

The Meeting commenced at 4.30pm.

IN ATTENDANCE

Administrators Mr Garry Payne (Chairman), Ms Lucy Turnbull, Mr Max Boyd.

Also present were Mr Mike Rayner (Acting General Manager), Mr Reg Norvill (Director Governance & Corporate Services), Mr Patrick Knight (Acting Director Engineering & Operations), Mr Noel Hodges (Director Planning & Development), Mr Don Buckley (Director Environment & Community Services), Ms Genevieve Slattery (Executive Officer), Mr Neil Baldwin (Governance Officer/Public Officer) and Mrs Meredith Smith (Minutes Secretary)

ABORIGINAL STATEMENT

Administrator Payne 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 of these lands."

PRAYER

The meeting opened with a Prayer by Council's Chaplain, Reverend Ian Proctor:

"This is how we know what love is: Jesus Christ laid down his life for us. And we ought to lay down our lives for our brothers. If anyone has material possessions and sees his brother in need but has no pity on him, how can the love of God be in him? Dear children, let us not love with words or tongue but with actions and in truth." (1 John 3: 16 - 18 NIV).

Almighty God, our heavenly Father, whose Son Jesus Christ shared at Nazareth the life of an earthly home: bless our homes, especially here in the Tweed Valley, we pray. Help parents to impart the knowledge of you and your love and children to respond with love and obedience. May our homes be blessed with peace and Joy; through Jesus Christ our Lord?

Almighty God, who created us in your own image: grant us, the Administrators and employees of Tweed Shire Council the grace to fearlessly content against evil and to make no peace with oppression. And may we reverently use our freedom, employing it in the maintenance of justice and equity in all that we do here at this meeting and beyond in our communities and may it spread among the nations; through Jesus Christ our Lord.

Almighty God, you have so linked our lives with one another that all we do here, affects for good or ill, the lives of others. So guide us in the work we do, that we may do it not for self alone, but for the common good. And as we seek a proper return from our own labour, make us mindful of the aspirations of others less fortunate than ourselves, and arouse our concern for those in our community who are in need; through Jesus Christ our Lord.

Amen."

CONFIRMATION OF MINUTES

Confirmation of the Ordinary and Confidential Minutes of the Council Meeting held Wednesday 12 April 2006

78 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that the Minutes of the Ordinary and Confidential Council Meetings held Wednesday, 12 April 2006 be adopted as a true and accurate record of proceedings of that meeting.

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Administrator Boyd declared a non pecuniary interest in Operations Committee Items O10 and O15.

The nature of the interest in Item O10 is that the item deals with road closure through land owned by Administrator Boyd.

The nature of the interest in Item O15 is that the item deals with naming of a gallery after Administrator Boyd and Mrs Boyd.

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

Nil.

PLANNING COMMITTEE

79 COUNCIL DECISION:

Administrator Boyd
Administrator Turnbull

RESOLVED that Council resolves itself into the Planning Committee under the Chairmanship of Administrator Lucy Turnbull.

FOR VOTE - Unanimous

P1 [PD-PC] Request to Waive Fees in Relation to Development Application DA04/0533 and Construction Certificate Application CC05/0698 at Lot 1 DP 133066 Florence Street, Tweed Heads

P40 COMMITTEE DECISION:

Administrator Turnbull
Administrator Payne

RECOMMENDED that Council advises the Tweed Heads Police and Community Youth Club that it reaffirms its previous resolution of 16 February 2005.

FOR VOTE - Unanimous

P2 [PD-PC] Complaint - Dwelling Entitlement for Lot 2 DP 582869 Cavendish Road, Duroby

P41 COMMITTEE DECISION:

Administrator Turnbull
Administrator Boyd

RECOMMENDED that: -

1. Council informs the Director-General of the Department of Planning that pursuant to Section 54(1) of the Environmental Planning and Assessment Act, 1979 Council intends to prepare a draft Local Environmental Plan to amend Schedule 3 of Tweed Local Environmental Plan 2000 to enable a dwelling house to be established on the Lot 2 DP 582869 Cavendish Road, Duroby.
2. Council advises the Director-General that it does not consider a Local Environmental Study is needed.

3. Council staff prepare a detailed submission to address the section 117 Ministerial directions and the proforma for the LEP Review Panel in view of the exceptional circumstances of Mr and Mrs McDonald.

FOR VOTE - Unanimous

P3 [PD-PC] Development Application DA06/0266 for a Mortuary - Crematorium and LEP Amendment at Lot 703, 704, 705, 707 DP 1000580, No. 9394 Tweed Valley Way, Chinderah

P42 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Payne**

RECOMMENDED that: -

1. Council informs the Director-General of the Department of Planning that pursuant to Section 54(1) of the Environmental Planning and Assessment Act, 1979 Council intends to prepare a draft Local Environmental Plan to amend Schedule 3 of Tweed Local Environmental Plan 2000 to enable a mortuary/crematorium to be established on the eastern portion of Lot 704 DP 1000580 between the Tweed Valley Way and the old unmade road reserve adjacent to the Pacific Highway.
2. Council advises the Director-General that it does not consider a Local Environmental Study is needed.

***FOR VOTE - Administrator Payne, Administrator Turnbull
AGAINST VOTE - Administrator Boyd***

P4 [PD-PC] Development Application DA04/0517 for Multi Dwelling Housing Comprising Five (5) Dwellings at Lot 415 DP 755701, No. 75 Tweed Coast Road, Hastings Point

Mrs Joan Etheridge addressed the Planning Committee on this matter.

P43 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Payne**

RECOMMENDED that: -

1. The State Environmental Planning Policy No. 1 objections to Clause 32B of North Coast Regional Environmental Plan 1988 regarding the overshadowing of the adjoining reserve be supported and the concurrence of the Director-General of the Department of Planning be assumed.

2. Development Application DA04/0517 for the demolition of the existing dwelling and erection of multi dwelling housing comprising five (5) dwellings at Lot 415 DP 755701, No. 75 Tweed Coast Road, Hastings Point be approved subject to the following conditions: -
3. The application of the policy, Development Application Fee Review, be applied to this development application.

