IN ATTENDANCE

Councillors L F Beck (Deputy Mayor), G B Bell, M R Boyd, R D Brinsmead, B J Carroll, S Dale, D M Holdom, H James, G J Lawrie, J F Murray.

Also present were Dr John Griffin (General Manager), Mr Reg Norvill (Executive Manager-Office of the General Manager), Mr Mike Rayner (Director Engineering and Operations), Mr Noel Hodges (Director Planning & Environment), Mr Don Buckley (Director Environment & Community) from 4.45pm, Mr Geoff Edwards (Manager Environment and Community Services) from 3.00pm to 4.45pm, Mr Brian Donaghy (Manager Administration Services/Public Officer) and Mrs Kerrie McConnell (Minutes Secretary)

PRAYER

The meeting opened with a Prayer by Council's Chaplain, Father Harry Reuss.

“A PRAYER FOR ST. ANDREW’S DAY (30th November)

Everliving God, whose Apostle Andrew heard the call of your Son and followed, bringing his brother with him: inspire us, like him, to offer ourselves readily for your service and to tell others the good news of your kingdom; through Jesus Christ our Lord, who lives and reigns with you and the holy Spirit one God, now and for ever.

Amen.

Most gracious God, we pray for the members of the Tweed Shire Council: direct their work and influence their decisions to the advancement of your glory, and the safety and welfare of this community. We ask this through Jesus Christ our Lord.

Amen.”

CONFIRMATION OF MINUTES

Minutes of the Ordinary Meeting held Wednesday 17 November 2004

817 RESOLUTION:

Cr G B Bell
Cr G J Lawrie

RESOLVED that the Minutes of the Council Meeting held 17 November 2004 be adopted as a true and accurate record of proceedings of that meeting.
FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Polglase

APOLOGIES

Cr W J Polglase

Cr Polglase informed the General Manager that his absence was caused by illness.

818 RESOLUTION:

Cr M R Boyd
Cr S M Dale

RESOLVED that the apology of Cr W J Polglase be accepted.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Polglase

DISCLOSURE OF INTEREST

Cr J F Murray declared an interest in Item 10.

The nature of the interest is that Cr J F Murray has a family member who is conducting research work on this matter.

Cr G J Lawrie declared an interest in Item 1.

The nature of the interest is that Cr G J Lawrie has a professional interest in this Development Application.

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

Nil.
SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

819 RESOLUTION:

Cr M R Boyd
Cr B J Carroll

RESOLVED that this report be received and noted.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Polglase

MAYORAL MINUTE

Mayoral Minute

Councillors,

1. Human Resources Conference

18 November – Official opening of the Local Government Human Resources Conference at Twin Towns

2. Tweed River Festival

18 November – Naming of Skinner Lowes Wharf at Murwillumbah

3. Lifeworx Church

18 November – Presentation of prizes to winners of Colouring In Competition

4. Family Centre Community Projects

18 November – Family Centre Community Projects AGM at South Tweed
5. Mayor’s Charity Ball

19 November – Presentation of proceeds from Mayor’s Charity Ball to the Rural Fire Service

6. Tourism

19 November – Tourism Forum at Tweed Civic Centre

7. Tweed River Festival

19 November – Launch Photo Exhibition at Murwillumbah

8. Mount St. Patrick College

19 November Mt St Patrick College Year 12 Formal at Murwillumbah

9. Tweed River Festival

21 November – Tweed River Festival at Jack Evans Boat Harbour incorporating Tweed Coast Outriggers Corporate Day

10. Tweed River Festival

22 November – Presentation of prize of School Poster Competition at Tweed

11. Citizenship Ceremony

23 November – Private citizenship ceremony at Murwillumbah (Kenyon family)

12. Department of Fair Trading

25 November – Consumer Rights Information Session “Home Truths about Consumer Rights” at Tweed Civic Centre

13. CTC Pottsville

25 November – Launch Visitor Information Centre
14. Casino/Murwillumbah Rail Line

25 November – Received Casino/Murwillumbah Rail Enquiry Report

15. Tourism

25 November – Met with Federal Minister for Small Business and Tourism, The Hon. Fran Bailey MP

16. TEDC

26 November – TEDC Board Meeting at Gold Coast Airport

17. Library

27 November – Naming Bruce Graham Library at Tweed Civic Centre

INVITATIONS ACCEPTED:

- 5 December Dragon Boat Races – Jack Evans Boat Harbour
- 6 December – Kingscliff/Murwillumbah TAFE Achievement Awards Presentation
- 7 December – Friendship Force Visitors from Russia
- 7 December – Stacks Seminar Local Government & Planning Issues – Murwillumbah
- 8 December – Blind & Vision Impaired Support Group Christmas Luncheon Banora
- 9 December – TACTIC AGM and Christmas Party – Duranbah
- 10 December – International Volunteers’ Day at Tweed
- 10 December – Tweed River High Annual Presentation Day
- 10 December – Council staff Christmas Party – Murwillumbah
- 10 December – Bolster & Co. Christmas Party – Banora
- 11 December – Brian Donaghy Farewell Dinner – Murwillumbah
- 12 December – Opening Greg Norman Jnr Masters – Coolangatta/Tweed Golf Club
- 13 December – Twin Towns Friends Christmas Lunch Tweed Heads
- 13 December – Wollumbin High Awards Ceremony Murwillumbah
- 14 December – Tweed Heads Public School Presentation of Awards

INFORMATION ON CONFERENCES TO BE HELD - Councillors to advise Mayoral Assistant, Jan Green, if they wish to attend and/or require further details:

- Water 05 ‘Implementing the National Water Initiative from catchment to tap’ 16-18 February 2005 Melbourne Convention Centre
820 RESOLUTION:

Cr L F Beck
Cr G B Bell

RESOLVED that the Mayoral Minute be adopted.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Polglase

ITEMS DEFERRED

[ID] PE] Development Application DA04/0917 for a Two Storey Dwelling and Building Line Variation at Lot 4 DP 1054265 No. 48 Kintyre Crescent Banora Point

821 RESOLUTION:

Cr M R Boyd
Cr D M Holdom

RESOLVED that this item be dealt with in conjunction with Item 6 of this Agenda (Minute No 834 refers).

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Polglase

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT

DECLARATION OF INTEREST

Cr Lawrie declared an Interest in this item, left the Chamber at 03:15 PM and took no part in the discussion or voting. The nature of the interest is that Cr Lawrie has a professional interest in this Development Application.
[PE] Section 96 Application DA04/0261.01 for a Boundary Adjustment at Lot 1 DP 830564 & Lot A DP 343368, No. 34 Kyogle Road, Bray Park

822 RESOLUTION:

Cr M R Boyd
Cr J F Murray

RESOLVED that item be deferred for applicant to address Community Access.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Polglase, Cr Lawrie

RETURN TO MEETING

Cr Lawrie has returned from temporary absence at 03:20 PM

[PE] Development Application DA04/0099 for a Childcare Facility at Lot 110 DP 728119, Carraboi Terrace, Tyalgum

823 RESOLUTION:

Cr H James
Cr M R Boyd

RESOLVED that Development Application DA04/0099 for a childcare facility at Lot 110 DP 728119, Carraboi Terrace, Tyalgum be approved subject to the following conditions:

GENERAL
1. The development shall be completed in accordance with the Statement of Environmental Effects prepared by Chillingham & Tyalgum Community Preschool Inc. and the approved development plans, as prepared by E. P. Hopkins (Architect) dated October 2003, except where varied by these conditions.

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

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

4. The erection of a building in accordance with a development consent must not be commenced until:
(a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and

(b) the person having the benefit of the development consent has:
   (i) appointed a principal certifying authority for the building work, and
   (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and

(b1) the principal certifying authority has, no later than 2 days before the building work commences:
   (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
   (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

(b2) the person having the benefit of the development consent, if not carrying out the work as an owner-building, 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.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

6. A construction certificate application for works that involve any of the following:-
   
   • connection of a private stormwater drain to a public stormwater drain
   • installation of stormwater quality control devices
   • erosion and sediment control works

   will not be approved until prior separate approval to do so has been granted by Council under section 68 of the Local Government Act 1993.

   Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

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

(b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.

(c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of Tweed Shire Council Aus-Spec D7 - Stormwater Quality.

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

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

9. Stormwater Discharge
   i. The legal point of discharge of stormwater for the site is the unformed road reserve to the north of the site.
   ii. No stormwater discharge is permitted across the northern boundary of the site onto Lot 59 DP 755748, and measures such as earth banks shall be provided as necessary to prevent overland flows onto that property.

10. Section 94 Contributions
(i) 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.

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/editon 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: $20,105

S94 Plan No. 4 (Version 4.0)

PRIOR TO COMMENCEMENT OF WORK

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

12. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
(i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
(ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and
(iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
(A) the method of protection; and
(B) the date of installation of the system; and
(C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
(D) the need to maintain and inspect the system on a regular basis.

Note: Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.
13. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
(a) a standard flushing toilet connected to a public sewer, or
(b) if that is not practicable, an accredited sewage management facility approved by the council, or
(c) if that is not practicable, any other sewage management facility approved by the council.

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

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

15. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

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

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

18. In addition to these measures an appropriate sign is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

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

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

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

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

22. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied.

23. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428.

