



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 20 March 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 10.37am.

IN ATTENDANCE

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

Also present were Mr Mike Rayner (General Manager), Mr Troy Green (Director Technology and Corporate Services), Mr Patrick Knight (Director Engineering and Operations), Mr Vince Connell (Director Planning and Regulation), Mr David Oxenham (Director Community and Natural Resources), Mr Neil Baldwin (Manager Corporate Governance/Public Officer) and Mrs Kerrie McConnell (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, Father David Gilbey:

*"Let us pray,
Lord God,
Look with love on the people of this community and keep them safe in your service.*

Guide the members of this Council and help them to work together for the good of all.

Bless and guide their plans and deliberations both in fairness and justice seeking only to bring peace, hope and prosperity to all who make up the community of the Tweed Shire.

We ask this through Christ our Lord,

Amen"

CONFIRMATION OF MINUTES

1 [CONMIN-CM] Confirmation of the Minutes of the Ordinary and Confidential Council Meetings held Tuesday 21 February 2012

128

Cr D Holdom
Cr P Youngblutt

RESOLVED that the Minutes of the Ordinary and Confidential Council Meetings held Tuesday 21 February 2012 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

FOR VOTE - Unanimous

2 [CONMIN-ECM] Confirmation of the Minutes of the Extraordinary Ordinary and Confidential Council Meetings held Monday 27 February 2012

129

Cr P Youngblutt
Cr B Longland

RESOLVED that the Minutes of the Extraordinary and Confidential Council Meetings held Monday 27 February 2012 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

FOR VOTE - Unanimous

3 [CONMIN-ECM] Confirmation of the Minutes of the Extraordinary Ordinary and Confidential Council Meetings held Tuesday 6 March 2012

130

Cr P Youngblutt
Cr B Longland

RESOLVED that the Minutes of the Extraordinary and Confidential Council Meetings held Tuesday 6 March 2012 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Cr K Milne declared a perceived non-significant, non-pecuniary Interest in Item 32. The nature of the interest is that she has an association with one of the members of the Tweed Valley Sailing Club.

DECLARATION

Cr J van Lieshout declared that she has no pecuniary or non-pecuniary interest in Item 48. This Notice of Motion is clearly only for a resolution of 'process' and not a 'decision' and I act in the capacity as a Councillor of the Tweed Shire in regard to the requests and needs of the community of which I represent.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

4 [SOR] Schedule of Outstanding Resolutions

The Schedule of Outstanding Resolutions was received and noted.

MAYORAL MINUTE

5 [MM-CM] Mayoral Minute - Period from 06 February to 03 March 2012

131

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that:

1. The Mayoral Minute for the period 6 February to 3 March 2012 be received and noted.
2. The attendance of Councillors at the Conferences be authorised as follows:

Cr B Longland

- 17-20 June - 2012 National General Assembly, 'National Voice, Local Choice – Infrastructure, Planning, Services' - National Convention Centre, Canberra.

The Motion was **Carried**

FOR VOTE - Unanimous

6 [MM-CM] Mayoral Minute - 2012 National General Assembly (NGA) - Call for Motions

132

Cr B Longland

RESOLVED that Council determines the following Motions for submission for consideration at the National General Assembly of Local Government:

1. That the National General Assembly call on the Federal Government to reconsider its decision to end the National Green Jobs Corps program on 30 June 2012. This program has been invaluable to communities and Local Government for its assistance with the substantial resources required for environmental protection at the grass roots level. It has had the added benefit of providing meaningful work and real job prospects to young people who attain a TAFE qualification through the program.

The Motion was **Carried**

FOR VOTE - Unanimous

7 [MM-CM] Mayoral Minute - General Manager Recruitment Process

133

Cr B Longland

RESOLVED that the Mayoral Minute - General Manager Recruitment Process be received and noted.

134

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that the motion be put.

The Procedural 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

The Motion was **Carried** - (Minute No 133 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

LATE ITEM

135

Cr B Longland
Cr P Youngblutt

RESOLVED that Item a7 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

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

a7 [MM-CM] Mayoral Minute - Mining Exploration Licenses, NSW Aboriginal Land Council

Motion 1:

136

Cr B Longland

RESOLVED that Council:

1. Seeks a meeting with the NSW Aboriginal Land Council as soon as possible to discuss their intentions with respect to the mining exploration license covering areas of the Tweed Shire.
2. Invites representatives from the Department of Primary Industries to address Councillors at a workshop on the regulatory framework and any current proposals relevant to the Tweed Shire.

SUSPENSION OF STANDING ORDERS

137

Cr K Skinner
Cr K Milne

RESOLVED that Standing Orders be suspended to deal with Item 66 in conjunction with Item a7 of the Agenda.

The Motion was **Carried**

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

AGAINST VOTE - Cr P Youngblutt

Motion 2:

66 [NOM-Cr K Milne] Mining Exploration in the Tweed

138

Cr K Milne

Cr J van Lieshout

PROPOSED that Council:

1. Seeks urgent advice and brings forward a report on any potential mining activities, applications or licences granted in the Tweed Shire.
2. Requests a meeting with all parties involved in any plans or proposals for mining in the Tweed, including the NSW Aboriginal Land Council and the Tweed Byron Local Aboriginal Land Council if appropriate and the Department of Primary Industries.
3. Seeks advice from Council's Aboriginal Advisory Committee in relation to mining issues for the Tweed.

139

Cr W Polglase

Cr P Youngblutt

RESOLVED that the motion be put.

The Procedural Motion was **Carried**

FOR VOTE - Unanimous

Motion 2 was **Lost**

FOR VOTE - Cr K Milne, Cr J van Lieshout

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

Motion 1 was **Carried** - (Minute No 136 refers)

FOR VOTE - Unanimous

SUSPENSION OF STANDING ORDERS

140

Cr W Polglase
Cr P Youngblutt

RESOLVED that Standing Orders remain suspended to deal with Items 44, 45 and 48 of the Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous

44 [NOR-Crs W Polglase, P Youngblutt and J van Lieshout] [PR-CM] 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

141

Cr D Holdom
Cr K Milne

PROPOSED that this item be deferred to the April Council meeting and a full workshop be arranged by the General Manager to better understand the matters surrounding 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.

The Motion was **Lost**

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

142

Cr W Polglase
Cr P Youngblutt

RESOLVED that the resolution at Item 10 at Minute No 75 from the meeting held 21 February 2012 being:

"... 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 & 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 & Assessment Act 1979.

2. *Pursuant to Section 5 Objects of the Environmental Planning & 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 & Assessment Act 1979.

3. *In accordance with Section 79C(1)(a)(i) of the Environmental Planning & 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 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))*
- *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 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*
- *Clause 31: Development adjoining waterbodies*

4. *The proposal is inconsistent with management plans produced by Council and the Maritime authority 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 & 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.

6. *In accordance with Section 79C (1) (e) of the Environmental Planning & 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."

be rescinded.

The Motion was **Carried** - (Minute No 142 refers)

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

45 [NOM-Cr W Polglase] 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

143

Cr W Polglase
Cr P Youngblutt

PROPOSED that Council supports 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 in principle and requests the Director Planning and Regulation to bring forward conditions of approval for consideration at the April 2012 meeting.

AMENDMENT

144

Cr J van Lieshout

Cr D Holdom

RESOLVED that this item be deferred until a meeting takes place with the applicant and relevant Tweed Shire Council Officers to ascertain a designated area within the Tweed that does not significantly impact on the environment and that any consent would require a possible trial period of operation.

The Amendment was **Carried**

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

The Amendment on becoming the Motion was **Carried** - (Minute No 144 refers)

FOR VOTE - Voting - Unanimous

ADJOURNMENT OF MEETING

Adjournment for lunch at 12.32pm.

RESUMPTION OF MEETING

The Meeting resumed at 1.31pm.

48 [NOM-Cr J van Lieshout] Byrriil Creek Dam Council Poll

DECLARATION

Cr J van Lieshout declared that she has no pecuniary or non-pecuniary interest in Item 48. This Notice of Motion is clearly only for a resolution of 'process' and not a 'decision' and I act in the capacity as a Councillor of the Tweed Shire in regard to the requests and needs of the community of which I represent.

This item was withdrawn.

145

Cr D Holdom

Cr K Skinner

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE - Unanimous

ORDINARY ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

8 [GM-CM] Customer Service Charter

146

Cr D Holdom
Cr P Youngblutt

RESOLVED that the revised Customer Service Charter Version 1.2 be placed on public exhibition for a period of 28 days, inviting public submissions for a period of 42 days.

The Motion was **Carried**

FOR VOTE - Unanimous

9 [GM-CM] Online and Social Media Policy

147

Cr D Holdom
Cr P Youngblutt

RESOLVED that the Online and Social Media Policy be placed on public exhibition for a period of 28 days, inviting public submissions for a period of 42 days.

The Motion was **Carried**

FOR VOTE - Unanimous

10 [GM-CM] Second Round Applications for Financial Assistance 2011/2012 - Donations Policy

148

Cr D Holdom
Cr P Youngblutt

RESOLVED that Council:

1. Allocates the Second Round Donations for 2011/2012 under the Donations Policy as follows:

Applicant	Amount
Blind Citizens Australia (Tweed Branch)	\$ 875
Northern Region SLSA Helicopter Rescue Service	\$ 2,000
Bray Park Neighbourhood Watch	\$ 200
Twin Towns Friends Association Inc	\$ 2,000
Gold Coast Tweed Regional Committee of CAQ	\$ 300
Friends of the Pound (Tweed) Inc	\$ 1,000
You Have A Friend Inc	\$ 2,000
Tweed Heads PCYC	\$ 1,500
TOTAL	\$9,875

2. Officers review the capability and services provided by Vibe Care Ltd prior to consideration of the remaining allocation of \$2,000 and this be reported to a future Council meeting.
3. **ATTACHMENT A** is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:
 - (a) personnel matters concerning particular individuals (other than councillors)

The Motion was **Carried**

FOR VOTE - Unanimous

LATE ITEM

149

**Cr P Youngblutt
Cr D Holdom**

RESOLVED that Item a10 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

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

a10 [GM-CM] Richmond Tweed Regional Library

150

**Cr P Youngblutt
Cr D Holdom**

RESOLVED that Council:

1. Notes the current status of resolutions from Byron, Lismore and Ballina councils relevant to the Richmond Tweed Regional Library.
2. Advises Lismore, Ballina and Byron councils that it will not be a participant in the Richmond Tweed Regional Library should a county council option be the preferred model of the other councils.
3. Advises Lismore, Ballina and Byron councils that Tweed Shire Council will continue to be an active participant in identifying a preferred model for the provision of library services, exclusive of the county council option.
4. Initiates preliminary discussions with Gold Coast City Council in relation to the provision of joint library services.