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos P417DA01 Revision D, P417DA04 Revision E, P417DA05 Revision E, P417DA06 Revision D, P417DA07 Revision E prepared by Glen Petersen Architect and dated 18/08/2004, except where varied by these conditions. [GEN0010]
2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property. [GEN0030]
3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia. [GEN0120]
4. 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
 - (b1) 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
 - (b2) 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.

[GEN0150]

5. Kerb and gutter will be required for the full frontage of the site to Coast Road. The kerb will need to be 6.5m from the existing centre line to kerb face. Detailed plans will need to be submitted for approval by the Director Engineering & Operations prior to issue of a construction certificate.

[GENNS01]

6. The existing cycleway is to be saw cut and removed at the driveway entrance as the path is not reinforced.

[GENNS01]

7. The proposed rendered block fence shown extending to the front property boundary will need to be stopped 5 metres from the boundary or lowered to comply with sight lines as per Australian Standards.

[GENNS01]

8. All wastes shall be collected, stored and disposed to the satisfaction of the General Manager or his delegate. Wastes shall be presented at the kerb in a Council approved wheelie bin for collection. A screened, graded and drained bin storage area shall be provided within the boundary of the property.

[GENNS01]

9. The site shall not be dewatered and acid sulfate soils shall not be exposed or disturbed.

[GENNS01]

10. Wash water from the pervious car wash area shall not flow or percolate to any watercourse or stormwater drain.

[GENNS01]

11. Lighting shall not be permitted to impact the amenity of any other premise.

[GENNS01]

12. No roofing or shade structure shall be permitted on the roof terrace.

[GENNS01]

13. Riparian vegetation shall not be removed or cut back.

[GENNS01]

14. Stormwater runoff or wastewater shall not be permitted to discharge to Cudgera Creek.

[GENNS01]

15. The use of EXTERNAL ground anchors, sheet piling or any other like method that extends beyond the property boundary is not permitted or approved by this consent, except where the written permission to carry out such works and the details of works have been submitted and approved with the Construction Certificate. Any such works proposed in Council's road reserve shall require the submission and approval of a separate s.138 application, which is to be accompanied with all necessary engineering detail to the satisfaction of Council's Director of Engineering and Operations.
[GENNS01]
- 15a. No fences or other structures exceeding a height of 1.2 metres are to be erected on the site between the front boundary and the building for a distance of 6.0 metres.
16. Construction shall comply with AS3959 - 1999 level 3 'Construction of Buildings in bushfire prone areas'.
[GENNS01]
17. The entire property shall be managed as an 'Inner Protection Area' as outlined within Section 4.2.2 in Planning for Bushfire Protection 2001.
[GENNS01]
18. A 1.8 metre high radiant heat shield made of non-combustible materials shall be constructed along the full length of the western boundary adjacent to the hazard. A pedestrian access gate is to be provided along this boundary. Where steel cladding material is used; all posts and rails will be constructed from steel. The bottom of the fence is to be in direct contact with the finished ground level or plinth.
[GENNS01]
19. Access to the rear of the property shall be provided for fire fighting purposes.
[GENNS01]
20. Reticulated water supply shall comply with AS2419. Locations of fire hydrants are to be delineated by blue pavement markers in the centre of the road.
[GENNS01]
21. All fencing shall be of non-combustible materials.
[GENNS01]
22. Construction of the dwellings on the eastern and western aspects to comply with level 3 AS3959. Construction on the remainder of the dwelling to comply with table A3.3 of Planning of Bushfire Protection 2001.
[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

23. Section 94 Contributions

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

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

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

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

(a) Tweed Road Contribution Plan:	\$6,740
S94 Plan No. 4 (Version 4.0)	
Sector8a_4	
(b) Open Space (Structured):	\$1,770
S94 Plan No. 5	
(c) Open Space (Casual):	\$378
S94 Plan No. 5	
(d) Shirewide Library Facilities:	\$1,562
S94 Plan No. 11	
(e) Eviron Cemetery/Crematorium Facilities:	\$321
S94 Plan No. 13	
(f) Community Facilities (Tweed Coast - South)	\$2,336
S94 Plan No. 15	
(g) Emergency Facilities (Surf Lifesaving)	\$502
S94 Plan No. 16	

- (h) Extensions to Council Administration Offices
& Technical Support Facilities \$3,543.76
S94 Plan No. 18
- (i) Cycleways \$803
S94 Plan No. 22
- (j) Regional Open Space (Structured) \$3,451
S94 Plan No. 26
- (k) Regional Open Space (Casual) \$1,778
S94 Plan No. 26

[PCC0215/PSC0175]

24. 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 Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction 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 DSP6:	2.8 ET @ \$4230	\$11,844
Sewer Hastings Point:	3.75 ET @ \$2634	\$9,878

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.

[PCC0265/PSC0165]

25. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be submitted to and approved by the Director of Environment and Community Services PRIOR to the issue of a construction certificate.

The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of.

[PCC0130]

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

[PCC0160]

27. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

[PCC0190]

28. Permanent Stormwater Quality Treatment

(a) Permanent stormwater quality treatment shall comply with "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development" . New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the "deemed to comply" provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.

- (b) Water sensitive urban design practices shall be adopted as follows:
- (i) water quality measures shall be designed into the development site and will not rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge;
 - (ii) wherever practicable, porous surfaces which prevent runoff and / or direct runoff over filter strips or grass swales in outdoor areas shall be constructed;

- (iii) Landscaping shall be designed in a manner to maximise stormwater detention and reuse. For each dwelling there will be stormwater storage in rainwater tanks of 10,000 litres to reduce the incidence of runoff and water wastage. The stormwater storage will be for outdoor use and wherever practicable for toilet flushing.
- (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.
- (d) Specific Requirements
Stormwater quality control measures shall be implemented in accordance with Cozens Regan Williams Prove Drawing No. P.11.15 - Sk.2 (Issue C, dated 02/05), or subsequent amended versions approved by Council officers, unless otherwise directed by these consent conditions.