24. Where a building of part of a building is required, under the provisions of Section D of the Building Code of Australia, to be accessible to permit use by people with disabilities, prominently displayed signs and symbols shall be provided to identify accessible routes, areas and facilities. The signage, including Braille or tactile signage, should be installed in accordance with the relevant provisions of the Building Code of Australia and achieve the minimum design requirements provided under AS1428.

25. Where access for people with disabilities is required to be provided to a building, sanitary facilities for the use of the disabled must also be provided in accordance with the provisions Part F-2 of the Building Code of Australia.

26. Car parking spaces for people with disabilities shall be provided and constructed in accordance with the provisions of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3.5 of the Building Code of Australia and it's requirement to comply with AS2890.1.

27. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the Director, Engineering Services. Twenty four (24) hours notice is to be given to Council's Engineering Services Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction. Paving bricks are not acceptable unless laid on a 100mm thick concrete base.

28. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays.
29. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
   a. internal drainage, prior to slab preparation;
   b. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
   c. external drainage prior to backfilling.
   d. completion of work and prior to occupation of the building.

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

31. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.

32. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:
   * 43.5°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
   * 50°C in all other classes of buildings.
A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

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

34. Any premises used for the storage, preparation or sale of food are to comply with the relevant provisions of the Food Act, 2003. Details of fittings and
equipment are to be submitted to the Principal Certifying Authority prior to installation.

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

36. The northern boundary of the designated playground, located to the front and east of the building, shall be constructed of suitable solid materials to the satisfaction of Council's Director Environment and Community Services, so as to minimise nuisance noise transmission to adjoining residences.

37. Internal driveway and parking areas are to be sealed, in accordance with Tweed Shire Council specifications where necessary.

38. An adequate designated hand-wash basin shall be provided within the nominated 'kitchen' area. The basin shall be supplied with soap and single use towels at all times.

39. Exterior windows and doorways in the building must be fitted with flyscreens.

40. Adequate landscaping shall be undertaken to the northern boundary of the land to the satisfaction of Council's Director Environment and Community Services so as to minimise the visual impact to the adjoining residence.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

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

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

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

45. Prior to the issue of an Occupation Certificate all necessary road upgrading in Carraboi Terrace is to be finalised.

USE

46. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
47. Food preparation shall be limited to the heating of prep-prepared foods only. No further food preparation shall be undertaken without the written consent of Council's Director Environment and Community Services.

48. Adequate refrigeration facilities for the storage of food shall be provided for all staff and children attending the Centre.

49. All sand pits shall be adequately covered when not in use to prevent access by animals.

50. An adequate supply of hot water shall be available at all times.

51. The development shall comply with the requirements of the Centre Based and Mobile Child Care Services Regulation (No.2) 1996

52. The centre premises, equipment and furnishing used in providing the service, must be maintained in a safe, clean and hygienic condition and in good repair at all times.

53. Hours of operation are from 7.30am to 5pm Monday to Friday.

54. A maximum 20 children is permitted.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Polglase

3 [PE] Master Plan MP04/0001 for a Proposed Subdivision at Lot 1 DP 392245, Lot B DP 368706, Lot 13 DP 793985, Barnby Street, Murwillumbah

TITLE: Ordinary Minutes

824 RESOLUTION:

Cr B J Carroll
Cr J F Murray

RESOLVED that Council defers this matter until after the 8 December 2004 Community Access session to allow residents of West Murwillumbah to put forward information for Council’s consideration before final decisions are made about revisions to the Barnby Street MasterPlan and before the public is notified of these revisions.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Polglase

4 [PE] Population Data and Projections for the Tweed Shire

825 RESOLUTION:

Cr J F Murray
Cr M R Boyd
RESOLVED that Council notes the information in the attached Population Data and Projections for Tweed Shire.

FOR VOTE - Unanimous  
ABSENT. DID NOT VOTE - Cr Polglase

5. [PE] Tree Preservation Order 1990

826 RESOLUTION:
Cr M R Boyd  
Cr H James

RESOLVED that Council, in accordance with Clause 54 of Tweed Local Environmental Plan 2000, amends the Tree Preservation Order adopted by Council in 1990 (as amended) to include the undeveloped land zoned 2(d) Residential (Village) and 1(c) Rural Living surrounding the village of Kielvale.

FOR VOTE - Unanimous  
ABSENT. DID NOT VOTE - Cr Polglase

6. [PE] Development Application DA04/0917 for a Two Storey Dwelling and Building Line Variation at Lot 4 DP1054265 No. 48 Kintyre Crescent Banora Point

827 RESOLUTION:
Cr J F Murray  
Cr H James

RESOLVED that this item be deferred to later in the Meeting (Minute No 834 refers).

