



**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 17 July 2012**

held at Murwillumbah Cultural and Civic Centre  
commencing at 10.30am

## 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 10.30am.

## **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 David Keenan (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.

Proverbs 8:12-21

"I, wisdom, dwell together with prudence; I possess knowledge and discretion.

To fear the LORD is to hate evil; I hate pride and arrogance, evil behaviour and perverse speech.

Counsel and sound judgement are mine; I have understanding and power.

By me Kings reign and Rulers make laws that are just;

By me princes govern, and all nobles who rule on earth.

I love those who love me, and those who seek me find me.

With me are riches and honour, enduring wealth and prosperity.

My fruit is better than fine gold; what I yield surpasses choice silver.

I walk in the way of righteousness, along the paths of justice,

Bestowing wealth on those who love me and making their treasuries full.

*"Lord God, King and Ruler of the Universe. By your might and power the world was created, and by your authority you raise up leaders to govern the land. We ask you today heavenly Father that your blessings will be over this Council meeting that you will grant wisdom to these Councillors so that the decisions they make will be honouring to You and also to the benefit and well-being of the people of the Tweed. Bless each member of this Council as they do their work, so that they may work in harmony with each other, and also that they work to make the Tweed a community that all can be proud of. We thank you heavenly Father for all the blessings that come from you, and we pray this in the Name of Jesus Christ, Amen."*

## CONFIRMATION OF MINUTES

### 1 [CONMIN] Confirmation of the Ordinary and Confidential Council Minutes from Meeting held Tuesday 26 June 2012

428

Cr D Holdom  
Cr P Youngblutt

**RESOLVED** that the Minutes of the Ordinary and Confidential Council Meetings held 26 June 2012 be adopted as a true and accurate record of proceedings of that meeting with the following amendment:

Cr J van Lieshout, with reference to Item 35 Minute 376, asked that it be noted that she inadvertently voted for the resolution but wishes her vote to reflect as voting against. The reason for the request is that this item was included as an en globo resolution of several items but was the only item Cr van Lieshout wished to vote against.

***FOR VOTE - Unanimous***

## APOLOGIES

Nil.

## DISCLOSURE OF INTEREST

**Cr K Milne** wishes to declare a pecuniary Interest in Item 12 - Development Application DA03/0476.02. The nature of the interest is that a family member is the proponent of the Development Application.

**Cr J van Lieshout** wishes to declare that she does not have any conflict of interest in Items 51 - Byrrill Creek Dam Site - Moratorium and 52 - Tweed District Water Supply Augmentation, but recognises that the community may perceive otherwise and therefore she will refrain from debate and voting in this regard.

**Cr D Holdom** wishes to declare a non pecuniary, non significant Interest in Item 35 - Kingscliff Foreshore Masterplan as a submission on the Masterplan has been received from the Kingscliff Ratepayer's Association of which Cr Holdom's spouse is a member and a member of that organisation owns property affected by the Masterplan.

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

Nil.

## **SCHEDULE OF OUTSTANDING RESOLUTIONS**

### **2 [SOR] Schedule of Outstanding Resolutions as at 17 July 2012**

The Schedule of Outstanding Resolutions as at 17 July 2012 were received and noted with Cr Milne noting that the Current status of Item 21 should exclude reference to the Infrastructure program.

## **MAYORAL MINUTE**

### **3 [MM-CM] Mayoral Minute - Period from 7 June to 3 July 2012**

**429**

**Cr B Longland**

**RESOLVED** that the Mayoral Minute for the period from 7 June to 3 July 2012 be received and noted with the following addition:

On 1 July 2012 Cr Holdom accepted an invitation to attend the NAIDOC Week Flag Raising Ceremony.

The Motion was **Carried**

***FOR VOTE - Unanimous***

## **SUSPENSION OF STANDING ORDERS**

**430**

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that Standing Orders be suspended to deal with Items 53 and 54 of the Agenda.

The Motion was **Carried**

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

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

- 53 [NOR-Cr K Milne, Cr B Longland, Cr D Holdom] Development Application DA11/0356 for a Wakeboarding Coaching Clinic between Fingal and Chinderah along the Tweed River (operating from Fingal Boat Ramp) at Lot 403 DP 755740 Main Road, Fingal Head

**NOTICE OF RESCISSION:**

431

**Cr D Holdom  
Cr K Milne**

**RESOLVED** that Council resolution at Minute No 334 in relation to Item 14 of the Meeting held 26 June 2012 being:

*"... that Council grant in-principle support for the proposal and that officers bring back a further report to Council with possible conditions of development consent."*

**be rescinded.**

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

- 54 [NOM-Cr D Holdom] Development Application DA11/0356 for a Wakeboarding Coaching Clinic between Fingal and Chinderah along the Tweed River (operating from Fingal Boat Ramp) at Lot 403 DP 755740 Main Road, Fingal Head

**NOTICE OF MOTION:**

432

**Cr D Holdom  
Cr K Milne**

**RESOLVED** that Development Application DA11/0356 for a wakeboarding coaching clinic between Fingal and Chinderah along the Tweed River (operating from Fingal boat ramp) at Lot 403 DP 755740 Main Road, Fingal Head be refused for the following reasons:

1. Pursuant to Section 5 Objects of the Environmental Planning and Assessment Act 1979 (as amended), the proposed development cannot be determined to satisfy sub section (a)(i), the orderly and economic use and development of the land.

It is Council's view that the proposal has the ability to impact negatively upon adjacent land; accordingly the proposal is not identified as satisfying the Objects of the Environmental Planning and Assessment Act 1979.

2. Pursuant to Section 5 Objects of the Environmental Planning and Assessment Act 1979 (as amended), the proposed development cannot be determined to satisfy sub section (a)(vi), the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats.

It is Council's view that the proposal has the ability to impact upon the protection and conservation of native animals and plants; accordingly the proposal is not identified as satisfying the Objects of the Environmental Planning and Assessment Act 1979.

3. In accordance with Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 (as amended) the proposed development is not considered to be compliant with Environmental Planning Instruments.

It is Council's view that the proposed development is inconsistent with the aims of State Environmental Planning Policies (SEPP):

- SEPP 14: Coastal Wetlands;
- SEPP 26: Littoral Rainforests;
- SEPP 64: Advertising and Signage (Clauses 10 and 27);
- SEPP 71: Coastal Protection (Clause 8(a), (d), (g), (h), (i) and (p)(i)); and
- North Coast Regional Environmental Plan (NCREP): Clauses 15, 32B, 75, 76 and 81.

It is Council's view that the proposed development does not satisfy the provisions contained within:

The Tweed Local Environmental Plan (LEP) 2000:

- Clause 4: Aims of this plan;
- Clause 5: Ecologically sustainable development;
- Clause 8(1): Consent Considerations;
- Clause 11: Zoning;
- Clause 13: Development of uncoloured land on the zone map;
- Clause 25: Development in zone 7(a) Environmental Protection (Wetlands and Littoral Rainforests) and on adjacent land;
- Clause 29: Development adjacent to zone 8(a) National Parks and Nature Reserves; and
- Clause 31: Development adjoining waterbodies.

4. The proposal is inconsistent with management plans produced by Council and the Roads and Maritime Services that highlight the need to protect ecology and reduce erosion within the vicinity of the Tweed River.
5. Pursuant to Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979 (as amended) the proposed site is not considered suitable for the proposed development.

It is Council's view that use of unzoned land adjacent to environmental conservation areas of State significance for the purposes of a wakeboarding coaching clinic is considered unacceptable due to its impact upon the habitat of estuarine fauna, in particular that of migratory shorebirds.

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6. In accordance with Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979 (as amended) the proposed development is not considered to be in the public interest.

It is Council's view that it is in the broader general public interest to enforce the standards contained within the Tweed LEP 2000 specifically as it relates to the objectives of unzoned land and the 6(a) Open Space, 6(b) Recreation, 7(a) Environmental Protection (Wetlands and Littoral Rainforests), 7(d) Environmental Protection (Scenic/Escarpment), 8(a) National Parks and Nature Reserves and 2(a) Low Density Residential zones.

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

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

**433**

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

**RESOLVED** that Standing Orders be resumed.

The Motion was **Carried**

**FOR VOTE - Unanimous**

- a3 **[MM-CM] Mayoral Minute - Implications of the Sandercocks Quarry Legal Decision to Rural Industry in the Shire**

#### **LATE ITEM**

**434**

**Cr P Youngblutt**  
**Cr K Skinner**

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

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



435

**Cr B Longland**

**RESOLVED** that Council seeks urgent representations (including representative from rural industry of the Tweed), through the local State Members, with the NSW Minister for Primary Industries in order to discuss the ramifications of this Land and Environment Court decision on rural industries generally, and this matter also be referred to the NSW Local Government and Shires Association for its support.

The Motion was **Carried**

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

## **ORDINARY ITEMS FOR CONSIDERATION**

### **REPORTS THROUGH THE GENERAL MANAGER**

#### **REPORTS FROM THE GENERAL MANAGER**

##### **4 [GM-CM] Small Business Assistance**

436

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

**RESOLVED** that Council undertakes a workshop in relation to the resourcing and provision of economic development.

The Motion was **Carried**

***FOR VOTE - Unanimous***

##### **5 [GM-CM] Murwillumbah Cattle Saleyards**

437

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

**RESOLVED** that Council approves the lease for the Murwillumbah Cattle Saleyards entering into a holding over period from 21 October 2012, on a month to month basis, until the land is sold.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**6 [GM-CM] Australia Day Advisory Committee of Council**

**438**

**Cr J van Lieshout  
Cr D Holdom**

**RESOLVED** that Council calls for expressions of interest from across the Shire to be part of the Australia Day Advisory Committee and thanks the outgoing Committee for their service to the community over many years.