[PCC0230]

29. 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 section 68 of the Local Government Act 1993.

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.

[PCC0240]

30. Erosion and Sediment Control During the Construction Phase of Development
- (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan *"Tweed Shire Council Aus-Spec D7 - Stormwater Quality"* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond (if required) has been released.

(b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*.

[PCC0320]

31. Design of all filling and/or retaining works on the site must address drainage of the site as well as any existing stormwater flows onto or through the site, and the likely impact on stormwater drainage in the locality. Where necessary, perimeter drainage must be installed to prevent ponding of stormwater on adjoining land. Drainage must be installed and operational prior to commencement of any building work.
- [PCCNS01]
32. The basement car parking is to be protected against the inflow of water from Tweed Coast Road during storm events up to the ARI 100 year storm. This protection must be provided by construction of a permanent bund and appropriate driveway formation, not by mechanical means.
- [PCCNS01]
33. Stormwater infrastructure works within Council's Road Reserve and Council's Coastal Reserve, shall be implemented in accordance with Cozens Regan Williams Prove Drawing No. P.11.15 - Sk.2 (Issue C, dated 02/05), or subsequent amended versions approved by Council officers, unless otherwise directed by these consent conditions. Full engineering details of the external drainage system, including sizing of the infiltration area, shall be provided with the Construction Certificate application, and associated s68 and s138 applications.
- [PCCNS01]
34. Council's cycleway and road infrastructure must be fully reinstated to Council standards following construction and connection of the external drainage system. The concrete cycleway is to be saw cut to facilitate the construction of the system connection.
- [PCCNS01]
35. Plans of all works within Council's Coastal Reserve shall be accompanied by rehabilitation/ revegetation plans to be implemented within all areas disturbed by the works, to the satisfaction of Council's Director of Engineering & Operations.
- [PCCNS01]
36. The works shall at no time impose service interruptions on the sewer rising main located within the adjacent road reserve (Tweed Coast Road).
- [PCCNS01]
37. Prior to the commencement of any demolition works all house drainage connections are to be suitably capped off by a licenced plumber and an inspection of the work obtained from Council.

[PCW0300]

38. Prior to the commencement of works sedimentation and erosion control measures shall be installed to the satisfaction of the Director of Environment and Community Services.

[PCWNS01]

39. A detailed plan of landscaping is to be submitted and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

[PCC0585]

PRIOR TO COMMENCEMENT OF WORK

40. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.

[PCW0010]

41. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised to the satisfaction of the Principal Certifying Authority and provided with a dish drain or similar at the base or otherwise retained to the satisfaction of the Principle Certifying Authority. All retaining works shall be completed to the satisfaction of the Principal Certifying Authority prior to start of building work. Please note timber retaining walls are not permitted.

Note: All cut and or fill must comply with DCP 47. The top of any battered cut, toe or battered fill and the face of any retaining wall structure supporting cut or fill cannot be closer that 900mm to the boundary where the overall height at any point exceeds 500mm.

[PCW0040]

42. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) 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, or
 - (c) if that is not practicable, any other sewage management facility approved by the council.

[PCW0060]

43. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and

- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0070]

44. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:
- i. The person must, at the person's own expense:
 - a. preserve and protect the building from damage; and
 - b. if necessary, underpin and support the building in an approved manner.
 - ii. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.

[PCW0080]

45. 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.

[PCW0090]

46. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority. In addition to these measures an appropriate sign 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.

Please note that this sign is to remain in position for the duration of the project.

[PCW0280]

47. Residential building work:
- (1) 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:
 - (a) in the case of work for which a principal contractor is required to be appointed:

- (i) in the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
- (2) 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.

[PCW0290]

DURING CONSTRUCTION

48. 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 or complying development certificate was made).
- [DUR0010]
49. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742.3-2202 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
- [DUR0040]
50. The provision of nine (9) off street car parking spaces. Two (2) spaces are to be nominated for visitor use and signposted accordingly. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.
- [DUR0050]
51. 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.
- [DUR0080]
52. A garbage storage area shall be provided in accordance with Council's "Code for Storage and Disposal of Garbage and Other Solid Waste".
- [DUR0090]

53. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead" and the WorkCover guidelines on working with and handling of asbestos.
[DUR0100]
54. 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.
[DUR0130]
55. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover Authority.
[DUR0160]
56. 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.
[DUR0170]
57. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.
[DUR0200]
58. a. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
b. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
[DUR0210]
59. If the work involved in the erection or demolition of a building:
- a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - b. building involves the enclosure of a public place,
- a hoarding or fence must be erected between the work site and the public place.
- If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

[DUR0220]

60. Ensure adequate turfed area, or other suitable media, is incorporated and maintained into the proposed landscape of the property for use as a car wash-down area.

[DUR0230]

61. Provision to be made for the designation of a durable and pervious car wash-down area/s. The area/s must be identified for that specific purpose and be supplied with an adequate water supply for use within the area/s. Any surface run-off from the area must not discharge directly to the stormwater system.

[DUR0240]

62. All surface water collected from hard stand parking areas to be directed to Council approved pre-treatment facilities before discharge to approved discharge locations. Stormwater from covered or enclosed carpark areas shall not be discharged to the public sewer unless approved treatment facilities have been provided. Details are to be submitted to and approved by the Director of Environment and Community Services prior to installation

[DUR0670]

63. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.

[DUR0850]

64. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.

[DUR0870]

65. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.

[DUR0880]

66. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays.

[DUR0900]

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

- A. Short Term Period - 4 weeks.
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
- B. Long term period - the duration.
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0910]

68. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.

[DUR0920]

69. Prior to and during construction provide a "shake down" area along the haul route located immediately before the intersection with the road reserve. The "shake down" area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director, Engineering & Operations.

[DUR0930]

70. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. All such materials should be chipped on site and used in landscaping unless it is not possible due to size, non suitability of the material or some other limitation, in which case the material will be disposed of at Council's Stotts Creek depot.

[DUR1015]

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

[DUR0960]

72. 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.