AMENDMENT

151

Cr K Milne

Cr J van Lieshout

PROPOSED that this item be deferred until a report is brought forward on the issues raised by Byron Shire Council as detailed in the March Byron Shire Council report.

The Amendment was **Lost**

FOR VOTE - Cr K Skinner, Cr K Milne, Cr J van Lieshout

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

The Motion was **Carried** - (Minute No 150 refers)

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

AGAINST VOTE - Cr K Milne, Cr J van Lieshout

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

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

152

Cr D Holdom

Cr P Youngblutt

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

The Motion was **Carried**

FOR VOTE - Unanimous

12 [PR-CM] Development Application DA11/0444 for a 68 Lot Subdivision (Including 1 Open Space Lot) at Lot 29 DP 1027531 & Lot 30 DP 1027531 Casuarina Way, Casuarina

153

Cr D Holdom

Cr P Youngblutt

RESOLVED that Development Application DA11/0444 for a 68 lot subdivision (including 1 open space lot) at Lot 29 DP 1027531 & Lot 30 DP 1027531; Casuarina Way, Casuarina be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and the following plans:
 - Plan No 208477-04 (Rev H) – Proposed Subdivision, prepared by RPS and dated 14 February 2012;
 - Plan No 208477-08 (Rev H) – Parking Analysis Proposed, prepared by RPS and dated 14 February 2012
 - Plan No 208477-09 (Rev E) – Building Envelope, prepared by RPS and dated 14 February 2012,

except where varied by the conditions of this consent.

[GEN0005]

2. The use of crushing plant machinery, mechanical screening or mechanical blending of materials is subject to separate development application.

[GEN0045]

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

[GEN0125]

4. All construction works shall comply with Part 6.2 Recommended Acoustic Treatments for Onsite Construction Activities of the Traffic Engineering Assessment CRG, 31 August 2011.

[GEN0135]

5. All construction works shall comply with Part 6.2 Recommended Acoustic Treatments for Onsite Construction Activities of the Traffic Engineering Assessment CRG, 31 August 2011.

[GENNS01]

6. No residential, associated buildings or structures are permitted on land zoned 7(f) Environmental Protection (Coastal Lands).

[GENNS02]

7. The developer is to undertake care and maintenance operations on all streetscapes and casual open space for a minimum of 12 months after the Subdivision is registered with the Land Titles Office. This is the establishment period for new plantings. Such maintenance will include all soft landscaping, particularly mowing and weed control. Any power and water consumption costs during this period must also be met by the developer.

[GENNS03]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

8. Prior to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works as set out in Council's fees and charges at the time of payment.

The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the General Manager or his delegate.

The bond will be refunded, if not expended, when the final Subdivision/Occupation Certificate is issued.

[PCC0275]

9. 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]

10. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided. The construction of any retaining wall or cut/fill batter must at no time result in additional ponding occurring within neighbouring properties.

All earthworks shall be contained wholly within the subject land. Detailed engineering plans of cut/fill levels and perimeter drainage shall be detailed on the application for a Construction Certificate.

[PCC0485]

11. A Traffic Control Plan in accordance with AS1742 and the latest version of the RTA publication "Traffic Control at Work Sites" shall be prepared by an RTA accredited person and shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Safe public access shall be provided at all times.

[PCC0865]

12. The proponent shall submit plans and specifications with an application for construction certificate for the following civil works and any associated subsurface overland flow and piped stormwater drainage structures designed in accordance with Councils Development Design and Construction specifications.

Urban Road

- (a) Construction of an urban bitumen sealed road formation (Proposed Road 1) to a pavement width of 10.8m and with upright kerb and guttering.

- (b) Construction of an urban bitumen sealed road formation (Proposed Road 2) to a pavement width of 6m with upright kerb and guttering.

Driveways

- (c) The driveways as detailed on the "Proposed Parking Provision" plan prepared by RPS, dated 14 February 2012 are to be constructed at the subdivision stage to accommodate the proposed car parking on Road 1. The driveways are to be designed and constructed in accordance with Council's standards for driveways. The driveway details are to be shown on the Construction Certificate.

Pedestrian Refuge

- (d) A pedestrian refuge or similar alternative is to be constructed on Casuarina Way for the purpose of crossing to the proposed park. The pedestrian refuge is to be placed in a suitable location to not create conflict with the existing bus layback areas on Casuarina Way.

Right of Carriageway

- (e) The proposed right of carriageway is to be constructed to 150mm thick, 4.5m wide reinforced concrete over a compacted roadbase material. The easement / right of carriageway shall be 1m wider than the pavement and any associated batters, catch drains or service corridors.

Reticulation

- (f) The proposed water main in Road 3 is to be constructed as a standard cul-de-sac loop as per Council's standard drawings for water reticulation.

[PCC0875]

13. Prior to the issue of a Construction Certificate for civil works the following detail in accordance with Council's Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.

- (a) copies of compliance certificates relied upon
- (b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
- earthworks
 - roadworks/furnishings
 - stormwater drainage
 - water supply works
 - sewerage works
 - landscaping works
 - sedimentation and erosion management plans
 - location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure)

The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 and Section 138 of the Roads Act to be certified by an Accredited Certifier.

[PCC0985]

14. Permanent stormwater quality treatment shall be provided in accordance with the following:
- (a) The Construction Certificate Application shall detail stormwater management for the occupational or use stage of the development in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
 - (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils Development Design Specification D7 - Stormwater Quality.
 - (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management.
- [PCC1105]
15. 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]
16. Prior to the issue of a construction certificate a construction management plan (which addresses as a minimum sediment control, water quality monitoring, construction noise management, dust control) shall be submitted to the satisfaction of the General Manager or his delegate. All work shall comply with that approved plan.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

17. 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]
18. Civil work in accordance with a development consent must not be commenced until:
- (a) a construction certificate for the civil work has been issued in accordance with Councils Development Construction Specification C101 by:
 - (i) the consent authority, or
 - (ii) an accredited certifier, and
 - (b) the person having the benefit of the development consent:
 - (i) has appointed a principal certifying authority,

- (ii) has appointed a Subdivision Works Accredited Certifier (SWAC) accredited in accordance with Tweed Shire Council DCP Part A5 – Subdivision Manual, Appendix C with accreditation in accordance with the Building Professionals Board Accreditation Scheme. As a minimum the SWAC shall possess accreditation in the following categories:

C4: Accredited Certifier – Stormwater management facilities construction compliance

C6: Accredited Certifier – Subdivision road and drainage construction compliance

The SWAC shall provide documentary evidence to Council demonstrating current accreditation with the Building Professionals Board prior to approval and issue of any Construction Certificate, and

- (iii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment,
 - (iv) a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Subdivision Works Accredited Certifier is erected and maintained in a prominent position at the entry to the site in accordance with Councils Development Design and Construction Specifications. The sign is to remain in place until the Subdivision Certificate is issued, and
- (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the civil work.

[PCW0815]

19. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.

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

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

[PCW0985]

20. Prior to the commencement of work, a detailed landscape plan prepared by a qualified landscape architect must be submitted for all areas of casual open space, structured open space and streetscapes to be dedicated to Council. Such a plan must be approved by the Manager, Recreation Services, Tweed Shire Council and include embellishments such as listed in Councils Subdivision Manual (Section A5 of the Tweed Development Control Plan) and Development Design Specification (D14) and related Standard Drawings and include grassing, landscaping, seating, and shade cover. The plans must provide slope information and indicate all underground services.

[PCWNS01]

DURING CONSTRUCTION

21. All proposed works are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications.
- [DUR0005]
22. 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]
23. 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]
24. Proposed earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments".
- The earthworks shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with AS 3798. A certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798 shall be submitted to the Principal Certifying Authority upon completion.
- [DUR0795]
25. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.
- [DUR0815]
26. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate.
- [DUR0985]
27. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate/Occupation Certificate.

[DUR0995]

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. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

[DUR1795]

30. Before the commencement of the relevant stages of road construction, pavement design detail including reports from a Registered NATA Consultant shall be submitted to Council for approval and demonstrating.
- (a) That the pavement has been designed in accordance with Tweed Shire Councils Development Design Specification, D2.
 - (b) That the pavement materials to be used comply with the specifications tabled in Tweed Shire Councils Construction Specifications, C242-C245, C247, C248 and C255.
 - (c) That site fill areas have been compacted to the specified standard.
 - (d) That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.

[DUR1805]

31. During the relevant stages of road construction, tests shall be undertaken by a Registered NATA Geotechnical firm. A report including copies of test results shall be submitted to the PCA prior to the placement of the wearing surface demonstrating:
- (a) That the pavement layers have been compacted in accordance with Councils Development Design and Construction Specifications.
 - (b) That pavement testing has been completed in accordance with Table 8.1 of AS 3798 including the provision of a core profile for the full depth of the pavement.

[DUR1825]

32. 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.

[DUR1875]

33. Tweed Shire Council shall be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with Tweed Shire Council

Development Control Plan, Part A5 - Subdivision Manual, Appendix D. Inspection fees are based on the rates contained in Council's current Fees and Charges:-

Roadworks

- (a) Pre-construction commencement erosion and sedimentation control measures
- (b) Completion of earthworks
- (c) Excavation of subgrade
- (d) Pavement - sub-base
- (e) Pavement - pre kerb
- (f) Pavement - pre seal
- (g) Pathways, footways, bikeways - formwork/reinforcement
- (h) Final inspections - on maintenance
- (i) Off Maintenance inspection

Water Reticulation, Sewer Reticulation, Drainage

- (a) Excavation
- (b) Bedding
- (c) Laying/jointing
- (d) Manholes/pits
- (e) Backfilling
- (f) Permanent erosion and sedimentation control measures
- (g) Drainage channels
- (h) Final inspection - on maintenance
- (i) Off maintenance

Sewer Pump Station

- (a) Excavation
- (b) Formwork/reinforcement
- (c) Hydraulics
- (d) Mechanical/electrical
- (e) Commissioning - on maintenance
- (f) Off maintenance

Council's role is limited to the above mandatory inspections and does NOT include supervision of the works, which is the responsibility of the Developers Supervising Consulting Engineer.