The Motion was **Carried**

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

**7 [GM-CM] World Rally Championship Coffs Harbour 2011**

**439**

**Cr W Polglase  
Cr J van Lieshout**

**RESOLVED** that Council receives and notes the update on the Notice Motion of 15 November 2011 regarding the economic impact of the Coffs Harbour 2011 World Rally Championship event in comparison to the rally held in Tweed Shire in 2009.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**REPORTS FROM THE DIRECTOR PLANNING AND REGULATION**

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

**440**

**Cr K Skinner  
Cr K Milne**

**RESOLVED** that Council notes the June 2012 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**9 [PR-CM] Aboriginal Cultural Heritage Management Plan update and Memorandum of Understanding**

**441**

**Cr D Holdom**

**Cr K Milne**

**RESOLVED** that:

1. The Memorandum of Understanding between Tweed Shire Council, the Tweed Shire Aboriginal Advisory Committee and Converge Heritage + Community Pty Ltd guiding the preparation of the Tweed Shire Aboriginal Cultural Heritage Management Plan is endorsed by Council.
2. The Mayor and General Manager be authorised to sign the Memorandum of Understanding on behalf of Council.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**10 [PR-CM] Tweed Development Control Plan 2008 - Section B15 Seabreeze Estate Pottsville, Amendment No. 1**

**442**

**Cr D Holdom**

**Cr K Milne**

**PROPOSED** that:

1. This item be deferred to the August meeting.
2. The General Manager organises a follow up workshop between the Executive Management Team, Councillors and Department of Education and Training representatives regarding an update on possible school sites in and around the Pottsville locality.

443

**AMENDMENT**

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED**

1. The preparation of an amendment to Section B15 – Seabreeze Estate, Pottsville of the Tweed Development Control Plan 2008 to remove the identification of the school site within Seabreeze Estate be endorsed;
2. The amended Tweed Development Control Plan Section B15 – Seabreeze Estate, Pottsville be publicly exhibited for a minimum period of 30 days, in accordance with section 74E of the *Environmental Planning Assessment Act 1979* be endorsed; and
3. Following public exhibition of Draft Tweed Development Control Plan, Section B15 – Seabreeze Estate, Pottsville, a further report is submitted to Council on the public consultation.
4. Council convenes a community meeting in Pottsville during the exhibition period.

The Amendment was **Carried**

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

The Amendment on becoming the Motion was **Carried** - (Minute No 443 refers)

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

**11 [PR-CM] PP10/0001 Boyds Bay Garden World Planning Proposal - Lot 10 DP 1084319 Banksia Street - Referral to Department of Planning and Infrastructure to Have the Plan Made**

444

**Cr W Polglase  
Cr K Skinner**

**RESOLVED** that Council endorse:

1. Planning Proposal PP10/0001, Lot 10 DP 1084319 Banksia Street, Tweed Heads West, commonly known as the Boyds Bay Garden World site, for rezoning from 1(a) Rural to 3(c) Commerce and Trade, as provided as in Attachment 1 to this report be referred to the Department of Planning and Infrastructure to be made in accordance with section 59 of the Environmental Planning and Assessment Act 1979; and

2. A site-specific Development Control Plan be prepared for the site consistent with the requirements of Draft Tweed Local Environmental Plan 2000 (Amendment No.93), Clause 53G.

The Motion was **Carried**

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

**AGAINST VOTE - Cr K Milne**

- 12 **[PR-CM] Development Application DA03/0476.02 for an Amendment to Development Consent DA03/0476 for the Establishment of an Art Gallery/Coffee Shop to Include a Refreshment Room & Extend Trading Hours on Saturdays Including the Option of Live Music at Lot**

Cr K Milne declared a pecuniary Interest in this item, left the Chamber and therefore took no part in the discussion or voting on this item. The nature of the interest is that a family member is the proponent of the Development Application.

**445**

**Cr J van Lieshout**

**Cr B Longland**

**RESOLVED** that this item be deferred to the August Council meeting to allow for a Workshop to include the proponent, Councillors and Council staff, to address the issues.

Cr D Holdom left the meeting at 12:07 PM

Cr D Holdom has returned from temporary absence at 12:08 PM

The Motion was **Carried**

**FOR VOTE - Voting - Unanimous**

**ABSENT. DID NOT VOTE - Cr K Milne**

- 13 **[PR-CM] Development Application DA12/0098 for a Free Range Poultry Farm (Maximum 4,500 Birds) Including 8 Moveable Sheds at Lot 1 DP 881996 No. 576 Cudgen Road, Cudgen**

Cr K Milne has returned from temporary absence at 12:15 PM

Cr P Youngblutt left the meeting at 12:15 PM

**446**

**Cr D Holdom**

**Cr J van Lieshout**

**RESOLVED** that amended Development Application DA12/0098 for a free range poultry farm (maximum 4,500 birds) including 8 moveable sheds at Lot 1 DP 881996 No. 576 Cudgen Road, Cudgen be refused for the following reasons:

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1. The activity as proposed cannot be accommodated within the subject allotment (specifically having regard to buffers/separation distances) in accordance with accepted industry and regulatory guidelines, that being the, Environmental Guidelines for the Australian Egg Industry (2008), Model Code of Practise for the Welfare of Animals 4th Ed (2002) and the Living and Working in Rural Areas Handbook (2007).
2. The proposed development does not satisfy the provisions of the Tweed Local Environmental Plan 2000 specifically in regard to:
  - (a) Clause 4: Aims of the plan as the application does not have adequate regard for the environmental and residential amenity qualities of the area.
  - (b) Clause 8(1): Consent Considerations- Council is not satisfied that the development adequately satisfies the primary objective of the zone or will not have an unacceptable cumulative impact on the community, locality or catchment arising from the proposed operation of the development.
3. The existing driveway access (which is proposed as the only access for the operation of the poultry farm) is not considered adequate for the operation.
4. The application as amended (15 June 2012) satisfies the definitional criteria of "Designated Development" under the Environmental Planning & Assessment Act 1979 as set out in the Schedule 3 of the Environmental Planning and Assessment Regulation 2000 – Clause 21 Livestock Intensive Industries, as there is an approved dwelling within 150m of the fenced free range area. However, the application has not been lodged as Designated Development.
5. Insufficient information has been supplied in regards to;
  - (a) community amenity and health;
  - (b) environmental impacts;
  - (c) animal welfare; and
  - (d) internal site managementto enable a proper assessment of the application.
6. The application is not considered to be in the public interest.

The Motion was **Carried**

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

**AGAINST VOTE - Cr K Milne**

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

14 [PR-CM] Development Application DA10/0516 for a Telecommunications Facility at Lot 17 DP 1157351 No. 57 Elkhorn Road, Cobaki Lakes

447

Cr D Holdom  
Cr W Polglase

**RESOLVED** that Development Application DA10/0516 for a telecommunications facility at Lot 17 DP 1157351; No. 57 Elkhorn Road, Cobaki Lakes be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Revised Statement of Environmental Effects and Plan Nos Q109462 S1 Index (Locality Plan & Site Access); Q109462 S1-1 Index (Site Layout) and Q109462 S3 Index prepared by Telstra and dated 13 December 2010, 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 approved development shall not result in any clearing of native vegetation without prior approval from the relevant authority.  
[GEN0290]
5. Pruning or removal of vegetation to establish and maintain a 10m inner protection zone around the facility to meet bushfire safety standards or to provide access to the site must be carried out to the minimum extent necessary.  
[GENNS01]
6. The mobile phone tower may not exceed a maximum height of 135.36m AHD at the location given including any attached antenna, aerials or other appurtenances.
7. The tower is to be lit with a low intensity red obstacle light in accordance with the Manual of Standards for Part 139 of the Civil Aviation Safety Regulations (refer MOS Part 139-Aerodromes, Chapter 9, Section 9.4 <<http://www.casa.gov.au/wcmswr/assets/main/rules/1998casr/139/139mfull.pdf>>).
8. If the obstacle light is rendered unserviceable for any reason the proponent (Telstra) must ensure the light is repaired *within 24* hours maximum for the continued safe operation of aircraft within the vicinity.
9. A separate application must be submitted to Gold Coast Airport for any equipment or crane planned to be used in the installation of the mobile phone tower that exceeds the maximum height of the OLS at 82.42m AHD.
10. Proponent is to notify Gold Coast Airport 48 hours prior to commencing works.
11. The proponent must notify Gold Coast Airport upon completion of the communications tower.

12. Finished height must be provided to Gold Coast Airport upon completion (in AHD), so that it can update its plans and other records for the Airport and its surrounds.

[GENNS02]

13. Any construction certificate issued for this development must include details for the construction of the access track extension.

[GENNS03]

#### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

14. 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]

15. 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.

- a) Applications for these works must be submitted on Council's standard Section 68 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 Local Government Act will then NOT be required.

[PCC1145]

16. Erosion and Sediment Control shall be provided in accordance with the following:

- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
- (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

17. Prior to the issue of a Construction Certificate, a Construction and Environmental Management Plan, generally in accordance with Appendix F of the Revised Statement of Environmental Effects dated May 2012, must be submitted and approved in writing by the General Manager or delegate officer. Works shall be carried out in accordance with the approved details.