FOR VOTE - Unanimous  
ABSENT. DID NOT VOTE - Cr Polglase

LATE ITEM

828 RESOLUTION:
Cr M R Boyd  
Cr J F Murray

RESOLVED that Item a6 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.
829 RESOLUTION:

Cr R D Brinsmead
Cr G J Lawrie

RESOLVED that Section 96 Application DA02/1685.03 for an amendment to Development Consent DA02/1685 for a 56 Lot Subdivision & Bulk Earthworks in 8 Stages at Lot 1 DP 1051874, Lot 2 DP 591194, Lot 1 DP 846151, Lot 2 DP 1051874, Lot 1 DP 232745, Lot 10 DP 232745 & Lot 10 DP 258122, Wardrop Valley Road, South Murwillumbah be approved subject to the following:

1. Council advises the applicant in writing that the deferred items contained in Schedule A of the deferred commencement consent have been satisfied.

2. Schedule B of the consent be amended as follows:

   1. Condition A of Schedule A be transferred to Schedule B under the heading "Prior to Issue of Construction Certificate" as follows:

      # The Engineering Plans and specifications to accompany the Construction Certificate application shall comply with the requirements of Councils Development Design Specification D6 - Site Regrading (D6) adopted June 2002.

      Specific requirements to be addressed shall include:

      - Level differences must not exceed those tabled in Development Design Specification - Site Regrading (adopted 5 June 2002) in particular table D6.1
      - All batters, catch drains, toe drains and retaining walls shall be wholly located within private property.
      - Provide catch drains above and at the toe of all batters to collect and transport waters to an approved point of discharge
      - All batters adjacent to the road reserve, steeper than 1:4 and greater than 1m in height below the road shall incorporate safety fencing / rails
• Toe drains are to be provided along the base of all batters greater than 1m in height and wholly located within private land. Toe drains are to be designed to cater for the Q100 rainfall event and extend to a legal point of discharge.

2. Condition B of Schedule A be transferred to Schedule B under the heading "Prior to issue of Construction Certificate" as follows:

## Permanent Stormwater Quality Treatment

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

(b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices, which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.

(c) All storm waters shall be directed to a constructed wetland to manage water quality prior to discharge to any natural watercourse.

(d) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of Tweed Shire Council Aus-Spec D7 - Stormwater Quality.
(e) Specific requirements
Permanent stormwater quality treatment shall provided and sized in accordance with Development Design Specification D7, in particular section D7.11-2.2 and Table 7.11-WS.

Discharge points from each of the proposed wetland ponds are to be defined on engineering plans including outlet detail.

Engineering design detail of any proposed system to convey waters from Wardrop Valley Road into the development site are to be provided in accordance with Development Design Specification D6 - Site Regrading adopted April 2000. In particular clause D6.10.4 is to be addressed.

3. Condition C of Schedule A be transferred to Schedule B under the heading "Prior to issue of Construction Certificate" as follows: -

# Staging Management Plan:

1. Detailed plans are to identify the whole of the development site both for bulk earthworks and civil works, identifying the extent of stage for each component of construction.

2. The plans shall be such that each stage is complete in itself and will be viable in the event that no further stages are constructed. In this regard plans for each stage must demonstrate:

   (a) Downstream (to legal point of discharge) drains, waterways, water quality devices and any ancillary works are constructed and title dedicated

   (b) Internal trunk drainage is completed to the extent that there will be no adverse impact on upstream land

   (c) Where proposed earthworks levels and inconsistent with existing levels at the interface with future stages any batters (or other encroachments) on future stages must be secured by means of temporary easement which may be surrendered (with Councils approval) when no longer necessary as future stages progress

   (d) For staged subdivisions the engineering plans and attachments must demonstrate the road network, land forming, drainage systems, water supply and sewerage systems for each stage (as the stages progress) will be viable in their own right in the event that future stages are not constructed.

   (e) Bulk earthworks are to be designed and constructed in two (2) stages as defined on Plan No. A1-111-02F Issue F. Parcel 1 bulk earthworks are to be completed prior to commencement of Parcel 2 earthworks.
4. Condition D of Schedule A be reworded and inserted in Schedule B under a new heading "Bushfire Protection" as follows: -

# Access to the rear of all lots shall be provided for fire fighting purposes and a perimeter fire trail or access road complying with the publication Planning for Bushfire Protection Section 4.2.2 shall be provided on the bushland side of any significant structures located on Lots 5, 32, 33 and 45. An 88B Restriction is to be placed on the relevant titles to give effect to this condition and is to include provisions for a 20 metre wide asset protection zone where relevant. The draft 88B Instrument is to be submitted to Council for approval prior to release of the subdivision certificate.