[DUR0980]

73. All new residential dwellings (and extensions comprising over 50% of the original floor area) are to fully comply with Councils Energy Smart Housing Policy (DCP39). In order to comply with DCP39 consideration must be given to the building envelope, orientation, insulation, ventilation, thermal mass and zoning.

[DUR1000]

74. 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.
- [DUR1020]
75. 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.
- [DUR1030]
76. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
- [DUR1040]
77. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
- [DUR1090]
78. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.
- [DUR1110]
79. 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.
- [DUR1130]
80. 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:-
- * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C 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.

[DUR1160]

81. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
- i. All required erosion and sedimentation control devices have been installed and are operational.
 - ii. Required toilet facilities have been provided on the site.
 - iii. A sign has been erected on the site identifying:
 - Lot number
 - Builder
 - Phone number of builder or person responsible for site.
 - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
 - v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.

[DUR1200]

82. 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 to the satisfaction of the Director, Engineering & Operations prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1210]

83. Landscaping of the site shall be carried out in accordance with the approved landscaping plans. The landscaping to be completed prior to occupation of the building, to the satisfaction of the Director, Development Services.

[DUR1230]

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

[POC0030]

85. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.

[POC0050]

86. 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.

[POC0170]

87. 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 professional 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.

[POC0180]

88. Prior to the issue of an occupation certificate, a "satisfactory inspection report" issued by Council must be produced for s68h2 permanent stormwater quality control devices. This inspection report must be obtained from Council prior to backfilling of any of the s68h2 approved devices.

[POCNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

89. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications and conditions of Consent.

[POC0020]

USE

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

[USE0010]

91. The premises shall be suitably identified by Unit No. (where appropriate) and Street Number displayed in a prominent position on the facade of the building facing the primary street frontage, and is to be of sufficient size to be clearly identifiable from the street.

[USE0040]

92. All trade materials, product and plant to be kept within confines of the building at all times.

[USE0120]

93. 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, fumes or the like.

[USE0160]

94. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.

[USE0170]

FOR VOTE - Unanimous

P5 [PD-PC] Class 1 Appeal - Deemed Refusal of DA04/1058 for a 45 Lot Subdivision Comprising 36 Urban Residential Lots & 9 Rural Residential Lots at Lot 1 DP302949, Lot 1 DP725165, Lot 5 DP574986 & Lot 2 DP30714 Nos. 38-142 McAllisters Road, Bilambil Height

P44 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Payne**

RECOMMENDED that this report be received and noted.

FOR VOTE - Unanimous

P6 [PD-PC] Class 1 Appeal - Deemed Refusal of DA04/1618 for Riveroaks Stages 5-16 - 333 Lot Subdivision Comprising 317 Residential Lots, 7 Rural Residential Lots, 8 Public Reserves & 1 Commercial Lot at Old Lismore Road, Murwillumbah

P45 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Payne**

RECOMMENDED this report be received and noted.

FOR VOTE - Unanimous

P7 [PD-PC] Tweed Youth Needs Analysis

P46 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Payne**

RECOMMENDED that Council

1. Exhibits the Consultant's Report on the Tweed Youth Needs Analysis for public information and comment for a period of 28 days
2. Accepts the recommendation of the adopted Social Plan 2005-2009 to give priority to meeting the needs of young people,
3. As a priority, defines a position description to appoint a full time Youth Development Officer for the Shire,
4. In the short term, establishes a Youth Working Group to integrate youth services and share resources available across the Shire:
 - to work with youth agencies and the community to program events,
 - to optimise youth services and enhance existing facilities,to meet the needs of young people.

FOR VOTE - Unanimous

P8 [PD-PC] Development Application DA04/1524 for Multi Dwelling Housing Comprising 3 x 3 Bedroom Units With 1.8m High Fence With Fence Height Variation and Demolition at Lot 1 DP 381437, No. 118 Marine Parade, Kingscliff

P47 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Payne**

RECOMMENDED that this item be deferred to the next Planning Committee to be held on Tuesday, 23 May 2006.

FOR VOTE - Unanimous

P9 [PD-PC] Uki Locality Plan and Development Control Plan

The following speakers addressed the Planning Committee on this item:

Mr Barry Longland
Mr Klass Fuhrmann

Mr Jim Warburton

P48 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Payne**

RECOMMENDED that Council approves Development Control Plan No 53 – Uki and accompanying Locality Plan for Uki, as provided within Attachment B for adoption when Council formally adopts the consolidated Shire DCP with DCP 53 as a chapter within the consolidated Plan in accordance with the Environmental Planning and Assessment Act, 1979.

FOR VOTE - Unanimous

P10 [PD-PC] Amendment to Section 94 Contribution Plan No 26 - Shire Wide/Regional Open Space

P49 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Council: -

1. Adopts the amended exhibited Section 94 Contribution Plan No 26 – Shire Wide/Regional Open Space.
2. Gives public notice in the Tweed Link of its decision in accordance with the Environmental Planning and Assessment Regulations 2000, specifying that the amended Section 94 Contribution Plan comes into effect on the date of the notice.

FOR VOTE - Unanimous

P11 [PD-PC] Development Application Fees

P50 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Payne**

RECOMMENDED that the estimated cost of development for development applications be checked at the lodgement stage and building construction costs be based on the Building Cost Guide published by the NSW Chapter of the Australian Institute of Building Surveyors.

FOR VOTE - Unanimous

P12 [PD-PC] Development Application DA06/0133 for Dwelling Alterations & Carport with Building Line Variation at Lot 174 DP 834929, No. 11 Cashel Crescent, Banora Point

P51 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Development Application DA06/0133 for dwelling alterations & carport with building line variation at Lot 174 DP 834929, No. 11 Cashel Crescent, Banora Point 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. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property. [GEN0135]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

4. The footings and floor slab are to be designed by a practising Structural Engineer after consideration of a soil report from a NATA accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate. [PCC0945]
5. Council's road reserve adjacent to the northern side of the carport shall be supported by a suitably designed masonry retaining wall, details of which shall be submitted to the Principal Certifying Authority prior to the issue of a construction certificate. [PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

6. 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]
7. 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]
8. 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]
9. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- [PCW0255]
10. 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.