[PCCNS01]



PRIOR TO COMMENCEMENT OF WORK

18. 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]

19. 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]

20. 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]

21. 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]

22. 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. These measures are to be in accordance with any erosion and sedimentation control plan and adequately maintained throughout the duration of the development.

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

23. 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]

24. 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]

25. The 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]

26. 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]

27. 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]

28. 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]

29. 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]

30. 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]

31. 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]

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

[DUR2015]

33. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blow from the site.

[DUR2185]

34. Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

[DUR2375]

35. During construction the applicant must ensure that no damage or detrimental effect is caused to the shared driveway (within the Right of Carriageway) by construction vehicles.

[DURNS01]

#### PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

36. 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]

37. Prior to this issue of an Occupation Certificate the Principal Certifying Authority shall be provided with certification from a practising structural engineer which states that the completed telecommunications tower will be structurally adequate for its intended use in this location.

[POCNS01]

#### USE

38. 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]

39. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.

[USE0175]

40. 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]

41. All commercial/industrial/residential wastes shall be collected, stored and disposed of in accordance with any approved Waste Management Plan or to the satisfaction of the General Manager or his delegate.

[USE0875]

#### CONDITIONS OF APPROVAL IN RELATION TO SECTION 79BA OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

1. At the commencement of building works and in perpetuity the entire leased area shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

2. The equipment shelter shall comply with section 8 (BAL 40) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas'.

Cr P Youngblutt has returned from temporary absence at 12:16 PM

Cr W Polglase left the meeting at 12:16 PM

Cr W Polglase has returned from temporary absence at 12:17 PM

The Motion was **Carried**

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

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

- 15            **[PR-CM] Development Application DA10/0642 for a Three Storey Mixed Use Tourist and Residential Development Comprising 24 Accommodation Units Including 3 x 3 Bedroom Tourist/Residential Units, 3 x 3 Bedroom Residential Units, 12 x 2 Bedroom Tourist/Reside**

448

**Cr D Holdom**

**Cr W Polglase**

**RESOLVED** that Council endorses this report and submits it to the NSW Department of Planning and Infrastructure as the formal response to the Preferred Project Report (PPR) for a three storey mixed use tourist and residential development comprising 24 accommodation units including 3 x 3 bedroom tourist/residential units, 3 x 3 bedroom residential units, 12 x 2 bedroom tourist/residential units and 6 x 2 bedroom residential units at Lots 1-3 Section 1 DP 29748, Lot 4 Section 1 DP 31209 Nos. 2-6 Tweed Coast Road and No. 10 Cypress Crescent, Cabarita Beach.

The Motion was **Carried**

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

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

#### **ADJOURNMENT OF MEETING**

Adjournment for lunch at 12:37pm.

#### **RESUMPTION OF MEETING**

The Meeting resumed at 12:30pm.

**16 [PR-CM] Development Application DA11/0628 for Alterations and Additions to Detached Dual Occupancy at Lot 3 Section 6 DP 17606 No. 14 Marine Parade, Kingscliff**

**449**

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that:

1. State Environmental Planning Policy No. 1 objection to Clause 16 of the Tweed Local Environmental Plan 2000 regarding building height be supported and the concurrence of the Director-General of the Department of Planning and Infrastructure be assumed.
2. Development Application DA11/0628 for alterations and additions to detached dual occupancy at Lot 3 Section 6 DP 17606 No. 14 Marine Parade, Kingscliff be approved subject to the following conditions:

**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects and:
  - Plan No. WD01 Issue H (Site Plan) Project No. P504 prepared by Glen Petersen Architect Pty Ltd and dated 30 March 2012
  - Plan No. WD02 Issue J (Ground Floor Plan) Project No. P504 prepared by Glen Petersen Architect Pty Ltd and dated 30 March 2012
  - Plan No. WD03 Issue J (Level 1 Floor Plan) Project No. P504 prepared by Glen Petersen Architect Pty Ltd and dated 30 March 2012
  - Plan No. WD04 Issue I (Upper Level Floor Plan) Project No. P504 prepared by Glen Petersen Architect Pty Ltd and dated 30 March 2012
  - Plan No. WD05 Issue J (Elevations: North West & South East) Project No. P504 prepared by Glen Petersen Architect Pty Ltd and dated 30 March 2012
  - Plan No. WD06 Issue J (Elevations: North East & South West) Project No. P504 prepared by Glen Petersen Architect Pty Ltd and dated 30 March 2012
  - Plan No. WD07 Issue J (Section A & B) Project No. P504 prepared by Glen Petersen Architect Pty Ltd and dated 30 March 2012
  - Plan No. WD11 Issue B (Coloured Elevations: North West & South East) Project No. P504 prepared by Glen Petersen Architect Pty Ltd and dated 30 March 2012
  - Plan No. WD12 Issue B (Coloured Elevations: North East & South West) Project No. P504 prepared by Glen Petersen Architect Pty Ltd and dated 30 March 2012

- Plan No. WD13 Issue C (Ground Floor Demolition Plan) as amended in red, Project No. P504 prepared by Glen Petersen Architect Pty Ltd and dated 16 August 2010
- Plan No. WD14 Issue C (Level 1 Demolition Plan) as amended in red, Project No. P504 prepared by Glen Petersen Architect Pty Ltd and dated 16 August 2010
- Plan No. WD16 Issue A (Sections C & D) Project No. P504 prepared by Glen Petersen Architect Pty Ltd and dated 30 March 2012.

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]

#### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. 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]

6. A detailed plan of landscaping in accordance with the amended statement of landscaping intent (provided to Council 4 April 2012) is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate.

[PCC0585]

7. Prior to issue of a Construction Certificate, the applicant is required to submit a Demolition Work Plan that encompasses all demolition activities, to the satisfaction of Council's General Manager or his delegate.

[PCCNS01]

#### PRIOR TO COMMENCEMENT OF WORK

8. 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]

9. 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]

10. 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]

11. 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]

12. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one closet for every 15 persons or part of 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]

13. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

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

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

[PCW0255]

14. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where required. These measures are to be in accordance with any erosion and sedimentation control plan and adequately maintained throughout the duration of the development.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

This sign is to remain in position for the duration of the project.

[PCW0985]

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

[PCW1005]

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

[PCW1065]

17. 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 a 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.

[PCW1170]

#### DURING CONSTRUCTION

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

[DUR0005]

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

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

20. All 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]

21. 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]

22. 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]

23. 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]

24. 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]

25. 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]

26. 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]

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. 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]

29. Landscaping of the site shall be carried out in accordance with the approved landscaping plans.

[DUR1045]

30. 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]

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

[DUR1945]

32. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blow from the site.

[DUR2185]

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

All drainage systems shall comply with AS 3500.

[DUR2305]

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

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

[DUR2485]

35. Plumbing

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

[DUR2495]

36. 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.

[DUR2535]

37. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.

[DUR2545]

38. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-

- 43.5°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- 50°C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

[DUR2555]

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

[DUR2565]

#### PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

40. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

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

[POC0435]

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

[POC0475]

43. Prior to the occupation 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]

USE

44. The nominated rear deep soil zones (as shown on Plan No. WD10 Issue F (Impervious calculation) Project No. P504 prepared by Glen Petersen Architect Pty Ltd and dated 28 March 2012 accompanying the application) are to be retained in perpetuity exclusively for the purposes of the growth of vegetation and mature trees.

[USENS01]

GENERAL TERMS OF APPROVAL UNDER SECTION 100B OF THE RURAL FIRES ACT 1997

1. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
2. Water to the proposed development to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

The Motion was **Carried**

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

**AGAINST VOTE - Cr K Milne**

- 17 **[PR-CM] Review of Environmental Factors PTV12/0005 for Arkinstall Park Redevelopment (3 Stages) at Lot 1 DP 780163 Sullivan Street, Lot 296 DP 755740, Lot 1 DP 588267 Cunningham Street, Hourigan Street, Oxley Street, Robert Street and Cunningham Street,**

**450**

**Cr D Holdom**

**Cr J van Lieshout**

**RESOLVED** that:

- A. Following assessment of the Review of Environmental Factors for the Arkinstall Park Redevelopment it is determined that the activity is not likely to have a significant impact on the environment (including critical habitat) or threatened species, populations or ecological communities, or their habitats.
- B. PTV12/0005 application for the Arkinstall Park redevelopment (3 stages) at Lot 1 DP 780163 Sullivan Street, Lot 296 DP 755740, Lot 1 DP 588267 Cunningham Street, Hourigan Street, Oxley Street, Robert Street and Cunningham Street, Tweed Heads South be approved subject to the following conditions:
  1. The development shall be completed in general accordance with the Review of Environmental Factors and the Addendum to Review of Environmental Factors prepared by Tweed Shire Council dated May 2012 and June 2012 respectively, except where varied by these conditions.

[PTV0010]

2. Prior to commencement of work all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the General Manager or his delegate. Erosion and sedimentation control devices shall be designed and installed in accordance with Council's Design Specification D7 - *Stormwater Quality* and Council's Construction Specification C211 - *Control Of Erosion and Sedimentation*.

All erosion and sedimentation controls shall be maintained throughout the period of construction.

[PTV0020]

3. 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.

[PTV0030]

4. 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 Friday from 7.00am to 6.00pm

Saturday 8am to 1pm

No work to be carried out on Sundays or Public Holidays

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

[PTV0050]

5. 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.

[PTV0060]

6. Should any stage propose the construction or modification of a food preparation area (for the retail of food) a detailed food premise fit out plan shall be submitted for approval of the General Manager or his delegate prior to commencement of construction. All works shall comply with the approved fit out plan.