The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".

[DUR1895]

34. 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]

35. The applicant shall obtain the written approval of Council to the proposed road/street names and be shown on the Plan of Subdivision accompanying the application for a Subdivision Certificate.

Application for road naming shall be made on Councils Property Service Form and be accompanied by the prescribed fees as tabled in Councils current Revenue Policy - "Fees and Charges".

The application shall also be supported by sufficient detail to demonstrate compliance with Councils Road Naming Policy.

[DUR2035]

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

[DUR2185]

37. All stormwater gully lintels shall have the following notice cast into the top of the lintel: 'DUMP NO RUBBISH, FLOWS INTO CREEK' or similar wording in accordance with Councils Development Design and Construction Specifications.

[DUR2355]

38. 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]

39. 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]

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

[DUR2435]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

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

[PSC0005]

42. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary

requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

A Subdivision Certificate shall NOT be issued unless the Certifying Authority is satisfied provisions pursuant to Section 109J of the EP&A Act, 1979 have been complied with and the Certifying Authority has sighted Councils contributions sheet and Certificate of Compliance signed by an authorised officer of Council.

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

Water DSP6:	64.6 ET @ \$11571 per ET	\$747,486.60
South Kingscliff Water Levy:	64.6 ET @ 269 per ET	\$17,377
Sewer Kingscliff:	65 ET @ \$5560 per ET	\$361,400

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

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

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

[PSC0165]

43. Section 94 Contributions

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

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

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

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

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

a. Tweed Road Contribution Plan:

422.5 Trips @ \$1145 per Trips \$483,763

(\$1145 base rate + \$0 indexation)

S94 Plan No. 4

Sector7_4

LCA4 - Casuarina: \$70,980

	422.5 trips at \$168 per trip	
	(\$168 base rate + \$0 indexation)	
b.	Shirewide Library Facilities:	
	65 ET @ \$792 per ET	\$51,480
	(\$792 base rate + \$0 indexation)	
	S94 Plan No. 11	
c.	Bus Shelters:	
	65 ET @ \$60 per ET	\$3,900
	(\$60 base rate + \$0 indexation)	
	S94 Plan No. 12	
d.	Eviron Cemetery:	
	65 ET @ \$120 per ET	\$7,800
	(\$101 base rate + \$19 indexation)	
	S94 Plan No. 13	
e.	Extensions to Council Administration Offices & Technical Support Facilities	
	65 ET @ \$1772.82 per ET	\$115,233.3
	(\$1759.9 base rate + \$12.92 indexation)	
	S94 Plan No. 18	
f.	Casuarina Beach/Kings Forest Community Facilities:	
	65 ET @ \$2153 per ET	\$139,945
	(\$2153 base rate + \$0 indexation)	
	S94 Plan No. 19	
g.	Casuarina Beach/Kings Forest Open Space:	
	65 ET @ \$1231 per ET	\$80,015
	(\$717 base rate + \$514 indexation)	
	S94 Plan No. 19	
h.	Cycleways:	
	65 ET @ \$451 per ET	\$29,315
	(\$447 base rate + \$4 indexation)	
	S94 Plan No. 22	

- i. Regional Open Space (Casual)
65 ET @ \$1042 per ET \$67,730
((\$1031 base rate + \$11 indexation)
S94 Plan No. 26
- j. Regional Open Space (Structured):
65 ET @ \$3656 per ET \$237,640
((\$3619 base rate + \$37 indexation)
S94 Plan No. 26

[PSC0175]

44. Proposed lot 999 shall be dedicated as open space and suitably embellished at no cost to Council in accordance with the approved landscaping plan.

[PSC0195]

45. Prior to the issue of a Subdivision Certificate a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.

The bond shall be based on 5% of the value of the works (minimum as tabled in Council's fees and charges current at the time of payment) which will be held by Council for a period of 6 months from the date on which the Subdivision Certificate is issued. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

[PSC0215]

46. Prior to the issue of a Subdivision Certificate, a performance bond equal to 25% of the contract value of the footpath construction works shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths are built on.

Alternatively, the developer may elect to pay a cash contribution to the value of the footpath construction works plus 25% in lieu of construction and Council will construct the footpath when the subdivision is substantially built out. The cost of these works shall be validated by a schedule of rates.

[PSC0225]

47. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the General Manager or his delegate PRIOR to the issue of a Subdivision Certificate. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.

[PSC0725]

48. Prior to the issue of a Subdivision Certificate, Work as Executed Plans shall be submitted in accordance with the provisions of Tweed Shire Council's Development Control Plan Part A5 - Subdivision Manual and Council's Development Design Specification, D13 - Engineering Plans.

The plans are to be endorsed by a Registered Surveyor OR a Consulting Engineer Certifying that:

- (a) all drainage lines, sewer lines, services and structures are wholly contained within the relevant easement created by the subdivision;

(b) the plans accurately reflect the Work as Executed.

Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed (WAX) plans.

[PSC0735]

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

[PSC0825]

50. The creation of easements for services, rights of carriageway and restrictions as to user (including restrictions associated with planning for bushfire) as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:

- (a) Easements for sewer, water supply and drainage over ALL public services/infrastructure on private property.
- (b) Right of carriageway.
- (c) Proposed allotments 42 to 44 are prohibited from gaining access onto Casuarina Way. These allotments are to gain access only from the right of carriageway.
- (d) Roof water from dwellings or structures must be discharged to an infiltration pit sized to accommodate the 3 month average recurrence interval storm.
- (e) Any infiltration pit created on a lot burdened shall be approved by the certifying authority that certifies any construction certificate for any dwelling constructed on a lot burdened and any application to the certifying authority for a construction certificate in respect of a dwelling shall be accompanied by a design for the proposed infiltration pit.
- (f) A restriction to user to show the 7(f) environmental zoning for proposed allotments 1 to 18. No building is permitted in the 7(f) zoning.
- (g) A restriction to user for Lots 59 to 62, 66 and 67 requiring a noise assessment report for any proposed dwelling (two storey) to determine acoustic shell treatments which may be required to achieve internal noise criteria within habitable rooms.

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

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

[PSC0835]

51. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council with the application for Subdivision Certificate.

[PSC0855]

52. Prior to registration of the plan of subdivision, a Subdivision Certificate shall be obtained.

The following information must accompany an application:

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

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

[PSC0885]

53. Prior to the application for a Subdivision Certificate a Compliance Certificate or Certificates shall be obtained from Council OR an accredited certifier for the following:

- (a) Compliance Certificate - Roads
- (b) Compliance Certificate - Water Reticulation
- (c) Compliance Certificate - Sewerage Reticulation
- (d) Compliance Certificate - Sewerage Pump Station
- (e) Compliance Certificate - Drainage

Note:

- 1. All compliance certificate applications must be accompanied by documentary evidence from the developers Subdivision Works Accredited Certifier (SWAC) certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual and Councils Development Design and Construction Specifications.
- 2. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".

[PSC0915]

54. The six (6) months Defects Liability Period commences upon the registration of the Plan of Subdivision.

[PSC0925]

55. Prior to the issue of a Subdivision Certificate and also prior to the end of defects liability period, a CCTV inspection of any stormwater pipes and sewerage system installed and to be dedicated to Council including joints and junctions will be required to demonstrate that the standard of the infrastructure is acceptable to Council.

Any defects identified by the inspection are to be repaired in accordance with Councils Development Design and Construction Specification.

All costs associated with the CCTV inspection and repairs shall be borne by the applicants.

[PSC1065]

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

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

[PSC1115]

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

[PSC1165]

58. Electricity

(a) The production of written evidence from the local electricity supply authority certifying that reticulation and energising of underground electricity (residential and rural residential) has been provided adjacent to the front boundary of each allotment; and

(b) The reticulation includes the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.

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

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

[PSC1185]

59. In accordance with the Federal Government's National Broadband Network (NBN) initiatives, the Developer is required (at the Developer's expense) to install a fibre ready, pit and pipe network (including trenching, design and third party certification) to NBN CO's Specifications, to allow for the installation of Fibre To The Home (FTTH) broadband services.

[PSC1205]

60. Prior to the issue of a subdivision certificate a post earthwork surface radiation survey shall be completed by a suitably qualified person and submitted to the satisfaction of the General Manager or his delegate. Should radiation levels exceed background radiation levels, further detailed investigation and validation (including depth investigations) shall be submitted to the satisfaction of the General Manager or his delegate as required.

61. Prior to the issue of a subdivision certificate a 1.8m high acoustic fence shall be provided along the boundary with the Tweed Coast Road, to the satisfaction of

the General Manager or his delegate, in accordance with the recommendations of the Traffic Engineering Assessment CRG, 31 August 2011. A validation statement confirming placement and adequacy of the fence shall be provided from a suitably qualified person.

[PSCNS01]

62. Prior to the issue of a subdivision certificate the sales centre on proposed Lot 37 shall be removed from the site.

[PSCNS02]

63. Prior to the release of a Subdivision Certificate, casual open space is to be embellished consistent with the approved detailed landscape plans.

[PSCNS03]

64. Prior to issue of a Subdivision Certificate, Work as Executed Plans (WAX) must be submitted for all landscaped casual open space. These must show all underground services, irrigation systems and the location of concrete paths, structures, other park infrastructure and garden bed outlines.

The plans are to be certified by a registered surveyor or consulting engineer.

Two categories of WAX plans are to be provided:

- (a) The original approved plan with any variation to this indicated.
- (b) Plan showing only the actual as constructed information,

The plans are to be submitted in the following formats:

- (a) 2 paper copies of the same scale and format as the approved plan.
- (b) A PDF version on CD or an approved medium.

An electronic copy in DWG or DXF format on CD or an approved medium

[PSCNS04]

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

1. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bushfire Protection 2006'.

154

AMENDMENT

**Cr K Milne
Cr K Skinner**

PROPOSED that Development Application DA11/0444 for a 68 lot subdivision (including 1 open space lot) at Lot 29 DP 1027531 & Lot 30 DP 1027531; Casuarina Way, Casuarina be deferred for a workshop.