Please note that this sign is to remain in position for the duration of the project.

[PCW0985]

DURING CONSTRUCTION

11. All proposed works to be undertaken are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications.
12. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -
- [DUR0005]

Monday to Saturday from 7.00am to 7.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

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

[DUR0375]

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

[DUR0395]

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

[DUR0405]

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

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

[DUR1005]

17. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.

[DUR2185]

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

[DUR2255]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

19. 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]

20. Prior to the issue of an occupation certificate the area between the carport and front property boundary shall be extensively landscaped.

[POCNS01]

FOR VOTE - Unanimous

P13 [PD-PC] Development Application DA06/0176 for a Shed at Lot 1 DP 568904, No. 1649 Numinbah Road, Numinbah

P52 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that: -

1. The State Environmental Planning Policy No 1 objection to the 30 metre setback be approved and the concurrence of the Director-General of the Department of Planning be assumed.
2. Development Application DA06/0176 for a shed at Lot 1 DP 568904, No. 1649 Numinbah Road, Numinbah 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. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property. [GEN0135]

PRIOR TO COMMENCEMENT OF WORK

4. 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]

5. 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]

6. 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]

7. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0255]

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.

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.

Please note that this sign is to remain in position for the duration of the project.

[PCW0985]

9. 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]

DURING CONSTRUCTION

10. All proposed works to be undertaken are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications.
11. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -

[DUR0005]

Monday to Saturday from 7.00am to 7.00pm

No work to be carried out on Sundays or Public Holidays

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

- [DUR0205]
12. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of the buildings with direct line of sight to the proposed building.

- [DUR0245]
13. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

- [DUR0375]
14. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

- [DUR0395]
15. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

- [DUR0405]
16. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied in accordance with WorkCover 2000 Regulations.

- [DUR0415]
17. 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 Council's adopted Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1875]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

18. 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]

19. Prior to occupation of the building an Occupation Certificate is to be obtained. If Council is requested to issue the Occupation Certificate, the application must be accompanied by relevant Compliance Certificates or documentary evidence of compliance.

[POC0215]

USE

20. 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, fumes or the like.

[USE0125]

21. The building is not to be used for any habitable commercial or industrial purpose.

[USE0455]

22. Landscaping at the front of the property is to be maintained to aid in screening the shed from the road.

[USENS01]

FOR VOTE - Unanimous

P53 COMMITTEE DECISION:

**Administrator Payne
Administrator Turnbull**

RESOLVED that the Planning Committee resumes in Open Council under the Chairmanship of Administrator Payne.

FOR VOTE - Unanimous

80 COUNCIL DECISION:

**Administrator Payne
Administrator Turnbull**

RESOLVED that the recommendations of the Planning Committee held Tuesday 2 May 2006 be adopted.

FOR VOTE - Unanimous

ADJOURNMENT OF MEETING

Adjournment for the Community Access Session at 5.30pm.

RESUMPTION OF MEETING

The Meeting resumed at 6.04pm.

OPERATIONS COMMITTEE

81 COUNCIL DECISION:

**Administrator Payne
Administrator Boyd**

RESOLVED that Council resolves itself into the Operations Committee under the Chairmanship of Administrator Garry Payne.

FOR VOTE - Unanimous

01 [GC-OC] Quarterly Budget Review - 31 March 2006

O80 COMMITTEE DECISION:

**Administrator Payne
Administrator Turnbull**

RECOMMENDED that:

1. The Quarterly Budget Review Statement as at 31 March 2006 be adopted.
2. Council apply to the Deputy Director General of the Department of Local Government for additional loan funds of \$777,940 for purchase of open space land and non-domestic waste provisions and the loan documentation be completed under the Common Seal of Council.
3. The expenditure and income, as detailed below, be voted and adjusted in accordance with the revised total expenditure and income for the year ending 30 June 2006:

Item Description	Change to Vote	
	Deficit	Surplus
	\$	\$
General Fund		
Environment & Community Services		
1 Agenda 21	44,280	
1 Hybrid Car Trial	7,500	
1 Revolving Energy Fund projects	37,239	
1 Environment Funding from Reserves		89,019
2 Art Gallery Salaries	46,503	
3 Tweed River Regional Museum	93,563	
3 Museum Asset Management Reserve		93,563
4 Floodplain management officer	17,000	
4 Laboratory charges		8,500
4 Tweed River Management Plan		8,500
5 Air sea rescue building	20,400	
5 Civic buildings asset management		20,400
6 Kingscliff swimming pool	30,000	
6 Swimming pools asset management reserve		30,000
7 Non-Domestic Waste expenses	110,829	
8 Non-Domestic Waste income	155,525	
9 Non-Domestic Waste Provisions	377,940	
9 NDWM Provisions Loan Funding		377,940

Item Description	Change to Vote	
	Deficit	Surplus
	\$	\$
10 Public Halls		75,000
11 Public Toilets		200,000
11 Public Toilets Loan Funding	200,000	
12 Cemetery Income		15,000
13 Env Health Legal Costs		25,000
Engineering & Operations		
14 Recreation Admin salaries	26,143	
15 Street lighting charges	103,000	
15 Works Programs		103,000