7. 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]
8. 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]
  9. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blow from the site.  
[DUR2185]
  10. 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]
  11. Should dewatering be required, these works shall not be carried out until a dewatering management plan has been submitted and approved to the satisfaction of the General Manager or his delegate. All work shall comply with that approved plan.
  12. Should excavation greater than 1.5m below ground level be required these works shall not be carried out until an acid sulphate soil management plan has been submitted and approved to the satisfaction of the General Manager or his delegate. All works shall comply with the approved plan.  
[DURNS01]
  13. 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]
  14. 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]
  15. Any premises used for the storage, preparation or sale of food are to comply with the *Food Act* 2003, FSANZ Food Safety Standards and AS 4674-2004 Design, construction and Fit-out of Food Premises and other requirements of Councils Environmental Health Officer included in this approval.  
[USE0835]
  16. Any car parking lighting and playing field lighting shall not spill beyond the boundary of the site. Lighting shall comply with AS 4282-1997 Control of the obtrusive effects of outdoor lighting.  
[USENS01]



17. A Habitat Restoration Plan must be prepared for the vegetation offset sites nominated as Swamp Sclerophyll Forest EEC offset at Avondale Park Tweed Heads prior to the removal of native vegetation from the site. Such plan must be prepared in accordance with Council's *draft Habitat Restoration Guidelines* and submitted to Council's Development Assessment Unit for approval. Such plan must describe how restoration works will be funded for a minimum 5 year period whilst restoration is undertaken and how the site will be managed thereafter.
18. Vegetation clearing is limited to works outlined on Pages 83-85 of the Review of Environmental factors and as listed in Appendix L: register of trees subject to disturbance (as amended June 2012). All trees to be retained must be protected in accordance with Australian Standard for the protection of Trees on development sites.
19. A registered Spotter-catcher must be present on site during all works that involve the clearing of native vegetation so as to minimise impacts to native fauna.
20. Hollow-bearing trees to be removed shall be inspected for the presence of animals by a suitably qualified person, prior to their removal. Where animals are found, works in the vicinity will cease until animals leave, or are captured for later release on another site. Nocturnal animals shall be released at dusk. Injured fauna shall be transferred to the care of a Northern Rivers Wildlife Carers recommended veterinarian.
21. A Compensatory Fauna Nest-Box Plan must be submitted to Council's Natural Resources Unit for approval within six months of the date of this approval. All reasonable opportunities to re-use hollows removed from trees on the site must be taken.
22. 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 works (as applicable).
23. A Traffic Control Plan, prepared by an RTA accredited person, in accordance with AS1742 and RTA publication "Traffic Control at Work Sites" Version 2 shall be endorsed by Council prior to commencement of works (as applicable).
24. The development must provide a minimum of 12 disabled car parking spaces in accordance with Tweed Shire Council's Development Control Plan Part A2 - Site Access and Parking Code, (unless accepted otherwise by Council).

The Motion was **Carried**

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

**AGAINST VOTE - Cr K Milne**

**18 [PR-CM] Unauthorised Activity - Poultry Farm at Lot 1 DP881996 No. 576  
Cudgen Road, Cudgen**

**451**

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that:

1. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2)(g) of the Local Government Act 1993, because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2. Council pursues recovery of costs in relation to this matter in accordance with the advice prepared by Sparke Helmore Lawyers dated 13 June 2012.

The Motion was **Carried**

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

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

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

**452**

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

**RESOLVED** that Council endorses the waiver of fees to the amount of \$509 for provision of the HACC Centre Tweed Heads South to the Twin Towns Friends Association Inc for meetings to be held on 13 February, 13 March, 10 April, 8 May and 12 June 2013 and the South Tweed Community Hall for the "Volunteers Certificate of Appreciation" on 22 May 2013 and the "Cuppa for Cancer" on 30 May 2013 and the Tweed Heads Civic Centre on 20 March 2013 for the "Seniors Week Rock'n'Roll Exhibition for Clients" as per the adopted Facility Hire and Use Policy and that Council's support is recognised with the following acknowledgement "This program has been supported by Tweed Shire Council".

The Motion was **Carried**

**FOR VOTE - Unanimous**

**20 [CNR-CM] The Conservation Status of Albert's Lyrebird (Menura alberti)**

**453**

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

**RESOLVED** that Council receives and notes the report on the Conservation Status of Albert's Lyrebird (*Menura Alberti*).

The Motion was **Carried**

***FOR VOTE - Unanimous***

**21 [CNR-CM] River Health Grants**

**454**

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that Council approves the proposed River Health Grants included within this report.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**22 [CNR-CM] Jetty at Chinderah**

**455**

**Cr K Skinner  
Cr W Polglase**

**RESOLVED** that :

1. Council agrees to partner with Chinderah District Residents Association to fund and progress the establishment of a recreational boating pontoon at Chinderah.
2. Council accepts the offer of the Chinderah District Residents Association to prepare a development application for the proposed pontoon and proceed with this phase of the project.
3. The project be developed on the basis of the pontoon being 40 metres in length.
4. The Tweed River Committee's advice be sought with regard to the proposal.
5. An application for funding be submitted to NSW Roads and Maritime Services' Better Boating Program for the proposed pontoon.

**456**

**AMENDMENT**

**Cr K Milne  
Cr J van Lieshout**

**PROPOSED** that :

1. Council agrees to partner with Chinderah District Residents Association to fund and progress the establishment of a recreational boating pontoon at Chinderah.
2. Council accepts the offer of the Chinderah District Residents Association to prepare a development application for the proposed pontoon and proceed with this phase of the project.
3. The project be developed on the basis of the pontoon being 30 metres in length.
4. The Tweed River Committee's advice be sought with regard to the proposal.
5. An application for funding be submitted to NSW Roads and Maritime Services' Better Boating Program for the proposed pontoon.

The Amendment was **Lost**

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

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

The Motion was **Carried** (Minute No 455 refers)

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

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

## **23 [CNR-CM] Home and Community Care Transition Funding 2011-2012**

**457**

**Cr D Holdom**

**Cr P Youngblutt**

**RESOLVED** that Council:

1. Accepts the one-off payment of \$12,775 from NSW Government Family and Community Services, Ageing, Disability and Home Care.
2. Votes the expenditure.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**24 [CNR-CM] ComPacks Funding 2012-2013 - 1 July to 30 September 2012**

458

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that Council:

1. Accepts the funds from NSW Department of Health for the amount of \$264,605 for ComPacks for the period 1 July to 30 September 2012.
2. Votes the expenditure.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**25 [CNR-CM] Lease to Chillingham Community Association - Numinbah Road, Chillingham**

459

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that:

1. Council approves entering into a lease with the Chillingham Community Association for the premises located at 1469 Numinbah Road, Chillingham for two consecutive terms of 5 years each at a peppercorn rental;
2. All necessary documentation is executed under the Common Seal of Council.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**26 [CNR-CM] Waste Minimisation and Management Development Control Plan Section A15**

460

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that Council adopts the minor amendments to the Waste Minimisation and Management Section A15 in the current Tweed Development Control Plan, as identified in the body of this report.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**27 [CNR-CM] Clean Energy Legislation Liability 2012-2013**

**461**

**Cr D Holdom  
Cr K Milne**

**RESOLVED** that Council receives and notes the advice that Council is not identified in the Liable Entities Public Information Database for the 2012-2013 financial year as advised by the Australian Government Clean Energy Regulator, as a result of the following initiatives:

- Methane gas extraction system installed at Stotts Creek Resource Recovery Centre (SCRRC) in 2002.
- Renewable energy facility incorporating a methane gas combustion engine installed at Stotts Creek Resource Recovery Centre in 2006.
- Reduction in organic waste to landfill by introducing a three bin collection system in 2009.
- Ongoing recovery and reuse of organic waste at Stotts Creek Resource Recovery Centre.
- Extensive community education programs throughout Tweed Shire.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**28 [CNR-CM] Submission to NSW Legislative Council's Standing Committee on State Development - Inquiry into the Adequacy of Water Storages in NSW**

**462**

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that:

1. Council endorses this report as Council's preliminary submission to the NSW Legislative Council's Standing Committee on State Development - Inquiry into the adequacy of water storages in NSW.
2. Council officers provide further technical details to the Standing Committee at a later date as required, and report the content to Council.

The Motion was **Carried**

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

**29 [CNR-CM] Amendment of Cobaki and Terranora Broadwater Coastal Zone Management Plan - Certification by NSW Office of Environment and Heritage**

**463**

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

**RESOLVED** that Council notes and endorses the amendment of the Cobaki and Terranora Broadwater Coastal Zone Management Plan 2010, resulting in the deletion of action 2.10.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**30 [CNR-CM] Upgrade of Tweed River Art Gallery Café**

**464**

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

**RESOLVED** that Council supports the proposal from the Tweed River Art Gallery Foundation Ltd for it to fully fund the upgrade of the Gallery Café as detailed in the report.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**31 [CNR-CM] Contract EQ2011-099 Coastal Project Management- Optional 12 Month Extension of Project**

**465**

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

**RESOLVED** that Council extends Contract EQ2011-099 Coastal Project Management to Seaboard Consultants Pty Ltd for twelve (12) months for \$104,000 (GST inclusive) as per the option provided for in the Contract.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**32 [CNR-CM] Submission on the NSW State Wide Asbestos Plan; Consultation Draft**

**466**

**Cr J van Lieshout  
Cr D Holdom**

**RESOLVED** that Council:

1. Makes a submission to the New State-wide Asbestos Plan as detailed in this report.
2. Requests the inclusion of Council's Coordinator Waste Management in the review of the model Asbestos Policy to be undertaken by the Local Government and Shires Association.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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

**33 [EO-CM] Infrastructure Program 2012/2013**

**467**

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that Council approves the Infrastructure Program for 2012/2013 as detailed in this report.