The Amendment 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

The Motion was **Carried** - (Minute No 153 refers)

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

13 [PR-CM] Composting Toilets

155

Cr D Holdom

Cr J van Lieshout

RESOLVED that the report on Composting Toilets be received and noted.

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

14 [PR-CM] Calls for Expressions of Interest to Operate Markets - Kingscliff, Pottsville, Knox Park Murwillumbah and Tweed Heads Recreation Ground

156

Cr P Youngblutt

Cr K Skinner

RESOLVED that Council receives and notes the decision of the Tweed Coast Reserve Trust of Tuesday 20 March 2012 in relation to this matter.

The Motion was **Carried**

FOR VOTE - Unanimous

15 [PR-CM] Release of Restriction on Use - Seaside City Kingscliff

157

Cr K Skinner

Cr P Youngblutt

RESOLVED that:

1. Council approves the release of Restriction on Use seventhly created in DP 1162588 burdening Lots 301-326, 328-337, 339 and 412 in DP 1162588 and Lots 138-143, 145-151, 153-160 and 162-169 in DP1145386; and

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

The Motion was **Carried**

FOR VOTE - Unanimous

16 [PR-CM] Development Application DA11/0443 for a General Store at Lot 7 DP 790073; No. 440 Kyogle Road, Murwillumbah

158

**Cr P Youngblutt
Cr J van Lieshout**

RESOLVED That Development Application DA11/0443 for a general store at Lot 7 DP 790073; No. 440 Kyogle Road, Murwillumbah be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos 1 of 2 and 2 of 2 prepared by Planit Consulting and dated August 2011, except where varied by the conditions of this consent.
[GEN0005]
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
[GEN0115]
3. 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. Any wastewater shall be collected and disposed to the satisfaction of the General Manger or his delegate. Wastewater shall not be permitted to enter or discharge to any watercourse or stormwater.
5. A permanent water supply shall be provided with convenient access to hand washing facilities to the satisfaction of the General Manager or his delegate. Hand washing facilities shall be provided with antibacterial hand wash and single use clean hand towels at all times.
[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. The developer shall provide (One) 1 parking spaces including parking for the disabled (as required) in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.

Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to Tweed Shire Council and approved by the General Manager or his delegate prior to the issue of a construction certificate.

7. Section 94 Contributions

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

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

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

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

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

(a) Tweed Road Contribution Plan:

25.2 Trips @ \$1317 per Trips \$33,188

(\$1317 base rate + \$0 indexation)

S94 Plan No. 4

Sector9_4

(b) Extensions to Council Administration Offices
& Technical Support Facilities

0.2167 ET @ \$1772.82 per ET \$384.17

(\$1759.9 base rate + \$12.92 indexation)

S94 Plan No. 18

8. 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.

9. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided. The construction of any retaining wall or cut/fill batter must at no time result in additional ponding occurring within neighbouring properties.

All earthworks shall be contained wholly within the subject land. Detailed engineering plans of cut/fill levels and perimeter drainage shall be submitted with a S68 stormwater application for Council approval.

[PCC0485]

10. A Traffic Control Plan in accordance with AS1742 and the latest version of the RTA publication "Traffic Control at Work Sites" shall be prepared by an RTA accredited person and shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Safe public access shall be provided at all times.

[PCC0865]

11. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications undertaken in accordance with Councils Development Design and Construction Specifications for the following required works:
 - (a) Provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet, including the following specific work:
 - (i) Bitumen sealing of the existing accesses from the road carriageway to the property boundary as per Tweed Shire Councils road works standard S.D.017.
 - (b) Demonstrate that delivery vehicles are able to enter and exit in a forward direction.
 - (c) A basic right (BAR) turn treatment is required to service the 100kmh speed limit as per Figure 7.5 of Austroads - Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections. The right hand turn treatment is required to have a shoulder and is to be sealed.
 - (d) A basic left (BAL) turn treatment is required to service the 100kmh speed limit as per Figure 8.2 of Austroads - Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections. The left hand turn treatment is required to have a shoulder and is to be sealed.

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

- Road works/furnishings
- Sediment and erosion control plans
- Location of all services/conduits
- Traffic control plan

[PCC0895]

12. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the issue of a construction certificate.

[PCC1195]

PRIOR TO COMMENCEMENT OF WORK

13. 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]

14. Prior to commencement of work all actions or prerequisite works required at that stage, as required by other conditions or approved management plans or the like, shall be installed/operated in accordance with those conditions or plans.

[PCW0015]

15. 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]

16. 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]

17. 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]

- 18. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.

[PCW0985]

DURING CONSTRUCTION

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

[DUR0005]

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

[DUR0015]

- 21. 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]

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

[DUR0405]

- 24. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.

[DUR0815]

- 25. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate.

[DUR0985]

26. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of an Occupation Certificate.

[DUR0995]

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

- Noise, water or air pollution
- dust during filling operations and also from construction vehicles
- material removed from the site by wind

[DUR1005]

28. 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]

29. All shelving, benches, fittings and furniture on which appliances and utensils are positioned within the premises must be of durable, smooth, impervious material capable of being easily cleaned.

[DUR1605]

30. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

[DUR1795]

31. The proponent must not undertake any work within the public road reserve without giving Council's Engineering & Operations Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.

[DUR1845]

32. 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 any use or occupation of the buildings.

[DUR1875]

33. During construction, a "satisfactory inspection report" is required to be issued by Council for all works required under Section 138 of the Roads Act 1993. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection.

[DUR1925]

34. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials.

[DUR2205]

35. The proponent shall comply with all requirements tabled within any approval issued under Section 68 of the Local Government Act.

[DUR2625]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

36. Prior to issue of an occupation certificate, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

37. 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]

38. Prior to commencement of operations and on completion of fit out an inspection is to be arranged with Council's Environmental Health Officer for final approval.

[POC0615]

39. The proprietor of the food premises shall provide appropriate notification to the NSW Food Authority prior to commencement of operations by completing the "Notify a Food Business" form under the NAFSIS Heading on the following website www.foodnotify.nsw.gov.au or alternatively by contacting the NSW Food Authority on 1300650124.

[POC0625]

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

[POC0745]

41. Redundant road pavement, kerb and gutter or foot paving including any existing disused vehicular laybacks/driveways or other special provisions shall be removed and the area reinstated to match adjoining works in accordance with Councils Development Design and Construction Specifications.

[POC0755]

42. Prior to the issue of an Occupation Certificate, a certificate of practical completion shall be obtained from Council's General Manager or his delegate for all works required under Section 68 of the Local Government Act.

[POCNS01]

43. 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]

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

- * 8.00am to 11.00am and 2.30pm to 5.30pm - Mondays to Saturdays
- * 8.00am to 5.30pm Public Holidays
- * No operations are to be carried out on Sundays

[USE0185]

45. Any premises used for the storage, preparation or sale of food are to comply with the *Food Act* 2003, FSANZ Food Safety Standards and any other requirements of

Councils Environmental health Officer included in this approval to the satisfaction of the General Manager or his delegate.

[USE0835]

46. The premises shall be maintained in a clean and tidy manner.

[USE0965]

47. The premise shall be utilised for the sale of whole fruit and vegetables only to the satisfaction of the General Manager or his delegate. Food processing, or handling of potentially hazardous food, is not permitted.

48. The storage of food is not permitted unless the structure is made vermin proof to the satisfaction of the General Manager or his delegate.

[USENS01]

The Motion was **Carried**

FOR VOTE - Unanimous

17 [PR-CM] Development Application DA10/0671 to Relocate an Existing Dwelling and Construct a Child Care Centre at Lot 2 DP 1122541, No. 26 Coronation Avenue, Pottsville

159

**Cr D Holdom
Cr B Longland**

RESOLVED that Development Application DA10/0671 to relocate an existing dwelling and construct a child care centre at Lot 2 DP 1122541, No. 26 Coronation Avenue, Pottsville be refused for the following reasons:

1. The proposed Child Care Centre is unacceptable in the location due to noise impacts.
2. The proposal is contrary to State Environmental Planning Policy No. 55 (SEPP 55) as an assessment of contaminated lands has not been undertaken by the applicant.

The Motion was **Carried**

FOR VOTE - Unanimous

18 [PR-CM] Development Application DA10/0411 for a Boundary Adjustment at Lot 11 DP 1054638 & Lot 12 DP 1054638; No. 51 Palmers Road, Terragon

160

**Cr K Skinner
Cr P Youngblutt**

RESOLVED that Development Application DA10/0411 for a boundary adjustment at Lot 11 DP 1054638 & Lot 12 DP 1054638; No. 51 Palmers Road, Terragon be approved subject to the following conditions:

"DEFERRED COMMENCEMENT"

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "A". Such evidence is to be provided within 12 months of the date of notification.

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "A". The consent shall become operative and take effect from the date of notification under Section 95 of the Environmental Planning and Assessment Regulations subject to the conditions set out in Schedule "B".

SCHEDULE "A"

Conditions imposed pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 and Section 95 of the Regulations as amended.

- A. Council shall be supplied with evidence of registration of the Plan of Subdivision associated with Development Consent DA09/0034 with the Land and Property Management Authority (formerly the Lands Titles Office).

SCHEDULE B

NOTE: THIS PART OF THE CONSENT WILL NOT BECOME OPERABLE UNTIL COUNCIL ADVISES THAT THE MATTERS CONTAINED IN SCHEDULE A ARE SATISFIED.

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Titled "Plan of Proposed Subdivision – Boundary Alteration Between Lot 11 & 12 DP 1054638 Palmers Road, Terragon", Revision C prepared by Brown and Hann and dated 10.02.10, except where varied by the conditions of this consent.

[GEN0005]

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

[GEN0125]

3. The applicant is advised that boundary adjustment associated with DA10/0411 will have the effect of extinguishing the existing dwelling entitlement on existing Lot 12/proposed Lot 51 and the existing dwelling shall have to rely on existing use rights within proposed Lot 51.

[GENNS01]

4. No clearing of protected or threatened vegetation shall be undertaken on the site.

[GENNS02]

DURING CONSTRUCTION

5. 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]

USE

6. 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]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

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

[PSC0825]

8. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act.