16 Bus shelter maintenance	11,000	
17 Road Construction Loan Funding		200,000
18 Saleyards Expenses		5,000
19 Monitoring of Tugun bypass consent compliance	10,000	
19 Design expenses		10,000
20 Recreation s94 projects		1,065,500
20 Transfers from s94 funds	1,065,500	
34 Feasibility/Master Plan study for Arkinstall Park regional sports complex	60,000	
34 Funding from Plan 26 for above		60,000
35 Tweed River Estuary Management Plan		250,000
35 Tweed River Plan funding	250,000	
36 Cycleway Seabreeze to Pottsville	150,000	
36 Plan 22 Cycleways		75,000
36 RTA contribution		75,000
37 Zone 6a open space purchase	400,000	
37 Loan funds		400,000
Governance & Corporate Services		
21 Field Staff Training costs	80,000	
21 Field Staff Training oncosts		80,000
22 Traineeships & apprenticeships costs	80,000	
22 Traineeships incentive grants		80,000
Planning & Development		
23 s94 Administration Income		30,000
	3,376,422	3,376,422
Net Surplus/(Deficit)		Nil
Water Fund		
Engineering & Operations		
24 Various capital works		2,544,000
25 Various operating expenses		231,000
26 Transfers to Asset replacement reserve		82,500
27 Transfers from Asset Replacement Reserve	702,250	
28 Transfers from Capital Contributions Reserve	2,155,250	
	2,857,500	2,857,500
Net Surplus/(Deficit)		Nil
Sewer Fund		
Engineering & Operations		
29 Various capital works		5,657,000
30 Various operating expenses	123,000	
31 Transfers to Asset replacement reserve		560,000
32 Transfers from Asset Replacement Reserve	3,046,000	
33 Transfers from Capital Contributions Reserve	3,048,000	
	6,217,000	6,217,000
Net Surplus/(Deficit)		Nil

FOR VOTE - Unanimous

O2 [GC-OC] Goods and Services Tax Certificate

O81 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:

1. Voluntary GST has been paid by Tweed Shire Council for the period 1 July 2005 to 30 April 2006;
2. Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed; and
3. No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office.

FOR VOTE - Unanimous

O3 [GC-OC] In Kind Register - January to March 2006

O82 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that this report be received and noted.

FOR VOTE - Unanimous

O4 [GC-OC] Corporate Quarterly Report - January to March 2006

O83 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that the report be received and noted.

FOR VOTE - Unanimous

O5 [GC-OC] Tweed & Coolangatta Tourism Inc (TACTIC) Monthly Performance Reports - December 2005 - February 2006

O84 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that this report be received and noted.

FOR VOTE - Unanimous

O6 [GC-OC] Tweed Economic Development Corporation (TEDC) Quarterly Performance Report - January to March 2006

O85 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that this report be received and noted.

FOR VOTE - Unanimous

O7 [EO-OC] Naming of Public Bridge, Cudgera Creek Road, Cudgera Creek

O86 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:-

1. Council adopts the name of "*Murnane Bridge*", being the newly upgraded bridge over Cudgera Creek; and
2. The naming of the public bridge be gazetted under the provisions of the Roads (General) Regulation, 1994 and the Roads Act, 1993.

FOR VOTE - Unanimous

O8 [EO-OC] Application to Close & Purchase Section of Crown Road Reserve - Clothiers Creek

O87 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that Council does not approve the closure of the section of Road reserve at Clothiers Creek which adjoins Lot 4 in DP 231719.

FOR VOTE - Unanimous

O9 [EO-OC] Application to Close & Purchase Section of Crown Road Reserve - Carool

O88 COMMITTEE DECISION:

Administrator Turnbull
Administrator Boyd

RECOMMENDED that:-

1. Council approves the closure of the Crown Road Reserve only that is wholly within Lot 2 in DP 580036;
2. The applicants bear all the survey and legal costs and purchases the subject land as determined in value by the State Valuation Office;
3. The titles of the closed roads be consolidated with the adjacent land;
4. Easements be created over public authority reticulation services, if any;
5. Council does not approve the closure of the southern section of the Crown Road Reserve, which adjoins Lot 2 in DP 735658 and Lot 1 in DP 580036; and
6. All necessary documentation be executed under Common Seal of Council.

FOR VOTE - Unanimous

O10 [EO-OC] Applications to Close & Purchase Section of Crown Road Reserves located at Dulguigan and Kunghur Creek

Administrator Boyd declared an Interest in this item and took no part in the discussion or voting. The nature of the interest is that the item deals with road closure through land owned by Administrator Boyd.

O89 COMMITTEE DECISION:

Administrator Turnbull
Administrator Boyd

RECOMMENDED that:-

1. Council approve the closure of the Crown road reserve at Dulguigan.
2. Council approve the closure of the Crown road reserve at Kunghur Creek.
3. The applicants bear all the survey and legal costs and purchases the subject land as determined in value by the State Valuation Office;
4. The titles of the closed roads be consolidated with the adjacent land;
5. Easements be created over public authority reticulation services, if any; and

6. All necessary documentation be executed under the Common Seal of Council.

***FOR VOTE - Voting - Administrator Payne, Administrator Turnbull
DID NOT VOTE - Administrator Boyd***

**O11 [EO-OC] Closure of Temporary Road - Comprised in Lot 900 DP 1062853
- Casuarina Way, Kingscliff**

O90 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Boyd**

RECOMMENDED that:-

1. Council approves the transfer of temporary road, being Lot 900 in DP 1062853, pursuant to consent condition 32(i) of DA02/1422 back to the developer; and
2. All necessary documentation is executed under the Common Seal of Council.

FOR VOTE - Unanimous

O12 [EO-OC] Release of Restriction on Use over Lot 3 in DP 847641 - Kyogle Road, Dum Dum

O91 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:-

1. Council approves entering a Deed of Variation of Restriction on Use to release the Restriction on Use burdening Lot 3 created in DP 847641 and to create a replacement Restriction on Use burdening Lot 3;
2. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

O13 [EO-OC] Release of Easement for Water Supply Over Existing Pipeline and Creation of Easement for Water Supply Variable Width at Lot 71 DP 819194, Loders Road, Duranbah

O92 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that:-

1. Council approves the release of Easement for Water Supply Over Existing Pipeline burdening Lot 71 in DP 819194 created by Transfer Z828918;
2. Council approves the creation of an Easement for Water Supply Variable Width benefiting Council and burdening Lot 71 in DP 819194; and
3. All necessary documentation be executed under the Common Seal of Council.

FOR VOTE - Unanimous

O14 [EO-OC] Water Supply and Sewerage Program Status Report

O93 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council receives and notes this report.