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

**34 [EO-CM] Extinguishment of Easement - Seaview Road, Banora Point**

**468**

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that



1. Council approves the extinguishment of the Easement for Drainage 10ft wide created in DP 29289 which burdens Lot 1 in DP 538205 running along the northern boundary, subject to the applicant meeting all survey, legal and conveyancing costs; and
2. All documentation be executed under the Common Seal of Council.

The Motion was **Carried**

**FOR VOTE - Unanimous**

### **35 [EO-CM] Kingscliff Foreshore Masterplan**

Cr D Holdom declared a non pecuniary, non significant Interest in this item, left the Chamber at 02:28 PM and took no part in the discussion or voting. The nature of the interest is that Cr Holdom's spouse is a member of the Association that has made a submission on the Masterplan and a member of that organisation owns property affected by the Masterplan.

**469**

**Cr J van Lieshout  
Cr P Youngblutt**

**RESOLVED** that Council:

1. Adopts the Concept Plan as exhibited for Marine Parade, Kingscliff with the following amendments:
  - a. the traffic island to be enlarged near the Marine Parade-Turnock Street intersection to provide increased east to west pedestrian access.
  - b. the traffic island to be enlarged adjacent to the existing car park entry and formal pedestrian crossing (opposite Kingscliff Beach Hotel) to provide increased east to west pedestrian access and to better align the street crossing with Council easement from Pearl Street.
  - c. Parallel parking to remain outside the existing Amcal Chemist with one disabled parking space provided.
  - d. Provide Loading Bay south of pedestrian crossing near Holiday Park entry.
  - e. Remove the traffic islands shown in front of Hakkas restaurant. (Not required due to b above).
2. Proceeds to detailed design and environmental assessment of the various elements of the Concept Plan.
3. Submits a further report on project timing be presented once detailed design and environmental assessment have been completed.
4. Arranges a presentation to the Kingscliff and District Chamber of Commerce to enable Council officers to advise the Chamber of the results of the Community Consultation Program and timetable for design and implementation.
5. Council officers, in consultation with the Kingscliff and District Chamber of Commerce, further communicate with the business houses in the southern area of Marine Parade

to ascertain opportunities for enhancement of the public domain and to further consult with the Kingscliff Residents Association.

The Motion was **Carried**

**FOR VOTE - Voting - Unanimous**  
**ABSENT. DID NOT VOTE - Cr D Holdom**

Cr D Holdom has returned from temporary absence at 02:36 PM

**36 [EO-CM] Compulsory Acquisitions of Land - Harrys Road, North Arm**

**470**

**Cr P Youngblutt**  
**Cr K Skinner**

**RESOLVED** that:

1. Council investigates the options and reports back with regard to financial implications with respect to acquisition of the subject land.
2. A Workshop be conducted regarding this matter prior to the August meeting.

Cr K Skinner left the meeting at 02:48 PM

Cr K Skinner has returned from temporary absence at 02:50 PM

The Motion was **Carried**

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

**37 [EO-CM] Classification of Land - Sewer Pump Station at Burringbar**

**471**

**Cr K Skinner**  
**Cr P Youngblutt**

**RESOLVED** that Council approves the classification of Lot 1 in DP 1171700 located at Burringbar as operational land pursuant to section 25 of the Local Government Act, 1993.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**38 [EO-CM] EC2012-025 Provision of Air Conditioning Services**

472

**Cr W Polglase  
Cr J van Lieshout**

**RESOLVED** that:

1. Council Award the contract EC2012-025 for the Provision of Air Conditioning Services to L.E.N. Enterprises Pty. Ltd effective from date of Council resolution.
2. ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(c) and (d) of the Local Government Act 1993, because it contains:-
  - (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***

**39 [EO-CM] EC2012-115 Concrete Cycleway and Composite Fibre Boardwalk, Kennedy Drive**

473

**Cr W Polglase  
Cr J van Lieshout**

**RESOLVED** that:

1. The tender from Scape Shapes Landscaping Pty Ltd for EC2012-115 Concrete Cycleway and Composite Fibre Boardwalk, Kennedy Drive be accepted to the value of \$493,296.33 exclusive of GST
2. The General Manager be given delegated authority to approve variations (up to a maximum of \$150,000) and those variations be reported to Council following completion of works.
3. ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(c) and (d) of the Local Government Act 1993, because it contains:-
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret.

The Motion was **Carried**

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

**40 [EO-CM] EC2011-012 Kirkwood Road Project Update**

**474**

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

**RESOLVED** that:

1. Council accepts the approved and pending variations up to and including 18 May 2012 amounting to \$46,992.00 (inclusive of GST) for Contract EC2011-012 Kirkwood Road Project.
2. The General Manager is given delegated authority to approve any additional variations up to \$150,000 above the revised contract sum and those variations reported to Council.
3. ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains:-
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**REPORTS FROM THE DIRECTOR TECHNOLOGY AND CORPORATE SERVICES**

**41 [TCS-CM] Making of Rates 2012/2013**

**475**

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

**RESOLVED** that:

1. Council makes the 2012/2013 rates and charges in accordance with the provisions of sections 493, 494, 495, 495A, 496, 498, 501, 502, 506, 508A, 541, 548 and 553 of the Local Government Act 1993:
  - (a) Ordinary Rates (section 494, 498, 508A)

- (i) Residential Rate  
A Residential Rate of .4693 cents in the dollar on the rateable land value of all applicable rateable land in the Tweed Shire Council area classified Residential with a minimum rate of nine hundred and forty dollars and twenty five cents (\$940.25) in respect of any separate parcel of rateable land.
  - (ii) Farmland Rate  
A Farmland Rate of .3032 cents in the dollar on the rateable land value of all applicable rateable land in the Tweed Shire Council area classified Farmland with a minimum rate of nine hundred and forty dollars and twenty five cents (\$940.25) in respect of any separate parcel of rateable land.
  - (iii) Business Rate  
A Business Rate of .5015 cents in the dollar on the rateable land value of all applicable rateable land in the Tweed Shire Council area classified Business with a minimum rate of one thousand and four dollars and eighty cents (\$1004.80) in respect of any separate parcel of rateable land.
- (b) Annual Charges (Section 495, 495A, 496, 501, 502 and 553)
- (i) Sewerage Annual Charge (Section 501)  
A sewerage annual charge on the rateable land value of all applicable rateable land in the Tweed Shire Council area with an annual charge of six hundred and fifty dollars (\$650.00) in respect of any separate parcel of rateable land.
  - (ii) Water Annual Charge (Section 501)  
Residential assessments – a service charge of \$128.00  
  
Business assessments – a service charge based on meter size, being \$128.00, times the Flow Capacity Factor (as detailed in Table 1) and given the Multiplier Consumption Factor was reached (as detailed in Table 2)  
  
A volumetric charge of \$2.05 per kilolitre for all consumption to 300KL.  
  
A volumetric charge of \$3.10 per kilolitre for all consumption after 300KL.  
  
Vacant assessments rated to water – a service charge of \$128.00  
  
Properties will be levied the water service charge in accordance with the Local Government Act including the description of what land may be subject to the water service charge.

Table 1 - Flow Capacity Factors

Diameter of Service mm	Cross sectional area	Flow Capacity Factor
20	314	1.00
25	491	1.56
32	804	2.56
40	1,256	4.00
50	1,963	6.25
80	5,024	16.00
100	7,850	25.00
150	17,663	56.25
200	31,400	100.00
250	49,063	156.25
300	70,650	225.00

Table 2 - Consumption Factors

Consumption Scale		Consumption Factors										
KL from	KL to	Meter size (mm)										
		20	25	32	40	50	80	100	150	200	250	300
0	290	1.000	0.640	0.391	0.250	0.160	0.063	0.040	0.018	0.010	0.006	0.004
291	454	1.000	1.000	0.610	0.391	0.250	0.980	0.063	0.028	0.016	0.010	0.007
455	743	1.000	1.000	1.000	0.640	0.410	0.160	0.102	0.046	0.026	0.016	0.011
744	1,160	1.000	1.000	1.000	1.000	0.640	0.250	0.160	0.071	0.040	0.026	0.018
1,161	1,814	1.000	1.000	1.000	1.000	1.000	0.391	0.250	0.111	0.063	0.040	0.028
1,815	4,640	1.000	1.000	1.000	1.000	1.000	1.000	0.640	0.284	0.160	0.102	0.071
4,641	7,250	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.444	0.250	0.160	0.111
7,251	16,314	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.563	0.360	0.250
16,315	29,000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.640	0.444
29,001	45,314	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.694
Over 45,314		1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000

(v) Tweed Heads Streetscaping Special Rate (Section 495)

A Tweed Heads Streetscaping Special Rate of .001170 cents in the dollar on the rateable land value of applicable land in the Tweed Shire Council area. The following is a description of the applicable land:

- LOT 7 DP 167898
- LOT A DP 398092
- LOT 2 DP 525905
- LOT 8 SEC 2 DP 759009
- LOTS 2-6 DP 224382
- LOT 3 DP 110355
- LOT 1 DP 306057
- LOT A DP 313926
- LOT 1 SP 5287
- LOT 2 SP 5287
- LOT 3 SP 5287
- LOT 4 SP 528
- LOT 5 SP 528
- LOT 6 SP 5287
- LOT 2 DP 229412
- LOT 5 DP 549037
- LOT 6 DP 549037
- LOT 1 SP 10552
- LOT 2 SP 10552
- LOT 3 SP 10552
- LOT 4 SP 10552
- LOT 1 DP 534136
- LOT 2 DP 101111

LOTS 3-4 DP 420750  
LOTS 1-2 DP 420749  
COR LOTS 32/35 DP 237678 SPL COR 73.15 X 50.8  
LOT 64 DP 237806 16.99X29.26/36.58 SPL COR  
LOT 2 DP 549328 14.5/12.14X36.58/36.65  
LOT 1 DP 549328  
LOT 61 DP 237806 12.19X36.58  
LOT 60 DP 237806 12.19X36.58  
LOTS 58/59 DP 237806  
LOT 57 DP 237806 12.19X36.58  
LOT 56 DP 237806  
LOT 55 DP 237806 12.19X36.58  
LOT 54 DP 237806  
LOT 53 DP 237806  
LOT 52 DP 237806  
LOT 1 SP 14263  
LOT 2 SP 14263  
LOT 3 SP 14263  
LOT 4 SP 14263  
LOT 5 SP 14263  
LOT 1 DP 525413  
LOT 1 DP 553728  
LOT 1 DP 777183 SUBJ TO E'MENTS  
LOT 9 DP 964880 LOT 1 DP 303503  
LOT A DP 332137 49.911 X 50.292  
LOT B DP 332137 LOT 1 DP 962785 LOT 1 DP 962784 LOT 2 SEC 1DP 758279 DP 758279  
LOT 100 DP 775892  
LOT 3 DP 329933  
LOT 1 DP 17554  
LOT 2 DP 17554  
LOT 3 DP 17554  
LOT 4 DP 17554  
LOT 5 DP 17554  
LOT 6 DP 17554  
LOT 7 DP 17554 29'9/30'XIRR90'10/93'9  
COR LOTS 2 & 3 DP 519757  
LOT 1 DP 222704  
LOT 1 DP 609342  
LOTS A & B DP 373378  
LOTS 1-2 SEC 4 DP 4570  
LOT 30 SEC 4 DP 4043 LOT 1 DP 329246 LOT 2 DP329247 LOT 3 DP 329248 LOT 4 DP  
329249  
LOT 6 SEC 4 DP 4570 LOT A DP 341926 & LOT 28 SEC 4 DP 4043  
LOT 10 SEC 4 DP 4570  
LOT 11 SEC 4 DP 4570 15.16/15.09 X 35.08/34.62  
LOTS 15 SEC 4 DP 4570 LOT 16 SEC 4 DP 4043  
LOT 1 SP 14262  
LOT 2 SP 14262  
LOT 3 SP 14262  
LOT 4 SP 14262  
LOT 5 SP 14262  
LOT 6 SP 14262  
LOT 7 SP 14262  
LOT 8 SP 14262  
LOT 9 SP 14262  
LOT 10 SP 14262  
LOT 1 SP 32143  
LOT 2 SP 32143  
LOT 3 SP 32143  
LOT 4 SP 32143  
LOT 1 SEC 5 DP 759009 LOT 23 DP 776673

LOT 672 DP 755740 LOT 3 DP 520173 LOT 1 DP 245697 LOTS 2-3 DP 561138 LOT 1 DP 820693  
LOT 19 SEC 4 DP 4043 LOTS 12/14 SEC 4 DP 4570  
LOT 1 DP 866236  
LOT 1 DP 1007168  
LOT 2 DP 1007168  
LOT 1 SP 57664  
LOT 2 SP 57664  
LOT 3 SP 57664  
LOT 4 SP 57664  
LOT 5 SP 57664  
LOT 6 SP 57664  
LOT 7 SP 57664  
LOT 8 SP 57664  
LOT 9 SP 57664  
LOT 10 SP 57664  
LOT 11 SP 57664  
LOT 12 SP 57664  
LOT 13 SP 57664  
LOT 14 SP 57664  
LOT 15 SP 57664  
LOT 16 SP 57664  
LOT 17 SP 57664  
LOT 18 SP 57664  
LOT 100 DP 1021860  
LOT 1 SP 70355  
LOT 2 SP 70355  
Lot 6 DP 1096714  
Lot 3 DP 1086912

(vi) Koala Beach Special Rate (Section 495)

A Koala Beach Special Rate of .0696 cents in the dollar on the rateable land value of applicable land in the Tweed Shire Council area. The following is a description of the applicable land:

LOT 1 DP 86409  
LOT 2 DP 864093  
LOT 3 DP 864093  
LOT 4 DP 864093  
LOT 5 DP 864093  
LOT 6 DP 864093  
LOT 7 DP 864093  
LOT 8 DP 864093  
LOT 9 DP 864093  
LOT 10 DP 864093  
LOT 11 DP 864093  
LOT 12 DP 864093  
LOT 13 DP 864093  
LOT 16 DP 864093  
LOT 17 DP 864093  
LOT 18 DP 864093  
LOT 19 DP 864093  
LOT 20 DP 864093  
LOT 21 DP 864093  
LOT 30 DP 864094  
LOT 31 DP 864094  
LOT 32 DP 864094  
LOT 33 DP 864094  
LOT 34 DP 864094  
LOT 35 DP 864094  
LOT 36 DP 864094



LOT 37 DP 864094  
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LOT 39 DP 864094  
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LOT 41 DP 864094  
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LOT 45 DP 864094  
LOT 46 DP 864094  
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Lot 737 DP 1078611  
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Lot 2 SP 78678

(vii) Burringbar-Mooball Sewerage Annual Charge (Section 501)

A Burringbar - Mooball Sewerage Annual Charge for all rateable land which will be serviced by the Burringbar/Mooball Sewerage Scheme of the Tweed. An annual sewerage charge of three hundred and fifty dollars (\$350.00) in respect of any separate parcel of rateable land within the Mooball/Burringbar area. The following is a description of the applicable land:

PT LOT 1 SEC 1 DP 3090  
LOT 6 DP 5114  
LOT 5 DP 5114  
Lots 3 & 4 DP 5114 Lot 1 DP 126083 Lot 11 DP 1093305  
LOT 3 SEC 1 DP 3090  
LOT 2 DP 360551  
LOT 1 DP 388082  
LOT 3 DP 574439  
LOT 1 DP 503384  
LOT 7 SEC 1 DP 3090  
LOT 8 SEC 1 DP 3090  
LOT 10-10A SEC 1 DP 6696  
LOT 1 DP 771720



LOT 1A SEC 2 DP 6696  
LOTS 2-2A SEC 2 DP 6696  
LOTS 3-3A SEC 2 DP 6696  
LOTS 4-4A SEC 2 DP 6696  
LOT 5 SEC 2 DP 6696  
LOT 12 DP 571794  
LOT 10 SEC 2 DP 3090  
LOT A DP 380818  
LOT B DP 380818 16.76 X 50.29  
LOT 1 DP 377857  
LOT 2 DP 377857 20.12 X 50.29  
LOT 3 DP 377857 20.12 X 50.29  
LOTS 4/5 DP 379207  
LOT 6 DP 261790  
LOT 7 DP 261790  
LOT 8 DP 261790 23.14 X 73.56  
LOT 9 DP 261790  
LOT 10 DP 261790  
LOT 14 DP 261790  
LOT 16 DP 261790  
LOT 17 DP 261790 18.6 X 39.5  
LOT 18 DP 261790  
LOT 19 DP 261790  
LOT 20 DP 261790  
LOT 4 SEC 2 DP 2853  
LOT 2 DP 261790  
LOT 3 DP 261790  
LOT 5 DP 261790  
LOT 7 DP 617837  
LOT 6 DP 617837  
LOT 1 DP 517616  
LOT 5 DP 563017  
LOT 2 DP 701606  
LOT 1 DP 701606  
LOT 3 DP 542839  
LOT 1 DP 801130  
LOTS A-D DP 6624  
LOT E DP 6624  
LOT I DP 6624  
LOTS J & K DP 6624  
LOT B DP 408782  
LOT A DP 403665  
LOT 1 DP 383810  
LOTS 1-3 DP 124446  
LOT 1 DP 124445  
LOT 2 DP 124445  
LOT 1 DP 124444  
LOT 2 DP 124444  
LOT 16 SEC 1 DP 2853  
LOT 17 SEC 1 DP 2853  
LOT 11 DP 866170  
LOT 4 DP 607681  
LOT 3 DP 607681  
LOT 1 DP 972819  
LOT 6 DP 381443  
LOT 1 DP 378287  
LOT 1 DP 379905  
LOT 1 DP 231691  
LOT 2 DP 231691  
LOT 2 DP 5726  
LOT 3 DP 5726  
LOT 14 DP 631001