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

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

[PSC0835]

9. Prior to registration of the plan of subdivision, a Subdivision Certificate shall be obtained.

The following information must accompany an application:

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

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

[PSC0885]

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

[PSC0945]

11. Prior to the issue of a Subdivision Certificate, an approved access servicing proposed Lot 50 shall be bitumen sealed from the existing bitumen edge of Palmers Road to the property boundary, in accordance with Tweed Shire Council's Development Control Plan, Part A5 - Subdivision Manual and Council's "Driveway Access To Property – Part 1 – Design Specification".

[PSCNS01]

12. Prior to the issue of Subdivision Certificate the applicant shall lodge an application to operate the existing OSMS facility on proposed Lot 51 under Section 68 of the Local Government Act 1993, pay the appropriate fee and be issued with approval.

[PSCNS02]

13. A roof catchment water supply source shall be provided for domestic purposes where a Council reticulated supply is unavailable. Any domestic water supply roof collection system should be fitted with a first flush device. The minimum storage tank capacity shall reflect the dry seasonal periods experienced in the locality and shall be in addition to any fire fighting capacity requirements stipulated by the NSW Rural Fire Services. The minimum storage capacity required shall be 15,000L per bedroom with a minimum 20,000L to be provided. Details of the intended method of water storage are to be submitted to Council's Development Assessment Unit for approval, prior to the issue of Subdivision Certificate.

[PSCNS03]

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

1. At the issue of subdivision certificate and in perpetuity, the land surrounding the existing dwelling(s) on proposed Lot 51, to a distance of 50 metres or to the property boundary shall be maintained 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, electricity and gas are to comply with the following requirements of Section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
 - A hardened ground surface for truck access is to be supplied up to and within 4m of the water source.
 - A 65mm metal Storz outlet with a gate or ball valve shall be provided.
 - In recognition that no reticulated water supply exists, a 20 000 litre water supply shall be provided for fire fighting purposes.
3. Property access roads shall comply with section 4.1.3(2) of 'Planning for Bush Fire Protection 2006'.
4. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

The Motion was **Carried**

FOR VOTE - Unanimous

19 [PR-CM] Results of the Department of Planning Local Development Performance Monitoring Report 2010/11

161

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that the Results of the Department of Planning and Infrastructure's Local Development Performance Monitoring Report 2010/11 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

20 [CNR-CM] Tweed Shire Council Review of the Waste and Environment Levy

162

**Cr D Holdom
Cr K Skinner**

RESOLVED that Council:

1. Provides a written submission to the NSW Government Office of Environment and Heritage on the waste and environment levy as per the report.
2. Participates in a regional response through a written submission from the North East Waste Forum to be based on Council's own submission.

The Motion was **Carried**

FOR VOTE - Unanimous

21 [CNR-CM] EC2012-031 Provision of Greenwaste Processing Services

163

**Cr P Youngblutt
Cr W Polglase**

RESOLVED that this report advising of a possible late report for Greenwaste Processing Services be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

a21 [CNR-CM] EC2012-031 Provision of Greenwaste Processing and Marketing Services

164

**Cr P Youngblutt
Cr W Polglase**

RESOLVED that:

1. Council accepts the tender rate per tonne of Greenwaste inclusive of GST offered by Solo Resource Recovery for Contract EC2012-031 Provision of Greenwaste Processing and Marketing Services.
2. **ATTACHMENT A** is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:
 - (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

22 [CNR-CM] EC2012-026 Manufacture, Supply and Delivery of DN 450mm Diameter Pressure Pipe and Fittings

165

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that:

1. The tender for EC2012-026 Manufacture Supply and Delivery of DN 450mm Diameter Pressure Pipe and Fittings from Tyco Water be accepted for the supply of 1364 metres of 450mm Diameter Pressure Pipe with a supply value of \$206,986.00 exclusive of GST and Vinidex for the supply of Ductile Iron fittings with a supply value of \$27,739.72 exclusive of GST.
2. **ATTACHMENT A** is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:
 - (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

23 [CNR-CM] Integrated Water Cycle Management (IWCM) Strategy - Status Report

166

Cr D Holdom

Cr K Milne

RESOLVED that:

1. Council notes the progress of the 21 action items for implementation of the Integrated Water Cycle Management Strategy.
2. Council Officers bring forward a report detailing the progress of the implementation of the Integrated Water Cycle Management Strategy actions in approximately 12 months as part of the six yearly Integrated Water Cycle Management review.
3. The General Manager arranges a workshop for Councillors with regard to the on exhibition Draft Tweed Urban Stormwater Quality Management Plan 2011 as reviewed.

The Motion was **Carried**

FOR VOTE - Unanimous

24 [CNR-CM] Quarterly Variation Report for Contract EC2009-068 - Banora Point Wastewater Treatment Plant 18MI Upgrade Construction: October 2011 to January 2012

167

Cr D Holdom

Cr K Milne

RESOLVED that Council notes and endorses the total value of variations to date of \$1,142,209.13 inclusive of GST, for Contract EC2009-068 Banora Point Wastewater Treatment Plant Upgrade including variations not previously reported:

- Variation No.43 – Recoating to the existing Inlet Works Stairs. (\$5,021.13 GST Incl.)
- Variation No.44 – Apply epoxy coating to the floor of the inlet works by-pass channels and the top of the two existing step screen channels (\$12,785.08 GST Incl.)

- Variation No.46 – September 2011 Quarter CPI Adjustment (\$107,961.54 GST Incl.)
- Variation No. 47 – New pressed metal door frame for switch room double doors. (\$610.42 GST Incl.)
- Variation No. 48 – Supply two replacement Ethernet cards (\$3,514.95 GST Incl.)
- Variation No. 50 – Supply and install two new flumes in the western step screen channel. (\$9,672.36 GST Incl.)

2 **ATTACHMENT A** is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:

- (c) confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (d) (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

Cr P Youngblutt left the meeting at 03:08 PM

The Motion was **Carried**

FOR VOTE - Voting - Unanimous

ABSENT. DID NOT VOTE - Cr P Youngblutt

25 [CNR-CM] Contract EC2011-236 Sewer Main Rehabilitation Tweed Shire 2011/2012

168

Cr K Milne

Cr J van Lieshout

RESOLVED that:

1. The tender from Insituform Australia Pty Ltd for contract EC2011-236 Sewer Main Rehabilitation Tweed Shire 2011/2012 be accepted to the value of \$360,970.07 exclusive of GST.
2. The General Manager be given delegated authority to approve variations up to \$150,000 above the initial tender price and those variations reported to Council following completion of the Works.
3. **ATTACHMENTS A and B** are **CONFIDENTIAL** in accordance with Section 10A(2)(c) or Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-
 - (a) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

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

The Motion was **Carried**

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr P Youngblutt

26 [CNR-CM] Cabarita Youth Service Update

169

Cr D Holdom
Cr K Skinner

RESOLVED that Council provides financial assistance to Cabarita Youth Service up to a maximum of \$5,000 over 12 months from the Youth Program budget subject to the conditions as outlined in the report.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr P Youngblutt

27 [CNR-CM] Vegetation Screen - Casuarina

170

Cr D Holdom
Cr K Skinner

PROPOSED that Council:

1. Undertakes additional planting and weed control to rehabilitate the vegetation on the dune adjacent to beach access 6 at Casuarina Beach.
2. Removes the vegetation screen fabric adjacent to beach access 6 at Casuarina Beach, leaving the support structure in place for a further two years or until vegetation growth and monitoring demonstrates satisfactory rehabilitation, whichever is the greater period.

AMENDMENT

171

Cr W Polglase
Cr K Skinner

RESOLVED that Council:

1. Undertakes additional planting and weed control to rehabilitate the vegetation on the dune adjacent to beach access 6 at Casuarina Beach.
2. Vegetation screen fabric and frame adjacent to beach access 6 at Casuarina Beach be removed.

Cr P Youngblutt has returned from temporary absence at 03:10 PM

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 171 refers)

***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***

28 [CNR-CM] Camphor Laurel Eradication and Management

172

**Cr P Youngblutt
Cr J van Lieshout**

RESOLVED that Council receives and notes the report on Camphor Laurel Eradication and Management.

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] Lakes Drive Pontoon Replacement - Offer of Grant from Transport Roads and Maritime Services' Better Boating Program

173

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council:

1. Accepts the grant offer of \$37,000 from the Department of Transport Roads and Maritime Services' Better Boating Program towards the replacement of the pontoon at the Lakes Drive Boat Ramp and votes the expenditure.

2. Allocates a matching \$37,000 from the waterways asset replacement and waterways asset management budget to complete the project.

The Motion was **Carried**

FOR VOTE - Unanimous

30 [CNR-CM] Acceptance of grant funding from Gordon Darling Foundation for Council's Gallery Director

174

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council accepts the grant offer totalling \$3,300 from the Gordon Darling Foundation and votes the expenditure.

The Motion was **Carried**

FOR VOTE - Unanimous

31 [CNR-CM] Tweed Shire Council Lease to Southern Cross University - Part of Courtyard Area at Tweed Heads Civic Centre

175

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that:

1. Council approves entering into a lease with Southern Cross University to lease part of the northern courtyard at the Tweed Heads Civic Centre for a commencing rental of \$7,117.19 per annum (incl GST) to be CPI indexed annually; commencing on 27 March 2012 and expiring on 30 June 2013 with two further three month options.
2. All documents be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

32 [EO-CM] Tweed Valley Sailing Club Request for Land at Fingal

Cr K Milne declared a perceived non-significant, non-pecuniary Interest in this item, left the Chamber at 03:21 PM and took no part in the discussion or voting. The nature of the interest is that that she has an association with one of the members of the Tweed Valley Sailing Club.

176

**Cr D Holdom
Cr K Skinner**

RESOLVED that Council:

1. Supports, in principle, the use of road reserve in Fingal for Tweed Valley Sailing Club's use as a dinghy storage area, subject to demonstrating community support.
2. Place notification of the proposal In the Tweed Link inviting public comment for a period of twenty-eight (28) days.

The Motion was **Carried**

**FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr K Milne**

Cr K Milne has returned from temporary absence at 03:24 PM

33 [EO-CM] Review of Fees for Use of Salt Central Park

177

**Cr J van Lieshout
Cr P Youngblutt**

RESOLVED that:

1. The \$25,000 fee for events in Salt Central Park be removed from the 2012/2013 Fees and Charges.
2. Council includes fees for Salt Central Park within Item 116 Parks and Reserves of the 2012/2013 Fees and Charges.