FOR VOTE - Unanimous

O15 [EC-OC] The Tweed River Art Gallery Opening - Stage 2

Administrator Boyd declared an Interest in this item and took no part in the discussion or voting. The nature of the interest is that the items deals with naming of a gallery after Administrator Boyd and Mrs Boyd.

O94 COMMITTEE DECISION:

**Administrator Turnbull
Administrator Payne**

RECOMMENDED that:-

1. Margaret Olley be invited to open Stage 2 of the Tweed River Art Gallery and that the appropriate letter be forwarded.
2. The corridor gallery of Stage 2 be named "The Max & Marguerite Boyd Gallery".

***FOR VOTE - Voting - Administrator Payne, Administrator Turnbull
DID NOT VOTE - Administrator Boyd***

O16 [EC-OC] Membership of Council's Community Cultural Development Advisory Committee

O95 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that Council endorses the membership of Robert Longhurst on the Community Cultural Development Advisory Committee and conveys its appreciation to Mr Bainbridge for his valuable service.

FOR VOTE - Unanimous

O17 [EC-OC] Off Leash Dog Exercise Area - South Kingscliff Beach

Mr J Cornford addressed the Operations Committee on this item.

O96 COMMITTEE DECISION:

**Administrator Boyd
Administrator Turnbull**

RECOMMENDED that the off leash area at South Kingscliff Beach be maintained as it currently exists.

FOR VOTE - Unanimous

82 COUNCIL DECISION:

**Administrator Payne
Administrator Turnbull**

RESOLVED that the Operations Committee resume in Council.

FOR VOTE - Unanimous

83 COUNCIL DECISION:

**Administrator Payne
Administrator Turnbull**

RESOLVED that the recommendations of the Operations Committee held Tuesday 2 May 2006 be adopted.

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

84 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that this report be received and noted.

FOR VOTE - Unanimous

ADMINISTRATOR'S MINUTE

[AM] Signing of Documents by Administrators

85 COUNCIL DECISION:

**Administrator Turnbull
Administrator Boyd**

RESOLVED that the information be received and noted.

FOR VOTE - Unanimous

ORDINARY ITEMS FOR CONSIDERATION

REPORTS FROM THE ACTING GENERAL MANAGER

1 [A/GM-CM] Tweed Shire Council's Seven Year Plan - Report on Community Consultation

86 COUNCIL DECISION:

Administrator Turnbull

Administrator Boyd

RESOLVED that:

1. In view of the high level of responses to the public consultation, programs contained within the Plan have been reviewed and reduced from \$133M to \$118M, with projects to the value \$15.1M removed from the \$80M revenue-funded programs. Reductions will be made to the programs as follows:-

	\$M
• Facilities supporting community life	3.0
• Programs supporting Cultural Development	.5
• Programs supporting Social Development	.6
• Transport and road programs	2.0
• Parks and Recreation Programs	2.5
• Community Safety and Protection Programs	1.0
• Projects protecting the environment	5.0
• Leadership and Governance	.5

and

2. These revised programs of the 7 Year Infrastructure & Services Plan be incorporated into the draft Management Plan for the purpose of formal exhibition.

and

3. Application be made to the Minister for Local Government under Section 508(A) of the Local Government Act for a structured increase as follows above the approved percentage variation increases to general income:

2006/2007	4%
2007/2008	5%
2008/2009	6%
2009/2010	6%
2010/2011	5%
2011/2012	4%
2012/2013	4%

with the 2006/2007 increase to include a one off 15% increase in the business rate.

and

4. The Plan be independently audited prior to submission to the Minister.

and

5. The Minister for Local Government be requested to require the new Council elected in September 2008 to review the Plan for 2009/2010 onwards.

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR PLANNING & DEVELOPMENT

Nil.

REPORTS FROM THE DIRECTOR GOVERNANCE & CORPORATE SERVICES

2 [GC-CM] 2006/2009 Draft Management Plan, 2006/2007 Draft Budget/Fees and Charges and 10 Year Long Term Financial Plan

87 COUNCIL DECISION:

**Administrator Turnbull
Administrator Payne**

RESOLVED that:

1. The 2006/2009 Draft Management Plan reflecting the inclusion of the resolution relating to the 7 Year Infrastructure Plan (Item 1 of this Agenda, Minute No 86), the 2006/2007 Draft Budget, based on a 7.6% increase and 2006/2007 Fees and Charges be placed on exhibition for public comment from Saturday 6 May 2006 to Wednesday 7 June 2006.
2. A public meeting on the 2006/2009 Draft Management Plan and 2006/2007 Draft Budget be held at Tweed Heads Civic Centre on Monday 22 May 2006.
3. Submissions received will be considered by Council at its Meeting of 13 June 2006, with the view to finalising and adopting the Draft Management Plan/Budget.
4. The Council 10 year Long Term Financial Plan be adopted.

FOR VOTE - Unanimous

REPORTS FROM THE ACTING DIRECTOR ENGINEERING AND OPERATIONS

Nil.

REPORTS FROM THE DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

3 [SUB-LTC] Minutes of the Local Traffic Committee Meeting Held 13 April 2006

88 COUNCIL DECISION:

**Administrator Turnbull
Administrator Boyd**

RESOLVED that:

1. Minutes of the Local Traffic Committee Meeting held 13 April 2006 be received and noted; and
2. Director's recommendations be adopted as follows

1. Bay Street, Tweed Heads
R0470 Pt3; DW1363828; Traffic - Parking Zones

1. The existing loading zone at 33 Bay Street be changed to 10 minute short term parking.
2. The 2 parking spaces between Navigation Lane and Wharf Street that are designated for a "Bus Zone" between 8:30pm and 7:15am, be converted to a "Loading Zone" from 7:15am until 5:30pm.

-
2. Palm Avenue and Intersection with Coast Road, Bogangar
R4060 Pt1; Tweed Coast Road; DW1344840; Traffic - Parking Zones

That 'No Stopping' signs be installed at the intersection of Palm Avenue and Coast Road, Cabarita Beach.