LOT 15 DP 631001  
LOTS 6/7 DP 5726  
LOTS 8/9 DP 5726  
LOTS 10-11 DP 5726  
LOTS 12-13 DP 5726  
LOTS 14-15 DP 5726  
LOT 1 DP 124443 LOT 4 DP 877090  
LOT 5 DP 877090  
LOT 1 SEC 3 DP 2853  
LOTS 24/26 DP 597517  
LOT 27 DP 597517  
LOT 8 SEC 3 DP 2853  
LOT 1 DP 332658  
LOT A DP 363236  
LOT B DP 363236  
LOT 10 SEC 1 DP 17414  
LOT 9 SEC 1 DP 17414  
LOT 8 SEC 1 DP 17414  
LOT 7 SEC 1 DP 17414  
LOT 6 SEC 1 DP 17414  
LOT 5 SEC 1 DP 17414  
LOT 4 SEC 1 DP 17414  
LOT 3 SEC 1 DP 17414  
LOTS 1-2 DP 316479  
LOT 1 DP 329318 LOT 1 DP 393596 LOT 1 DP 123205  
LOT 3 DP 329318  
LOT 4 SEC 2 DP 17414  
LOT C DP 370478  
LOTS D/E DP 370478  
LOT A DP 420797 & LOT F DP 370478  
LOTS A-B DP 403876 LOT 2 DP 316482 LOT 3 DP 659959  
LOT 1 DP 129581  
LOT 1 DP 369445  
LOT B DP 365259  
LOT A DP 354678  
LOTS 1-2 DP 26048  
PH MOOBALL LOT 3 DP 26048  
LOT 1 DP 231846 SUBJ TO R O W  
LOT 2 DP 534493  
LOT 3 DP 621019  
LOT 2 SEC 3 DP 3090  
LOT 3 SEC 3 DP 3090  
LOT 4 SEC 3 DP 3090  
LOT 5 SEC 3 DP 3090  
LOTS 6/7 SEC 3 DP 3090  
LOT 1 DP 134112 & LOT 1 DP 444022  
LOT 23 DP 658471 & LOT 1 DP 441094  
LOT 2 DP 603957  
LOT 1 DP 603957  
COR LOT 21 DP 5726  
COR LOT 1 SEC 4 DP 3090  
LOT 2 SEC 4 DP 3090  
LOT 3 SEC 4 DP 3090  
LOT 4 SEC 4 DP 3090  
LOT 6 SEC 4 DP 3090  
LOT 7 SEC 4 DP 3090  
LOT 15 SEC 1 DP 2853  
LOT 1 DP 705526  
LOT 16 DP 712033  
LOT 9 SEC 3 DP 2853  
LOT 1 DP 780313  
LOT 1 DP 812763

LOT D DP 366531  
LOT 14 DP 716554  
LOT 15 DP 716554  
LOT 1 DP 1026551 SRA LEASE 209214 EP45014  
LOT 12 DP 866170  
LOT 1 DP 107628  
LOTS 8/9 DP 383174  
LOT 1 DP 805475  
LOT 2 DP 812763  
LOT 14 SEC 1 DP 2853  
LOT 1 DP 828287  
LOT 1 DP 835350  
LOT 2 DP 835350  
LOT 3 DP 828280  
LOT 3 DP 124444  
LOT 9 SEC 1 DP 2853  
LOT 25 DP 871153  
LOT 2 DP 872622  
LOT 1 DP 124646  
Lots A & B DP 366531  
LOT C DP 366351  
Lot 101 DP 1074149  
Lots 102 & 103 DP 1074149  
Lot 5 DP 1104494  
Lot 6 DP 1104494  
Lot 20 DP 1107578  
Lot 21 DP 1107578

(viii) Dobbys Crescent Sewerage Annual Charge (Section 501)

A Dobbys Crescent Sewerage Annual Charge for all rateable land which will be serviced by the Dobbys Crescent Sewerage Scheme of the Tweed. An annual sewerage charge of four hundred and fifty dollars (\$450.00) in respect of any separate parcel of rateable land within the Dobbys Crescent area. The following is a description of the applicable land:

LOT 2 SEC 1 DP 30148  
LOT 3 SEC 1 DP 30148  
LOT 4 SEC 1 DP 30148  
LOT 1 DP 781535  
LOT 2 DP 781535  
LOT 7 SEC 1 DP 30148  
LOT 28 DP 212092  
LOT 24 DP 212092  
LOT 18 DP 212092  
LOT 17 DP 212092  
LOT 15 DP 212092  
LOT 14 DP 212092  
LOT 13 DP 212092  
LOT 12 DP 212092  
LOT 11 DP 212092  
LOT 10 SEC 2 DP 30148  
LOT 9 SEC 2 DP 30148  
LOT 8 SEC 2 DP 30148  
LOT 4 SEC 2 DP 30148  
LOT 3 SEC 2 DP 30148 21.34X40.23  
LOT 1 SEC 2 DP 30148 LOT 1 DP 781539  
LOT 5 DP 588767  
LOT 3 DP 587870  
LOT 1 DP 781536  
LOT 2 DP 609870

LOT 1 DP 609870  
LOT 3 DP 211196  
LOT 19 DP 212092  
LOT 20 DP 212092  
LOT 21 DP 212092  
LOT 23 DP 212092  
LOT 25 DP 212092  
LOT 6 SEC 2 DP 30148  
LOT 7 SEC 2 DP 30148  
LOT 32 DP 1013881  
Lot 1 DP 1069663

- (x) Domestic Waste Management Annual Charge (Section 496)  
A Domestic Waste Management Annual Charge for all land within the declared domestic waste scavenging area, maps of which are available from Council's Waste Management Unit . An annual charge of fifty four dollars and thirty cents (\$54.30) in respect of any applicable land within the declared domestic waste scavenging area.

- (xi) Domestic Waste Service Annual Charge (Section 496)  
A Domestic Waste Service Annual Charge for all land within the declared domestic waste scavenging area for the removal of the approved contents of the standard 140 litre mobile waste bin each week, maps of which are available from Council's Waste Management Unit. An annual charge of one hundred and forty four dollars and fifty five cents (\$144.55) in respect of any applicable serviced land within the declared domestic waste scavenging area.

An Alternate 80 litre mobile bin will be available to residents who have low waste generation. An annual charge of one hundred and three dollars and ninety five cents (\$103.95) in respect of any applicable serviced land within the declared domestic waste scavenging area.

An Alternate 240 litre mobile bin will be available to residents who have high waste generation. An annual charge of one hundred and ninety two dollars and eighty cents (\$192.80) in respect of any applicable serviced land within the declared domestic waste scavenging area.

- (xii) Landfill Management Charge (Section 501)  
A Landfill Management Annual Charge for all rateable land within the boundary of the Tweed Shire. An annual charge of thirty five dollars (\$35.00) in respect of all rateable land within the boundary of the Tweed Shire.

- (xiii) Green Organics Collection Charge (Section 496)  
An additional annual charge of fifty four dollars (\$54.00) is applicable to all landowners who have requested a fortnightly green organics collection service.

- (xiv) Waste Minimisation and Recycling Annual Charge (Section 496)  
A Waste Minimisation and Recycling Annual Charge for all land within the declared domestic waste scavenging area, maps of which are available from Council's Waste Management Unit . An annual charge of sixty one dollars and fifty cents (\$61.50) in respect of any applicable land within the declared domestic waste scavenging area.

2. In accordance with section 566(3) of the Local Government Act 1993 that the maximum rate of interest payable on overdue rates and charges be 10% pa.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**42 [TCS-CM] Tweed Kenya Mentoring Program 2010 - 2015**

**476**

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that:

1. Council adopts the Tweed Kenya Mentoring Program Operational Plan 2012-2015, and continues to match staff financial contributions to the program.
2. Council writes to Olita Ogonjo, formally acknowledging his integral role in the success of the Tweed Kenya Mentoring Program and his important contribution to the Tweed community, Tweed Shire Council and the communities in Kenya.
3. Receives and notes the final report documenting outcomes and expenditure associated with the fourth Safe Water Project delivered in February 2012 at Gona Dam, Obambo Kadenge.
4. The draft Tweed Kenya Mentoring Program Operational Plan 2012-2015 be forwarded to the International Riverfoundation for comment and endorsement.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**43 [TCS-CM] 2012/2013 Loan Borrowing Program**

**477**

**Cr P Youngblutt  
Cr W Polglase**

**RESOLVED** that:

1. The General Manager and Manager Financial Services be authorised to negotiate acceptance of the loan quotations.
2. Relevant loan documentation be completed under the Common Seal of Council.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**44 [TCS-CM] Investment Policy Version 1.6**

**478**

**Cr P Youngblutt  
Cr K Skinner**

**RESOLVED** that Council:

1. In accordance with Section 161(2) of the Local Government Act 1993 considers that the amendments to the Investment (of Surplus Funds) Policy Version 1.5 are not substantial and therefore no public exhibition of the policy is required.
2. Adopts the amended Investment Policy (Version 1.6) in accordance with Section 161(1)(a) of the Local Government Act 1993.

*Cr W Polglase left the meeting at 03:12 PM*

*Cr W Polglase has returned from temporary absence at 03:13 PM*

**PROCEDURAL MOTION**

**479**

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that the Motion be put.

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

**AGAINST VOTE - Cr K Milne**

The Motion was **Carried** (Minute Number 478 refers)

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

**AGAINST VOTE - Cr K Milne**

**45 [TCS-CM] Monthly Investment and Section 94 Developer Contributions Report for the Period Ending 30 June 2012**

**480**

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 30 June 2012 totalling \$159,935,995 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**46 [TCS-CM] Property Sale - 113 Wollumbin Street, Murwillumbah**

**481**

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that:

1. Council transfers the General Fund Building Assets situated at the Gray Street Depot, Tweed Heads to the Sewer Fund for a value of \$1,274,478.
2. The resulting net proceeds to the General Fund be utilised as previously voted in the 2011/12 budget with the balance transferred to the Land Development Reserve.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**47 [TCS-CM] EC2012-142 Provision of Apprentices and Trainees utilising Group Training Services**

**482**

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that:

1. Council awards Tender EC2012-142 for Provision of Apprentices and Trainees utilising Group Training Services to Skilled Group Training for a two (2) year period, effective 2 September 2012, with the option of a two (2) year extension.