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**

34 [EO-CM] Classification of Land - 23 Honeyeater Circuit, South Murwillumbah

178

Cr D Holdom
Cr P Youngblutt

RESOLVED that Council approves the classification of Lot 503 in DP 1132400 located at 23 Honeyeater Circuit, South Murwillumbah as operational land pursuant to section 25 of the Local Government Act, 1993.

The Motion was **Carried**

FOR VOTE - Unanimous

35 [EO-CM] Tender Recommendation EC2011-253 Kirkwood Road Habitat Restoration

179

Cr D Holdom
Cr P Youngblutt

RESOLVED that:

1. Council accepts the tender of Bushland Restoration Services for EC2011-253 Kirkwood Road Habitat Restoration for the value of \$196,124.00 inc GST.
2. **ATTACHMENT A** is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:
 - (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

36 [EO-CM] NSW Long Term Transport Master Plan

180

Cr K Skinner
Cr P Youngblutt

RESOLVED that Transport for NSW be requested to have regard to the content of this report in preparation of the NSW Long Term Transport Master Plan and in particular to include the following:

1. The plan should ensure that NSW transport planning for the Tweed, integrates with the strategic transport planning already carried out in the:

- South East Queensland Regional Plan 2009-2031
 - South East Queensland Infrastructure Plan and Program 2008-2036
 - Connecting SEQ 2031- An Integrated Regional Transport Plan for South East Queensland
 - Gold Coast Southern and Central Area Transport Study (GCSCATS) 2012
 - Tweed Public Transport Strategy - July 2011
 - Far North Coast Regional Strategy - 2006
2. The plan should acknowledge Tweed's unique cross border governance issues in the provision of suburban public transport that needs to seamlessly integrate services on both sides of the state border which divides the Gold Coast/Tweed urban area. The plan should explore NSW/Queensland cross border processes that can facilitate the governance of public transport in the Tweed Shire urban area being transferred to Queensland's TransLink.
 3. The NSW Long Term Transport Master Plan should recognise the role of the Gold Coast Airport as the second busiest airport located in NSW and its role in providing Tweed and other Northern Rivers Residents with high frequency, low cost, long distance travel to NSW regional destinations, Australian capital cities and major interstate regional centres.
 4. The NSW Long Term Transport Master Plan should acknowledge that urban arterial roads in major urban centres outside Sydney, Newcastle, Wollongong and the Central Coast, such as the Tweed Shire part of the Gold Coast/Tweed urban area, should be classified as "State Roads" and be managed and funded by the state.
 5. The active transport modes of walking and cycling are just as relevant to the rest of NSW and should not be presented in a Sydney only context. The final master plan should present these transport modes in a whole of NSW context.
 6. A key objective of the final plan should be the equitable provision of access to transport services for disadvantaged groups including people with a disability, NSW residents not located in Sydney and residents of newly developed urban growth centres (eg Cobaki Lakes, Kings Forest where typically transport services lag behind development). The Final plan should propose mechanisms to ensure equitable provision of transport services for all residents of NSW over the life of the Plan.
 7. The proposed *Northern Rivers Regional Transport Plan* should acknowledge that the Tweed sub-region has very different transport issues requiring very different transport solutions to the rest of the Northern Rivers Region (Byron, Lismore, Casino-Richmond Valley, Ballina and Kyogle).
 8. The section of the *Northern Rivers Regional Transport Plan* addressing the Tweed sub-region should align with strategic transport planning documents referred to in Recommendation 1.
 9. The authors of the proposed *Northern Rivers Regional Transport Plan* should liaise closely with representatives of the Queensland Government, Queensland

transport agencies, Gold Coast City Council and Tweed Shire Council to ensure transport solutions for the Tweed sub-region are part of an integrated transport solution for the Gold Coast Tweed urban area.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR TECHNOLOGY AND CORPORATE SERVICES

37 [TCS-CM] Monthly Investment and Section 94 Developer Contributions Report for the Period Ending 29 February 2012

181

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 29 February 2012 totalling \$158,985,518 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

38 [TCS-CM] Procurement Policy Version 1.4

182

Cr P Youngblutt

Cr J van Lieshout

RESOLVED that the Procurement Policy Version 1.4 be adopted, replacing the previous Procurement Policy Version 1.3.

The Motion was **Carried**

FOR VOTE - Unanimous

LATE ITEM

183

Cr P Youngblutt

Cr D Holdom

RESOLVED that Item a38 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

FOR VOTE - Unanimous

a38 [TCS-CM] Federal Senate Standing Committee on Environment and Communications invited public submissions on the Federal Telecommunications Amendment (Mobile Phone Towers) Bill 2011

184

**Cr P Youngblutt
Cr D Holdom**

RESOLVED that Council makes a late submission to the Federal Senate Standing Committee on Environment and Communications in relation to the Federal Telecommunications Amendment (Mobile Phone Towers) Bill 2011, in line with the three points raised within this report.

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 SUB-COMMITTEES/WORKING GROUPS

39 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 8 February 2012

185

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that the:

1. Minutes of the Tweed River Committee Meeting held Wednesday 8 February 2012 be received and noted; and
2. Director's recommendations be adopted as follows:

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

BA1. Project Reports

- b) **Draft Tweed Urban Stormwater Quality Management Plan 2011**

That Council places the draft Tweed Urban Stormwater Quality Management Plan 2011 on public exhibition.

BA2. Shorebird Education Signs

That Council allocates \$3,000 from the Tweed River Committee education program to the fabrication and installation of shorebird education signs within the Tweed Shire.

BA3. 2012 World Environment Day

That Council allocates \$5,000 from the Tweed River Committee education program to support a world environment day event for school children at the Pottsville Environment Centre.

A3. Tweed River Committee Strategic and Functional Review - Scope

That Council engages a facilitator to undertake a strategic review of the operations and priorities of the Tweed River Committee.

The Motion was **Carried**

FOR VOTE - Unanimous

40 [SUB-LTC] Local Traffic Committee Minutes Meeting held Thursday 23 February 2012

186

Cr D Holdom

Cr P Youngblutt

RESOLVED that the:

1. Minutes of the Local Traffic Committee Meeting held Thursday 23 February 2012 be received and noted; and
2. Director's recommendations be adopted as follows:

EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:

A1 Seaview Road, Banora Point

That "No Parking" signs be installed on private property at the end of Seaview Road, Banora Point to facilitate a vehicle turn around area.

A2 Lennox Circuit, Pottsville

That double centre lines and RRPMs be installed on Lennox Circuit at the beginning of the loop to reinforce the appropriate turning movements and the priority road configuration.

A3 Sathya Sai School, Nullum Street, Murwillumbah

That:

1. The existing children's crossing on Nullum Street be relocated closer to the Sathya Sai School providing a usable pedestrian desire line from the on-street parking adjacent to Knox Park.

2. The school bus zone (reflecting school zone times) be relocated further south on Nullum Street on the approach to the relocated children's crossing and be extended to accommodate 3 buses.
3. Parent 5 minute parking (during school zone times) be relocated north of the relocated children's crossing on Nullum Street, terminating at the driveway to the adjacent business premises.
4. Surfside Buslines be contacted and advised of the unsafe practice of children being dropped off on the opposite side of the road to the school.
5. Council consult with the Sathya Sai School with these new arrangements.

The Motion was **Carried**

FOR VOTE - Unanimous

41 [SUBCOM] Reports from Subcommittees and/or Working Groups

The following reports from subcommittees and/or Working Groups not requiring a decision of Council were received and noted:

1. Aboriginal Advisory Committee Minutes from Meeting held Friday 3 February 2012 ECM46428226.
2. Minutes of the Tweed Coast Koala Advisory Group Committee Meeting held Tuesday 14 February 2012 ECM 47319412.
3. Minutes of the Equal Access Advisory Committee Meeting held Wednesday 15 February 2012 ECM 47173725.

ORDERS OF THE DAY

42 [NOR-Cr D Holdom] Popularly Elected Mayor

187

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that the resolution at Minute No 642, Item no 53 from the meeting held 18 October 2011 being:

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

be rescinded.

The Motion was **Carried**

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

AGAINST VOTE - Cr K Milne, Cr J van Lieshout

43 [NOR-Cr D Holdom] Councillor Numbers

188

Cr D Holdom

Cr P Youngblutt

RESOLVED that the resolution at Minute No 632 at Item No 40 from meeting held 18 October 2011, being:

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

be rescinded.

The Motion was **Carried**

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

44 [NOR-Crs W Polglase, P Youngblutt and J van Lieshout] [PR-CM] 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

This item was dealt with at Minute No 142.

45 [NOM - Cr W Polglase] Development Application DA11/0356 for a Wakeboard Coaching Clinic between Fingal and Chinderah along the Tweed River (Operating from Fingal Boat Ramp) at Lot 403 DP 755740 Main Road, Fingal Head

This item was dealt with at Minute No 144.

46 [NOM-Cr W Polglase] Sale of Council Land

189

**Cr W Polglase
Cr D Holdom**

RESOLVED that:

1. The General Manager be requested to bring forward a report on what lands Council can put forward for sale as an expression of interest process.
2. A workshop be held prior to this report going to Council for consideration.

The Mayor, Cr B Longland, left the meeting at 04:28 PM. The Deputy Mayor, Cr P Youngblutt chaired the meeting.

The Mayor, Cr B Longland, has returned from temporary absence at 04:30 PM and resumed the Chairmanship of the meeting.

The Motion was **Carried**

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

47 [NOM-Cr W Polglase] Budget 2012-2013

190

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Council supports a 1.5% cost reduction across Council's 2012/2013 General Fund Budget; these funds to be allocated to road construction, road maintenance and general road services and consideration be given to looking at other areas within the budget for savings.

The Motion was **Carried**

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

48 [NOM - Cr J van Lieshout] Byrill Creek Dam Council Poll

This item was withdrawn.

49 [NOM-Cr D Holdom] Budget Allocation Comprehensive Koala Management Plan

191

**Cr D Holdom
Cr W Polglase**

RESOLVED that the Draft 2012/2013 budget and Long Term Financial Plan include funding of no more than \$120,000 per annum to support the implementation of the Comprehensive Koala Plan of Management and that the funding be found by re-prioritising other budgets within the Caring for the Environment Theme/NRM Budget.