-
4. Quayside Court, The Anchorage, Tweed Heads
R4492 Pt1; DW1360708; Traffic - Parking Zone

That 'No Parking' signs be installed at the western end of Quayside Court in the turning bay.

5. Bay Street, Tweed Heads
R0470 Pt3; DW 1372332; Traffic - Parking Zones; Loading Zones; Bus - Stops

That:-

1. The loading zone at 33 Bay Street be changed to 10 minute short term parking.
2. The 2 parking spaces between Navigation Lane and Wharf Street that are designated for a "Bus Zone" between 8:30pm and 7:15am, be converted to a "Loading Zone" from 7:15am to 5:30pm.

FOR VOTE - Unanimous

- 4 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 12 April 2006

89 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

RESOLVED that:

1. Minutes of the Tweed River Committee Meeting held Wednesday 12 April 2006 be received and noted; and
2. Director's recommendations be adopted as follows

**2. Valuation of Ferry Ramp Land at North Tumbulgum
Boat Ramps**

That Council purchases the property based on the valuation and determine how the purchase of this land is to be funded.

It is recommended that the \$40,000 (approximate total cost to pursue purchase) could be funded through the following budgets:-

- \$20,000 from the Sale of Road Reserve funds,

- \$10,000 from the Tweed River Committee allocation for Boating Facilities (the private ownership of this land means there is no public access to the old Ferry ramp which is used to launch boats and is under licence to Tweed Shire Council as a public facility), and
- \$10,000 from the Waterways Asset Replacement Fund for reasons outlined above.

FOR VOTE - Unanimous

5 [SUB-CC] Minutes of the Communications Committee Meeting held 21 April 2006

File Ref: Communications Committee

90 COUNCIL DECISION:

**Administrator Boyd
Administrator Payne**

RESOLVED that:-

1. Minutes of the Communications Committee Meeting held 21 April 2006 be received and noted; and
2. Director's recommendations be adopted as follows
4. **Community Consultation Meetings**

That the Communications Committee:

1. *Suggests that Council introduce a standard way of operating consultation meetings, this would include:*
 - *An independent facilitator as Chair.*
 - *Members of the public be invited to write down any questions, these would be handed to Council staff identified as such and assisting the meeting. They would also supply pencils and paper.*
 - *Speakers should be timed.*
 - *Only questions relating to the subject should be accepted.*
2. *Requests a special meeting with the Administrators given that tenders for the printing of the Tweed Link are to be called in May.*

FOR VOTE - Unanimous

LATE ITEM

91 COUNCIL DECISION:

**Administrator Payne
Administrator Boyd**

RESOLVED that Item a5, Notice of Motion being a Late Item be dealt with and it be ruled by the Chairman to be of great urgency.

FOR VOTE - Unanimous

ORDERS OF THE DAY

a5 [NOM] Tweed Tourism Strategic Review Advisory Committee

NOTICE OF MOTION:

92 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that:-

1. Operations Committee Item O3 included in Council's 12 April 2006 Agenda covering a report of the comprehensive review of TACTIC facilitated by Graham Sansom be received and adopted; and
2. Staff be requested to bring forward a draft agreement between Council and TACTIC for Council's consideration.

FOR VOTE - Unanimous

QUESTION TIME

Nil.

93 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

RESOLVED that Council resolves itself into a Confidential Committee of the Whole.

FOR VOTE - Unanimous

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

REPORTS THROUGH ACTING GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR GOVERNANCE & CORPORATE SERVICES IN COMMITTEE

1 [GM-CM] Appointment of Communication Committee Members

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 33 COUNCIL DECISION:

That Council appoints Rod Preston and Pamela Payne as members of the Communications Committee.

FOR VOTE - Unanimous

REPORTS FROM THE ACTING DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

2 [EO-OC] Naming of Council Public Road Associated with Cudgera Creek Road Realignment

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 34 COUNCIL DECISION:

That Council:-

1. Publicises its intention to name the newly created road reserve coming off Cudgera Creek Road, Cudgera Creek as "*Edwin Tagget Drive*" allowing one month for objections to the proposal.
2. Notifies the relevant authorities under the provisions of the Roads (General) Regulation 1994.

FOR VOTE - Unanimous

3 [EO-CM] Kallaroo Circuit Bund Blockage of Yelgun Creek, Ocean Shores

REASON FOR CONFIDENTIALITY:

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

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

C 35 COUNCIL DECISION:

That Council:-

1. Notify Byron Shire Council that if they fail to remove the unlawful bund within 28 days then, Tweed Shire Council, pursuant to Section 123 of the Environmental Planning & Assessment Act, will commence Class 4 proceedings against them in the Land & Environment Court.
2. Simultaneously advise the Director General of the Department of Natural Resources that:-
 - Given in 1992 Byron Shire Council authorised a blockage of Yelgun Creek, being the construction of the Kallaroo Circuit Bund, being an unambiguous breach of the Rivers and Foreshores Improvement Act, and that in April 2005 Byron Shire Council voted not to proceed with a draft LEP and development application to remedy the blockage, Tweed Shire Council expects the Department to issue an order within 28 days for Byron Shire Council to remove the blockage.
 - If such order has not been issued within the 28 day period, Tweed Shire Council will commence Class 4 proceedings in the Land & Environment Court against Byron Shire Council, pursuant to Section

- 123 of the Environmental Planning & Assessment Act, to remedy a breach of the Act being the building of the bund.
- Given the Department's obligations under the Rivers and Foreshores Improvement Act, Council would expect the Department's agreement to join with them as a party to the legal action
3. Commence legal action after expiration of the 28 days notice if Byron Shire Council has not acted on (1) or the Department has not issued the order in (2) above.
 4. Vote \$20,000 for legal costs from Council's Flood Mitigation Program.
 5. Request a contribution towards legal costs from the Mooball Crabbes Creek Drainage Union and the Tweed Cane Growers Association.

FOR VOTE - Unanimous

94 COUNCIL DECISION:

**Administrator Boyd
Administrator Turnbull**

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

FOR VOTE - Unanimous

There being no further business the Meeting terminated at 6.40pm.



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

Chairman

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