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

**48 [TCS-CM] EC2011-203 Records Storage Facility, Honeyeater Circuit, Murwillumbah**

**483**

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that:

1. Council accepts the approved and pending variations as at 30 June 2012 amounting to \$157,410.90 (exclusive of GST) for Contract EC2011-203 Records Storage Facility Honeyeater Circuit Murwillumbah.
2. The General Manager is given delegated authority to approve any additional variations up to \$150,000 above the revised contract sum and those variations reported to Council following completion of the works.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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

**49 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 June 2012**

**484**

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that the:-

1. Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 June 2012 be received and noted; and



2. Executive Management Team's recommendations be adopted as follows:

O30 Memorandum of Understanding (MOU)

*That Council recognises the Aboriginal Advisory Committee as being the peak advisor to Council on indigenous matters and that this is included in the Memorandum of Understanding.*

O44 "NAIDOC Week School Initiative Competitions"

*That Council contributes \$450 from the Aboriginal Development Fund towards children's activities on an annual basis.*

O47 Local Government Aboriginal Network Conference

*That Council funds a female member of the Aboriginal Advisory Committee to attend the NSW Local Government Aboriginal Network Conference to be held in Grafton from 15 to 17 August 2012.*

O48 ATSI Issues Paper Update

*That a member of the Aboriginal Advisory Committee sits on the tender panel for the ATSI Issues Paper Project and that Aboriginal consultants be identified as potential tenderers.*

The Motion was **Carried**

**FOR VOTE - Unanimous**

**50 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 21 June 2012**

**485**

**Cr D Holdom  
Cr P Youngblutt**

**RESOLVED** that the:-

1. Minutes of the Local Traffic Committee Meeting held Thursday 21 June 2012 be received and noted; and
2. Executive Management Team's recommendations be adopted as follows

**EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:**

A1 *Sunshine Avenue School Zone - Tweed Heads South*

*That:*

1. "No Stopping 8am to 9.30am and 2.30pm to 4.00pm School Days" be installed on the bus turnaround area at the end of Sunshine Avenue Tweed Heads South.
2. "No Stopping 8am to 9.30am and 2.30pm to 4pm School Days" be installed on the west side of Sunshine Avenue at the Dry Dock Road intersection for a length of approximately 43m.

A2 Alma Street, Murwillumbah - Rainforest Information Centre

*That "No Parking behind this point 7am - 5pm Monday to Friday, 7am - 12noon Saturday, vehicles displaying approved permits excepted" signage be installed on the entrance to the parking area behind the Rainforest Information Centre, Alma Street, South Murwillumbah.*

The Motion was **Carried**

**FOR VOTE - Unanimous**

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

**51 [NOR-Cr K Skinner, Cr P Youngblutt, Cr W Polglase] Byrill Creek Dam Site - Moratorium**

Cr J van Lieshout declared a perceived community interest in this item, left the Chamber at 03:20 PM and took no part in the discussion or voting.

**486**

**Cr K Skinner  
Cr P Youngblutt**

**PROPOSED** that Council resolution at Minute No 314 in relation to Item 49 of the Meeting held Tuesday 15 May 2012 being:

*"that Council places a moratorium on any dam proposal at Byrill Creek for a period of the next twenty (20) years, effective from 15 May 2012."*

**be rescinded.**

The Motion was **Lost** on the casting vote of the Mayor.

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

**52 [NOM-Cr K Skinner] Tweed District Water Supply Augmentation**

**NOTICE OF MOTION:**

**487**

This Notice of Motion was invalid due to the Notice of Rescission on this matter being lost (Minute No 486 refers).

**55 [NOR-Cr P Youngblutt, Cr W Polglase, Cr K Skinner] Structural Reform Business Case - Rous Water, Richmond River County Council, Far North Coast Weeds**

Cr J van Lieshout has returned from temporary absence at 03:32 PM

**NOTICE OF RESCISSION:**

**488**

**Cr P Youngblutt  
Cr W Polglase**

**RESOLVED** that Council resolution at Minute No 357 in relation to Item 21 of the meeting held Tuesday 26 June 2012 being:

*"... that Council supports Option 7 from the UTS Centre for Local Government - Business Case for Structural Reform - April 2012, as the basis for the reform of Far North Coast Weeds, Rous Water, and Richmond River County Council."*

**be rescinded**

The Motion was **Carried**

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

**56 [NOM-Cr P Youngblutt] Structural Reform Business Case - Rous Water, Richmond River County Council, Far North Coast Weeds**

**NOTICE OF MOTION:**

**489**

**Cr P Youngblutt  
Cr W Polglase**

**RESOLVED** that Council supports structural reform of the Far North Coast County Council in principle and notes the reports of University of Technology Sydney : Centre for Local Government (UTS:CLG) and Mr Brian Wilkinson, but defers any decision on the preferred governance model and structure (options within the UTS:CLG report) for consultation with

the Destination 2036 Steering Committee and the Independent Local Government Review Panel to ascertain the most appropriate structural framework in light of the Destination 2036 Action Plan and corresponding Directions.

The Motion was **Carried**

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

**57 [NOM-Cr B Longland] Tweed Heads Streetscape**

**NOTICE OF MOTION:**

**490**

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

**RESOLVED** that Council enter negotiations with the owners of the site at the corner of Bay and Wharf Streets, Tweed Heads, with a view to removal of the hoarding and remediation of the area in order to enhance the gateway public domain of Tweed Heads.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**58 [NOM-Cr B Longland] Year Twelve Art Exhibition**

**NOTICE OF MOTION:**

**491**

**Cr K Skinner**  
**Cr P Youngblutt**

**RESOLVED** that Council brings forward a report on the establishment of an annual exhibition at the Tweed River Art Gallery for Higher School Certificate visual arts students to exhibit works to be nominated by each of the High Schools in the Tweed Shire.

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

**59 [NOM-Cr K Milne] Alternative Options for Funding the Coastal Crown Reserves**

**NOTICE OF MOTION:**

**492**

**Cr K Milne  
Cr K Skinner**

**PROPOSED** that the General Manager brings forward a report on potential alternative options to fund the Coastal Crown Reserves that could avoid or reduce the need for the major coastal development options identified in the Crown Reserves Plan of Management.

The Motion was **Lost**

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

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

**60 [NOM-Cr K Milne] 2012 Council Election - Candidate Profiles**

**NOTICE OF MOTION:**

The Mayor declared this Notice of Motion to be *ultra viries* and therefore it would not be considered.

**61 [NOM - Cr K Milne] 2012 Council Election - Candidate Declarations of Election Donations**

**NOTICE OF MOTION:**

The Mayor declared this Notice of Motion to be *ultra viries* and therefore it would not be considered.

**62 [NOM-Cr K Milne] Performance Review for Current Councillors**

**NOTICE OF MOTION:**

This item lapsed at there was no seconder.

**63 [NOM-Cr K Milne] Pecuniary Interest for Councillors for LEPs and DCPs**

**NOTICE OF MOTION:**

This item lapsed at there was no seconder.

## URGENCY MOTION

a63      **A New Planning System for NSW (Green Paper)**

493

**Cr W Polglase**  
**Cr P Youngblutt**

**RESOLVED** that a Workshop be scheduled to allow this Council to discuss a proposed submission to A New Planning System for NSW (Green Paper).

The Motion was **Carried**

***FOR VOTE - Unanimous***

## QUESTIONS ON NOTICE

Nil.

## CONFIDENTIAL COMMITTEE

494

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

**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 FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE**

**1 [CNR-CM] Acceptance of Funding from Arts NSW**

**REASON FOR CONFIDENTIALITY:**

This report is **CONFIDENTIAL** in accordance with Section 10A(2) 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 38**

That Council:

1. Accepts the grant offer from Arts NSW as detailed in the report.
2. Votes the expenditure.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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

**2 [EO-CM] Urban Addressing - Hungerford Lane, Kingscliff**

**C 39**

That:

1. Council notifies the residents of Hungerford Lane, Kingscliff of the re-numbering of the street which is to take effect as at the date of this Council resolution; and
2. Council notifies all relevant authorities (in accordance with the Roads Regulation 2008) of the re-numbering of Hungerford Lane, Kingscliff.
3. The ATTACHMENTS be treated as **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the Local Government Act 1993, because it contains:-
  - (a) personnel matters concerning particular individuals (other than councillors).

The Motion was **Carried**

***FOR VOTE - Unanimous***

**3 [EO-CM] Hopkins Creek Road, Hopkins Creek - Acquisition of Land for Road Widening Purposes**

**REASON FOR CONFIDENTIALITY:**

This report is **CONFIDENTIAL** in accordance with Section 10A(2) 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 40**

That:

1. Council approves the acquisition of approximately 160m<sup>2</sup> from Lot 11 in DP 596418 for public road;
2. Council approves the amount of compensation payable to the landowner as shown in the body of the report; and
3. All necessary documentation be executed under the Common Seal of Council

The Motion was **Carried**

***FOR VOTE - Unanimous***

**495**

**Cr D Holdom  
Cr P Youngblutt**

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

The Motion was **Carried**

***FOR VOTE - Unanimous***

There being no further business the Meeting terminated at 4:17pm.



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

**xxx**

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**Chairman**