The Motion was **Carried**

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

AGAINST VOTE - Cr K Milne, Cr J van Lieshout

50 [NOM-Cr D Holdom] Historic Commercial Uses of the Tweed River

192

Cr D Holdom

Cr P Youngblutt

RESOLVED that the General Manager investigates and reports back to Council on what business vessels are still operating on the Tweed River, as supplied in attachment form to Item 10 of the Ordinary Meeting held 21 February 2012, given the overview statement made to the attachment as follows:

"Other development applications previously assessed for commercial operations on the Tweed River that may have relevance to the current proposal include the following. Most of the applications were lodged for continuation of businesses following compliance action and as a result of the Council resolution of 6 December 2000 that sought development applications within 40 days from all commercial boating operators that did not have a current consent."

The Motion was **Carried**

FOR VOTE - Unanimous

51 [NOM-Cr B Longland] Report on Trial of Doggy Litter Bags

The Motion lapsed as there was no seconder.

52 [NOM-Cr K Milne] Bag Stations for Dogs

This Motion lapsed as there was no seconder.

53 [NOM-Cr K Milne] Tweed Heads Revitalisation Community Committee

193

Cr K Milne

Cr D Holdom

PROPOSED that Council establishes a community based committee to provide a framework for actions and prioritisation of community preferences in revitalising the Tweed Heads CBD.

The Motion was **Lost**

FOR VOTE - Cr K Milne

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

54 [NOM-Cr K Milne] Chemical Free Council

194

Cr K Milne

Cr D Holdom

PROPOSED that Council brings forward a report on the possibility of developing a strategy to model Council Civic Centres as chemical free buildings.

The Motion was **Lost**

FOR VOTE - Cr D Holdom, Cr K Milne

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

55 [NOM-Cr K Milne] Accreditation of Ecological Consultants

195

Cr K Milne

Cr D Holdom

PROPOSED that Council:

1. Writes to the NSW and Federal Ministers for Planning and Local Government to request Accreditation of Ecological Consultants to ensure that high standards of professionalism are maintained in development application processes, and to provide a mechanism for reporting that does not place an undue burden on Councils.
2. Submits a motion to the next Local Government and Shires Association conference and the National Local Government Association to request Accreditation of Ecological Consultants to ensure that high standards of professionalism are maintained in development application processes, and to provide a mechanism for reporting that does not place an undue burden on Council.

3. Lobbies government on this issue as a serious flaw and high priority gap exists in Government planning/assessment processes.

Cr D Holdom left the meeting at 05:32 PM

The Motion was **Lost**

FOR VOTE - Cr K Skinner, Cr K Milne

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

ABSENT. DID NOT VOTE - Cr D Holdom

56 [NOM-Cr K Milne] Community Carbon Neutral Committee

This Motion lapsed as there was no seconder.

57 [NOM-Cr K Milne] Carbon Neutral Status

This Motion lapsed as there was no seconder.

58 [NOM-Cr K Milne] Hydro Power

196

Cr K Milne

Cr K Skinner

RESOLVED that Council brings forward a preliminary report on the potential of developing hydro power or micro hydro systems.

Cr D Holdom has returned from temporary absence at 05:35 PM

The Motion was **Carried**

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

AGAINST VOTE - Cr W Polglase, Cr P Youngblutt

59 [NOM-Cr K Milne] Kingscliff Beach Erosion Community Updates

197

Cr K Milne

Cr K Skinner

PROPOSED that Council provides on the Council website a link on the Kingscliff Beach erosion issue including updates on the total expenses incurred to date and expected costs, and the latest plans and relevant advice available to ensure the community is updated on these issues in a transparent manner.

The Motion was **Lost**

FOR VOTE - Cr K Milne

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

60 [NOM-Cr K Milne] Women in Senior Government Positions - Affirmative Action

198

Cr K Milne

Cr D Holdom

PROPOSED that Council writes to Local Government Minister Mr Don Page to:

1. Request advice on the legislation and guidelines for the recruitment of Local Government staff in relation to both soft and hard affirmative action options, and
2. For the Minister to consider whether there are any inconsistencies in the Local Government recruitment processes enabling the provision of a more effective strategy, including quota systems, to overcome the lack of equal representation.

Cr K Milne left the meeting at 06:00 PM

The Motion was **Lost**

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

ABSENT. DID NOT VOTE - Cr K Milne

61 [NOM-Cr K Milne] Women in Senior Government Positions - Council Strategy

Cr K Milne has returned from temporary absence at 06:05 PM

This Motion lapsed as there was no seconder.

62 [NOM-Cr K Milne] Community Consultation

199

Cr K Milne

Cr K Skinner

PROPOSED that Council seeks feedback from the Community on their satisfaction with Council's level of consultation on development applications and requests suggestions for improvement:

- Council to write to the Tweed Shire Community Residents Associations to seek their advice on this matter.

- Council to provide possible options the community could indicate as their preference for various levels of notification that could be undertaken.
- Chambers of Commerce and Progress Associations.

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

63 [NOM-Cr K Milne] Tweed Heads and Banora Point Community Facilities

200

**Cr K Milne
Cr K Skinner**

PROPOSED that Council brings forward a report in any inadequacies in the provision for community facilities for the large population centres of Tweed Heads, Tweed Heads South, Tweed Heads West Banora Point and how these can be resolved.

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

64 [NOM-Cr K Milne] Outdoor Cinema Screen - Jack Evans Boatharbour

The Motion lapsed as there was no seconder.

65 [NOM-Cr K Milne] Airport Masterplan and Flight Path Consideration

201

**Cr K Milne
Cr K Skinner**

PROPOSED that Council writes to the relevant authorities to request the following information and actions and for these issues to be included in the assessment of the Airport Master Plan:

1. Request advice on the proportion of airport passengers that result from NSW compared to QLD.
2. Request that airport traffic be proportioned according to percentage of use by each State.
3. To request that noise monitors be installed at all of the areas affected by flight paths.

4. To request that health impact assessment reports and ongoing monitoring be undertaken for residents in flight paths, including impacts from noise disturbance and pollution.
5. To request that impacts on Tweeds recreational and tourism values be undertaken.
6. To request environmental impact reports for flora and fauna around Cobaki Lakes be undertaken.
7. To request environmental impact reports on potential conflict with the flight paths of migratory bird species and potential conflicts with Sibling values of World Heritage areas.
8. To provide alternative options and locations to provide for expansion of the airport activities.

The Motion was **Lost**

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

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

66 [NOM-Cr K Milne] Mining Exploration in the Tweed

This Motion lapsed as there was no seconder.

QUESTIONS ON NOTICE

67 [QoN-Cr K Milne] Cobaki Cumulative Impacts

QUESTION ON NOTICE:

Councillor K Milne asked:

1. Why was the impact of the Piggabeen Road works and services corridor, that has been identified by Council as required to service the Cobaki development, not included in the Cobaki Lakes application impacts reports, and will the developer be required to pay for this and provide off sets?
2. Has Council adopted into their assessment requirements Section 3.1.2 of the Northern Rivers Biodiversity Management Plan which states, "A policy of net biodiversity conservation gain should be applied when assessing and approving applications for any development or activity"?
3. Can Council advise on what is Council's position on engaging an Environmental compliance officer to protect this National Iconic Landscape and fulfil the recommendation of the Cobaki and Terranora Broadwater Management Plan?
4. In relation to large and potentially dangerous potholes is it possible for Council to take interim measures until proper maintenance can be undertaken such as marking the individual potholes e.g. with a cross in white paint or to put up signposting to warn people of pothole damage at the start of a bad stretch?

Response to 67 (1.)

The Director Engineering and Operations responded that the Part 3A Concept Plan for Cobaki Lakes submitted to and approved by the NSW Department of Planning, December 2010, considered the need for provision of utility services for the development and concluded that based on advice from service providers, electricity, telecommunications, water supply, sewerage and road access could not be provided for the project. This was a high level assessment that considered matters such as network capacity and the technical ability to extend services to the area.

Since approval of the Concept Plan, there has been more detailed planning by service providers regarding the route to be taken in the Piggabeen Road area for the actual placement of electricity, telecommunications, water supply, sewerage and road access to access both Cobaki Lakes and Bilambil Heights.

The road access to Cobaki and Bilambil Heights consists of a north south arterial road (Scenic Drive deviation and Cobaki Parkway) which intersect with Piggabeen Road 0.5km west of Cobaki Broadwater Village. This intersection will be the site of a future roundabout. Immediately north of the roundabout a bridge over Cobaki Creek is to be constructed to convey utility services, road, cycle and pedestrian traffic to Cobaki Lakes.

The section of Piggabeen Road between Cobaki Broadwater Village and the proposed roundabout/bridge site is the only corridor available for utilities to service Cobaki Lakes and most of Bilambil Heights. However, it has been designated as SEPP 14 Coastal Wetlands and this restricts the scope of works that can be done in and adjacent to this section of road.

The utility services that are intended to traverse this area consist of Water Supply main, 2 or 3 sewerage rising mains, 66kv electricity, 11kv electricity, NBNSCo Optic fibre conduits, pedestrian/cycleway and an improved Piggabeen Road (two lane rural formation with higher and wider formation than present). A formal planning application accompanied by a full environmental impact statement is now being prepared by Council on behalf of all the utility providers. Council and Essential Energy are sharing the application costs.

Environmental offsets are unknown at this stage as the planning approval process has not been completed.

Response to 67 (2.)

The Director Planning and Regulation responded "No".

Response to 67 (3.)

The Director Community and Natural Resources responded that the 2010 Coastal Zone Management Plan for Cobaki Terranora Broadwater recommended as follows:

Strategy 5.7 - allocate additional resources to appoint a specialist environmental compliance officer to Council's regulation staff. Duties to include monitoring compliance with erosion and sediment control, stormwater quality, vegetation clearing, vegetation rehabilitation and other relevant conditions of development approval.

This is a broad role which would require clear definition and support from Council. At this stage Council has not resolved to allocate any additional resources for Environmental Compliance and Officers are recommending other priorities.

Response to 67 (4.)