5. Condition E of Schedule A be reworded and inserted in Schedule B under "General " as follows: -

# Landscape Management Plan:

The site shall be progressively landscaped and rehabilitated in general accordance with the Vegetation Strategy and plant profiles prepared by Len and Kay Ball dated July 2003 and the future Vegetation Strategy prepared by Len and Kay Ball lodged on 12 December 2003. Planting to be extended to screen the pistol club in accordance with the strategy. The landscaping must include salvage, preservation and use of native seedlings and seeds from existing site vegetation including Hovea Acutifolia and Lophostemon Suaveolens. All Black Walnut Endiandra globosa shall be identified on site and arrangements made for their translocation or propagation, to the satisfaction of the Director of Planning and Environment.

6. Condition F of Schedule A be transferred to Schedule B under the heading "General " as follows: -

# Geotechnical and Landfill Management Plan

The development is to be carried out in accordance with the Geotechnical and Landfill Management Plan and the following items are to be complied with:

F1. Stability of all filling must be managed during construction by a qualified and relevantly experienced geotechnical engineer.

F2. Filling must be staged in plan so that an initial stage in each of "Site A" and "Site B" can operate as a field trial, located remote from the site boundary in an area chosen to minimise impact and maximise the scope for remedial treatment should instability or heave occur. The purpose will be to prove that the filling, monitoring and stability management procedures
adopted are working satisfactorily, prior to filling onto the deeper areas of soft clay closer to the site boundaries.

F3. Monitoring shall include the establishment and operation of monitoring points beyond the toe of the active filling area, to detect and record any heave due to filling. Monitoring must extend to a distance from the fill toe equal to at least twice the final height of the fill at that location. A minimum of at least 10 monitoring points in each of "Site A" and "Site B" is must be identified and monitored. Levels must be recorded prior to filling and immediately after the addition of each stage of fill height, plus more frequently if significant heave is indicated or suspected. The results of all monitoring are to be provided to Council in writing within 2 working days of each monitoring event.

F4. Should any heaving or other problem be recognised, all filling on the site must cease immediately and the Council must be notified immediately. A remediation plan must be developed forthwith by a qualified and experienced geotechnical engineer at the applicant's expense and submitted to the Council for approval. After receiving the Council's approval the applicant must immediately implement the approved remediation plan. No further filling shall then occur until the Council gives written notice that it is satisfied that there would be no reoccurrence.

F5. Acid sulfate drainage works shall be arranged so that all potentially contaminated drainage from the site, including that expelled from up to 5 m beyond the final fill batter toe, is directed to a collection pond for appropriate treatment prior to discharge.

7. Schedule B Condition 1 to include the following at the end of the condition: -


Dot point 8 to read: -

- Amended subdivision plan NC White and Associates sheet 1 of 2 dated 4 September 2003 and the plan titled Lot Layout and Area Plan prepared by Richard Harry Engineering Services Drawing Number A1-111-02F.

8. New Condition under Prior to Release of Construction Certificate: -
Details including name and contact number of the Occupational Health and Safety Officer, as referred to in the Construction Noise Management Plan, shall be forwarded to Tweed Shire Council's Environment and Health Services Unit.

9. Condition No. 31 to be deleted and insert the word "Deleted"

10. New Condition under Prior to Release of Construction Certificate to read as follows: -

A certificate of adequacy of design, provided by a practicing structural engineer be provided for any proposed retaining walls to be constructed within the development. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall.

11. New Condition under Prior to Release of Subdivision Certificate to read as follows: -

Prior to the issue of a subdivision certificate, certification from a practising structural engineer shall be provided confirming the works have been carried out in accordance with the approved design plans.

12. Amend Condition No. 32 to read: -

32. Installation of a suitable perimeter drainage system, utilising lined drains and subsoil drains where required to a design submitted and approved by the Director, Engineering Services. The drainage system is to be installed and functioning prior to the placement of any fill.

13. Condition No. 43 to be deleted and insert the word "Deleted"

14. Amend Condition No. 81 to read: -

Stage 1
Water: Nil
Sewer: Nil

Stage 6
Water $20,550
Sewer $16,450

Stage 8
Water $24,660
Sewer $19,740
15. Amend Condition No. 82 to read:

**Stage 1**

a. Tweed Road Contribution Plan: Nil  
S94 Plan No. 4 (Version 4.0)  
(Sector 10_4-Keilvale)

b. Extensions to Council Administration Offices: Nil  
& Technical Support Facilities  
S94 Plan No. 18

**Stage 6**

a. Tweed Road Contribution Plan: $11,970  
S94 Plan No. 4 (Version 4.0)  
(Sector 10_4-Keilvale)

b. Extensions to Council Administration Offices: $1724.05  
& Technical Support Facilities  
S94 Plan No. 18

