - Lot 2 DP 726118, No. 8 Urliup Rd Bilambil, be received and noted.

The Motion was **Carried**

**FOR VOTE - Unanimous**

## REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

### 2 [CNR-CM] Sale of Lot 11 in DP 520017 - 209 Byangum Road Murwillumbah

#### REASON FOR CONFIDENTIALITY:

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

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

#### C 60

That Council lists the property 209 Byangum Road, Murwillumbah, for sale at \$285,000.

**Cr P Youngblutt left the meeting at 09:40 PM**

**Cr P Youngblutt has returned from temporary absence at 09:42 PM**

The Motion was **Carried**

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

**AGAINST VOTE - Cr K Milne**

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

**3 [EO-CM] Kingscliff Car Parking**

**REASON FOR CONFIDENTIALITY:**

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

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

**C 61**

That Council receives and notes the report on Kingscliff Car Parking.

The Motion was **Carried**

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

**5 [EO-CM] Duroby and Chillingham Quarries - Sale by Public Tender**

**REASON FOR CONFIDENTIALITY:**

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

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

**C 62**

That Standing Orders be suspended to deal with Item 5 of the Confidential Agenda and Item a25 which was moved from Ordinary to Confidential.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**C 63**

That Council:

1. Engages Ray White Real Estate to pursue the sale of Lot 10 in DP 262383 being the Duroby Quarry and Lot 1 in DP 794307 being the Chilcotts Quarry at Chillingham by public tender; and
2. Prepares tender documentation immediately and advertises the tender.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**C 64**

That Standing Orders be resumed.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**a25 [CNR-CM] Department of Sustainability Environment Water Population and Communities-Call for Applications: Building Better Regional Cities Program, EQ2011-171 Expressions of Interest from Interested Parties for the Creation of Affordable Housing in Communities**

This item was moved from Ordinary to Confidential (Minute Number 614 refers) the confidential nature being:

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

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

with the following motion pending:

**C 65**

That:

1. Council selects Horizon Housing Company as the preferred partner to lodge an application under the Building Better Regional Cities Grant program and commences discussion with this organisation to determine the scope and form of a proposal.
2. The ATTACHMENT be treated as CONFIDENTIAL in accordance with Section 10A(2)(c) of the Local government Act 1993 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposed to conduct) business. Accordingly, disclosure of the information is not in the public interest.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**4 [EO-CM] Bilambil Sports Club**

**REASON FOR CONFIDENTIALITY:**

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

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

Cr J van Lieshout declared a perceived, non significant, non pecuniary interest in this item, left the Chamber at 10:10 PM and took no part in the discussion or voting. The nature of the interest is that Cr van Lieshout's spouse is a member of the Committee of Bilambil Sports Club.

**Cr W Polglase left the meeting at 10:10 PM**

**C 66**

That the debt owed by the Bilambil Sports Complex be suspended subject to 3 years of lease payments being met.

**Cr W Polglase has returned from temporary absence at 10:11 PM**

The Motion was **Carried**

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

**645**

**Cr B Longland  
Cr D Holdom**

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

The Motion was **Carried**

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

There being no further business the Meeting terminated at 10.16pm.



**Minutes of Meeting Confirmed by Council**

**at the**

**Council Meeting held on xxx**

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**Chairman**

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