The Director Engineering and Operations responded that Council's Strategic Asset and Service Management Program (SAMP) has specific directions relating to Council's response to safety notifications from the public. Subject to resource and funding limitations, safety complaints must be inspected within five (5) working hours of receipt. Should the Inspector determine that the complaint does constitute an unsafe defect then the options available to Council are detailed in section 14.17.2 of the Program. Subsection a) of this clause is quoted below:

14.17.2 Unsafe Defects

- a) *If, upon inspecting a customer request, a responsible person decides that an unsafe defect exists, he/she shall:*
- i. arrange for the unsafe defect to be rectified immediately; or*
 - ii. erect or cause to be erected temporary safety measures; or*
 - iii. if temporary safety measures are inappropriate the asset or service must be closed to the public until permanent safety measures are erected.*

The definition of "immediately" in the SAMP is "*as soon as is reasonably practicable having regard to the seriousness and location of the unsafe defect or condition and resources availability*".

Notwithstanding liability considerations, the marking of a pothole that has been assessed as being a safety defect, if the marking makes the damaged area "obvious" to all people at all times, may be a method of warning the public of its existence and be a temporary safety measure. However, to mark such potholes requires either the allocation of additional resources or the reallocation of existing from other tasks for the activity to be safely completed amongst traffic. Allocating a road maintenance gang with full worksite signage and traffic control in order to paint or highlight a pothole, without completing repairs, incurs almost the same cost to Council as the repair of the pothole itself. Also, once the pothole repairs have been effected then the warning markings need to be removed from the road surface, incurring an additional cost.

Council does not carry out preventative maintenance inspections, and so the scheduling of pothole repairs can be dependent to a degree on notifications from the public. Some potholes may exist for an extended period of time simply because staff are not aware of its presence.

Where a large area of a road has suffered significant pavement damage and permanent repairs cannot be carried out due to funding or resource constraints, Council does currently erect appropriate warning signs (eg "Rough Surface Ahead). The marking of individual potholes is not supported unless in extreme cases where their final repair will be delayed excessively due to operational, funding or resource limitations.

68 [QoN-Cr K Milne] Impact of Coastal Development on World Heritage Sibling Areas

QUESTION ON NOTICE:

Councillor K Milne asked can Council provide preliminary advice on whether there may be concerns for the cumulative impact of coastal development on Council's World Heritage Areas in relation to coastal lowlands as World Heritage Sibling Areas?

Response

The Director Community and Natural Resources advised there are concerns regarding the cumulative impact of coastal development on biodiversity values but this is not simply due to the possible impacts on world heritage rainforest areas which are all in the hinterland.

Due to past clearing and extensive urban development almost all natural areas on the coast are important. This is why along the coastline there is a focus on restoration and protection, through the LEP and Development Controls, of all existing rainforest and other endangered communities.

69 [QoN-Cr D Holdom] Mayoral Term

QUESTION ON NOTICE:

Councillor D Holdom asked can the General Manager or his delegate provide Council with an update on the proposal to possibly implement a 2 year Mayoral term, rather than a 1 year councillor elected term and/or popularly elected term of 4 years?

Response

The Director Technology and Corporate Services responded that the proposal to possibly implement a two year mayoral term, rather than a one year councillor elected term and/or popularly elected term of four years is encompassed in the Destination 2036 Draft Action Plan, December 2011 as Strategic Directions Initiative 7, Quality Governance - Ensuring strong and effective local governance.

Destination 2036 recognises that while strong governance structures are essential, they are of little value without strong leadership, culture and communication. Therefore an action identified includes examining the pros and cons of alternative governance arrangements including, but not limited to:

- Minimum and/or maximum terms that Mayors and Councillors can serve
- Half term elections
- Greater flexibility to determine mayoral election
- Remuneration of councillors.

The Division of Local Government is currently focusing on 10 key priority areas and Destination 2036 is the first identified priority. A taskforce has been created and is led by Ross Woodward, the Director General. The implementation Steering Committee met on Friday 16 March 2012 and the Minister for Local Government, Don Page MP was given an action plan for the implementation following that meeting. The Division of Local Government has a team focused on Destination 2036 and is structured and ready to commence implementation.

Further a review of the Local Government Act 1993, while not yet formally announced by the Minister is expected fairly soon.

The exact timing of any changes to the Mayoral term or Governance arrangements is not yet known.

70 [QoN-Cr D Holdom] Local Government Reform

QUESTION ON NOTICE:

Councillor D Holdom asked can the General Manager or his delegate provide an overview of what reforms have occurred in Local government between the release of the documents as shown:

"Structural Reform of Local Government in NSW Department of Local Government September 2004", and the Local Government discussion paper - "A New Direction for Local Government-Position Paper 2006", to the "Circular 11/28 September 2011 Destination 2036".

Response:

The Director Technology and Corporate Services responded that in July 2003, the Minister for Local Government wrote to all councils in NSW. He outlined the challenges facing local government and asked all councils to submit to the Department of Local Government their proposals for structural reform. The goal of the structural reform was to improve services for ratepayers and residents.

In September 2003 the Government's Local Government Reform Program was announced, with funding approved for 2 years, with in-principle approval for a third year subject to success of the Program.

As at August 2004 following Regional Reviews and examination of proposals by the Boundaries Commission the Reform Program had resulted in the creation of 22 new amalgamated councils. This reduced the number of councils from 172 in March 2003 to 152.

A governance reform was the implementation of the Promoting Better Practice Review Process, which aims to improve the viability and sustainability of councils. Each year the Division of Local Government reviews a number of councils, evaluating the effectiveness and efficiency of key aspects of councils operations and giving feedback through a formal report.

The Department in consultation with the LGSA, Local Government Managers Australia, the Independent Commission Against Corruption and the NSW Ombudsman developed a Model Code of Conduct which came into effect on 1 January 2005

A Local Government Inquiry into financial sustainability commissioned by the Local Government and Shires Associations (LGSA) and chaired by Professor Percy Allan was also conducted and many of the recommendations were addressed in the New Direction for Local Government Position Paper of October 2006 and the subsequent introduction of the Integrated Planning and Reporting (IPR) Framework which replaced the previous annual management plan cycle.

There have been two occasions (in 2005 and 2011) where councils were able to reduce their number of Councillors without referendum.

The most recent reform agenda has been Destination 2036, which moves local government in NSW from talking about and reacting to change, to managing change to create a preferred future. Over 350 representatives from every council in the State gathered in Dubbo on 17 and 18 August 2011 to begin the process of creating a strong and viable local government sector.

The Draft Action Plan was released for comment with submissions closing on 15 February 2012.

Last Friday 16 March, Ross Woodward the Director General, Division of Local Government provided an update of Destination 2036 at the LGMA NSW General Managers & Directors Convention. He advised 106 submissions (66 from councils and 12 from ROC's) were received. The submissions provided strong support for the directions and initiatives of the Action Plan. An implementation taskforce has been created. There is support for more consultation throughout the rollout. The Division is currently looking at resource requirements, costs, etc. The Division has been structured with a staff team focussed on the implementation of Destination 2036. The Implementation Steering Committee also met last Friday and provided the Minister for Local Government with an action plan on the implementation of Destination 2036.

The Director General also advised that the Division will also be focussing on a Review of the Local Government Act (not yet formally announced by the Minister but expected fairly soon).

This morning, 20 March 2012, the Minister for Local Government announced the establishment of the Local Government Review Panel, chaired by Professor Graham Sansom to investigate structural arrangements of councils in the context of the financial sustainability of councils across NSW. The review panel is expected to report to the Minister its findings within 12-14 months.

Once the revised action plan for Destination 2036 is released by the Minister, and Mayors and General Managers are provided with more information on the structural reform process and Panel, a Councillor workshop will be scheduled, followed by a further detailed report.

The following media releases were tabled at the meeting:

Minister Page Media Release:

<http://www.donpage.com.au/Ministerial-Media-Releases/panel-to-set-direction-for-councils-of-future.html>

LGSA Media Release:

<http://www.lgsa.org.au/www/html/4148-20th-march-2012-councils-ready-to-talk-about-their-long-term-financial-viability.asp?intSiteID=1>

71 [QoN-Cr D Holdom] Clarrie Hall Dam Spillway Upgrade

QUESTION ON NOTICE:

Councillor D Holdom asked can the Director Community and Natural Resources please update Council on the progress of the upgrading of the Clarrie Hall Dam Spillway?

Response

The Director Community and Natural Resources responded that the Clarrie Hall Dam Spillway Upgrade project is progressing to schedule. Environmental approval of the REF was determined by Council at its December meeting, and the Concept Design has been sent to the Dam Safety Committee. Since then work has begun on the detailed modelling and design consultancy studies. An Expression of Interest for potential construction contractors has been advertised since 31 January 2012 and closed Wednesday 14 March 2012. Submissions will be evaluated over the coming weeks and a short-list of preferred contractors is expected to be recommended to Council at its May meeting.

The next steps will involve applying for Stage 2 funding approval from the NSW Office of Water, and working together with short-listed contractors in an Early Tenderer Involvement process to improve the design and reduce risks to the project. Following this process the design is expected to be finalised in July and tenders advertised in August 2012.

CONFIDENTIAL COMMITTEE

202

Cr K Skinner
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 GENERAL MANAGER IN COMMITTEE

Nil.

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

Nil.

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

1 [CNR-CM] Variation to EC2008-153 - Collection of Municipal Solid Waste, Collection and Processing of Recyclables, Collection of Bulky Waste and Collection of Public Place Bins - Option for the Provision of a 360L Recycling Bin

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:

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

C 16

That Council:

1. As a variation to EC 2008-153 - Collection of Municipal Solid Waste, Collection and Processing of Recyclables, Collection of Bulky Waste and Collection of Public Place Bins, accepts the option for the provision of a 360 litre recycling bin, at the price and service variation offered by Solo Resource Recovery.
2. Provides the 360 litre mobile garbage bin commencing 1 July 2012.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

2 [EO-CM] Sale of Council Quarries by Public Tender

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 17

That:

1. Council does not accept any tenders submitted for the sale of the Duroby quarry comprised in Lot 10 DP 262383;

2. Council accepts the tender price amount referred to in the body of the report from Michael and Lucile Myers for the sale of Chilcotts quarry at Chillingham comprised in Lot 1 DP 794307 but advises that Council will not accept the conditions attached to their tender price offer.
3. All necessary documentation be executed under the Common Seal of Council.
4. The Duroby quarry be listed for sale at the amount determined by the valuer, \$410,000.

The Motion was **Carried**

FOR VOTE - Unanimous

203

Cr D Holdom

Cr K Skinner

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 6.41pm.



Minutes of Meeting Confirmed by Council

at the

Council Meeting held on xxx

Chairman