**Stage 8**

a. Tweed Road Contribution Plan: $14,364  
S94 Plan No. 4 (Version 4.0)  
(Sector 10_4-Keilvale)

b. Extensions to Council Administration Offices: $2068.86  
& Technical Support Facilities  
S94 Plan No. 18

**AMENDMENT**

Cr H James  
Cr B J Carroll

**PROPOSED** that Section 96 Application DA02/1685.03 for an amendment to Development Consent DA02/1685 for a 56 lot subdivision and bulk earthworks in 8 stages at Lot 1 DP 1051874, Lot 2 DP 591194, Lot 1 DP 846151, Lot 2 DP 1051874, Lot 1 DP 232745, Lot 10 DP 258122, Wardrop Valley Road, South Murwillumbah be deferred to the next Council meeting.

The Amendment was **Lost**

**FOR VOTE - Cr Holdom, Cr Carroll, Cr Dale, Cr James**  
**AGAINST VOTE - Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell, Cr Lawrie, Cr Boyd**  
**ABSENT. DID NOT VOTE - Cr Polglase**
The Motion was Carried

FOR VOTE - Cr Murray, Cr Brinsmead, Cr Boyd, Cr Beck, Cr Bell, Cr Lawrie
AGAINST VOTE - Cr Holdom, Cr Carroll, Cr Dale, Cr James
ABSENT. DID NOT VOTE - Cr Polglase

REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER

Nil.

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS

7  [EO] Envirofund Grant

830 RESOLUTION:

Cr H James
Cr G J Lawrie

RESOLVED that Council accepts the funding of $6,581.82 from the Australian Government Envirofund for the "Littoral Rainforest Restoration and Vegetation at Wooyung" project and votes its expenditure.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Polglase

8  [EO] Grant for Weed Control Program on Crown Lands

831 RESOLUTION:

Cr H James
Cr G J Lawrie

RESOLVED that Council accepts the grant of $12,000, joint Department of Lands and Department of Primary Industries, for weed control programs on Crown lands and votes the expenditure.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Polglase
9  [EO] Application for Closure of Crown Public Road - Reserve Creek

832  RESOLUTION:
Cr H James  
Cr M R Boyd  

RESOLVED that Council objects to the closure of part of a Crown Public Road at Reserve Creek as the road in question forms part of a public walking trail.

FOR VOTE - Unanimous  
ABSENT. DID NOT VOTE - Cr Polglase

DECLARATION OF INTEREST
Cr Murray declared an Interest in this item, left the Chamber at 04:24 PM and took no part in the discussion or voting. The nature of the interest is that Cr Murray has a family member who is conducting research work on this matter.

10  [EO] Kingscliff Walk of Fame

833  RESOLUTION:
Cr M R Boyd  
Cr G J Lawrie  

RESOLVED that the matter be referred to the Kingscliff community for consideration and consultation to be completed by end of January 2005.

AMENDMENT

Cr R D Brinsmead  
Cr G B Bell  

PROPOSED that the “Walk of Fame Manual” proposed be placed on public exhibition for a period of 28 days for community comment.

The Amendment was Lost

FOR VOTE - Cr Brinsmead, Cr Beck  
AGAINST VOTE - Cr Bell, Cr Lawrie, Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale, Cr James  
ABSENT. DID NOT VOTE - Cr Polglase, Cr Murray

The Motion was Carried
FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Polglase, Cr Murray

RETURN TO MEETING

Cr Murray has returned from temporary absence at 04:29 PM

ITEM DEFERRED FROM EARLIER IN THE MEETING

6 [PE] Development Application DA04/0917 for a Two Storey Dwelling and Building Line Variation at Lot 4 DP1054265 No. 48 Kintyre Crescent Banora Point

834 RESOLUTION:
Cr J F Murray
Cr H James

RESOLVED that Development Application DA04/0917 for a two storey dwelling and building line variation at Lot 4 DP 1054265, No. 48 Kintyre Crescent, Banora Point be approved subject to the following conditions:

GENERAL
1. The development shall be completed in accordance with the plans approved by Council and the Statement of Environmental Effects, except where varied by these conditions of consent.

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

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

4. The erection of a building in accordance with a development consent must not be commenced until:
   (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
   (b) the person having the benefit of the development consent has:
      (i) appointed a principal certifying authority for the building work, and
      (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
   (b1) the principal certifying authority has, no later than 2 days before the building work commences:
      (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
(ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

(b2) the person having the benefit of the development consent, if not carrying out the work as an owner-building, has:

(i) appointed a principal contractor for the building work who must be the holder of a contractor license 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.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

6. Prior to the issue of a Construction Certificate provide two copies of wind bracing and tie down details for an anticipated maximum speed of N3.

PRIOR TO COMMENCEMENT OF WORK

7. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:

(i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and

(ii) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and

(iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-

(A) the method of protection; and

(B) the date of installation of the system; and

(C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and

(D) the need to maintain and inspect the system on a regular basis.

Note: Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.

8. A temporary builder’s toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-

(a) a standard flushing toilet connected to a public sewer, or

(b) if that is not practicable, an accredited sewage management facility approved by the council, or

(c) if that is not practicable, any other sewage management facility approved by the council.
9. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
   (a) showing the name, address and telephone number of the principal certifying authority for the work, and
   (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
   (c) stating that unauthorised entry to the site is prohibited.
Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

10. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

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

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

13. Prior to the commencement of works on the site all required erosion and sedimentation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.
In addition to these measures an appropriate sign is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

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

14. Residential building work:
   (1) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
      (a) in the case of work for which a principal contractor is required to be appointed:
(i) in the name and license number of the principal contractor, and
(ii) the name of the insurer by which the work is insured under Part 6 of that Act,
(b) in the case of work to be done by an owner-builder:
(i) the name of the owner-builder, and
(ii) if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.

(2) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

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

16. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.

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

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

19. 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.

20. **A Sewer manhole** is present on this site. This manhole is not to be covered with soil or other material or concealed below ground level.

Should additional fill be proposed in the area of the sewer manhole Council's Engineering Services Division must be consulted and suitable arrangements made for the raising of the manhole to the satisfaction of Council's Manager Public Utilities.

21. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.
22. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays.

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

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

25. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
   a. internal drainage, prior to slab preparation;
   b. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
   c. external drainage prior to backfilling.
   d. completion of work and prior to occupation of the building.

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

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

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

29. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:
   * 43.5°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
   * 50°C in all other classes of buildings.
   A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

30. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
   i. All required erosion and sedimentation control devices have been installed and are operational.
ii. Required toilet facilities have been provided on the site.

iii. A sign has been erected on the site identifying:
   - Lot number
   - Builder
   - Phone number of builder or person responsible for site.

iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.

v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.

31. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

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

FOR VOTE - Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell, Cr Lawrie, Cr Holdom, Cr Carroll, Cr Boyd, Cr James
AGAINST VOTE - Cr Dale
ABSENT. DID NOT VOTE - Cr Polglase

11 [EO] Cudgen Creek Pedestrian Bridge Public Feedback Report

835 RESOLUTION:

Cr H James
Cr G J Lawrie

RESOLVED that Council:-

1. Rescinds items 2 and 3 of its decision of 5 May 2004 regarding the provision of a pedestrian/cycleway link across Cudgen Creek immediately
upstream of the Marine Parade ramp to Sutherland Point (Minute Number 279).

2. Adopts Option 2 (provision of a new pedestrian bridge just downstream of the existing Sutherland Street bridge including a boardwalk and cycleway linkage to Marine Parade) as the preferred option and proceed to the detailed design, estimate and development application stage.

3. Ensures the design can be easily integrated with a future traffic bridge at this location.

4. Advises the petitioners of Council’s resolution 2 above.

5. Votes the expenditure for survey, investigation, design and preparation of a development application.


AMENDMENT

Cr M R Boyd
Cr L F Beck

PROPOSED that this item be deferred to allow staff to bring forward an alternative proposal to build a new bridge with a footway/cycleway as a component.

The Amendment was Not Carried

FOR VOTE - Cr Beck, Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale
AGAINST VOTE - Cr Murray, Cr Brinsmead, Cr Bell, Cr Lawrie, Cr James
ABSENT. DID NOT VOTE - Cr Polglase

The Motion was Carried

FOR VOTE - Cr Murray, Cr Brinsmead, Cr Bell, Cr Lawrie, Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale, Cr James
AGAINST VOTE - Cr Beck
ABSENT. DID NOT VOTE - Cr Polglase
12  [EO] Application for Closure of Crown Public Road - Nobbys Creek

836  RESOLUTION:

Cr M R Boyd  
Cr H James  

RESOLVED that Council advises the Department of Lands of its objection to the closure of part of a Crown Public Road at Nobbys Creek adjacent to Lot 21 DP 1013890.

FOR VOTE - Unanimous  
ABSENT. DID NOT VOTE - Cr Polglase

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY

13  [EC] Beach Lifeguard Service  

Cr M R Boyd  
Cr H James  

PROPOSED that Council does not provide a lifeguard service to Casuarina Beach for the 2004/05 lifeguard season.

837  AMENDMENT

Cr G B Bell  
Cr G J Lawrie  

RESOLVED that Council contacts Surf Lifesaving New South Wales with a view of them patrolling Casuarina Beach during the holiday season, seven days a week, with a fee to be negotiated between Surf Lifesaving New South Wales and Council.

The Amendment was Carried

FOR VOTE - Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell, Cr Lawrie, Cr Holdom  
AGAINST VOTE - Cr Carroll, Cr Boyd, Cr Dale, Cr James  
ABSENT. DID NOT VOTE - Cr Polglase

The Amendment on becoming the Motion was Carried on the casting vote of the Chairperson.

FOR VOTE - Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell, Cr Lawrie  
AGAINST VOTE - Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale, Cr James
ABSENT. DID NOT VOTE - Cr Polglase

14 [EC] Waste Collection and Disposal Contract

838 RESOLUTION:

Cr M R Boyd
Cr J F Murray

RESOLVED that Council executes the Waste Collection and Disposal Contract under the Common Seal of Council.

TEMPORARY ABSENCE FROM MEETING

Cr Brinsmead left the meeting at 05:25 PM

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Polglase, Cr Brinsmead

15 [EC] Request for "In Kind" Support/Waive Fee

839 RESOLUTION:

Cr M R Boyd
Cr H James

RESOLVED that Council waives the fee for evening hire of the Kingscliff Community Hall from 28 December 2004 to 8 January 2005 for the Kingscliff Family Mission.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Polglase, Cr Brinsmead

RETURN TO MEETING

Cr Brinsmead has returned from temporary absence at 05:27 PM
16  [EC] Cities for Climate Protection Milestone 5

840  RESOLUTION:

Cr M R Boyd  
Cr H James

RESOLVED that Council endorses the use of the Australian Greenhouse Office’s Milestone 5 funding ($4,400) to progress to Milestone 5 in the Cities for Climate Protection Campaign and votes the expenditure of funds.

FOR VOTE - Cr Murray, Cr Bell, Cr Lawrie, Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale, Cr James  
AGAINST VOTE - Cr Brinsmead, Cr Beck  
ABSENT. DID NOT VOTE - Cr Polglase

17  [EC] Proposed Extension of Compacks Service Agreement

841  RESOLUTION:

Cr B J Carroll  
Cr M R Boyd

RESOLVED that Council:-

1. Council enters into an agreement with NSW Health to provide Com Packs services for the Tweed Heads District Hospital until 30 June 2005.  
2. All documentation be completed under the Common Seal of Council.

FOR VOTE - Unanimous  
ABSENT. DID NOT VOTE - Cr Polglase

18  [EC] State of the Shire Report

842  RESOLUTION:

Cr M R Boyd  
Cr J F Murray

RESOLVED that Council endorses a community consultation process to develop a set of community sustainability indicators for inclusion in the State of the Shire Report.
REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

1 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held Tuesday, 16 November 2004

843 RESOLUTION:

Cr M R Boyd
Cr D M Holdom

RESOLVED that the Minutes of the Sports Advisory Committee Meeting held Tuesday, 16 November 2004 be endorsed with the exception of those items which were considered individually hereunder.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Polglase

SUB-SAC 1. Terranora Lakes Equestrian Group

844 RESOLUTION:

Cr M R Boyd
Cr D M Holdom

RESOLVED that Council contributes $1,266 from the Sports Field Assets Reserve Trust Fund to the Terranora Lakes Equestrian Group for the construction of a boundary fence at the Bilambil Sporting Facilities.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Polglase
RESOLUTION:

Cr M R Boyd
Cr H James

RESOLVED that the Minutes of the Local Traffic Committee Meeting held Thursday 18 November 2004 be endorsed with the exception of those items which were considered individually hereunder.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Polglase

[SUB-LTC] 3. Tumbulgum Road, Murwillumbah
R5570 Pt1; DW1118301; Traffic - Safety; Pedestrian Crossings; School - Mbah East Public

RESOLUTION:

Cr M R Boyd
Cr H James

RESOLVED that 'Children Crossing' warning signs be installed each side of Reynolds Street on Tumbulgum Road.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Polglase

[SUB-LTC] 5. Elanora Avenue, Coast Road - Coronation Avenue, Black Rocks Bridge Area and Overall Drive, Pottsville
Traffic Committee; - Speed Zones; Parking Zones; Safety; R1180 Pt1; R1830 Pt1; R3975 Pt1; DW1114675

RESOLUTION:

Cr M R Boyd
Cr H James

RESOLVED that "No Parking" signage be installed on the eastern side of the Coast Road for approximately 50m each side of the Black Rocks Bridge.
FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Polglase

[SUB-LTD] 8. Prospero Street, Murwillumbah
R4450 Pt1; Traffic - Committee; Parking Zones

848 RESOLUTION:
Cr M R Boyd
Cr H James

RESOLVED that 'No Parking' signs be installed, at the applicant's expense, across the drive way to Bruce Monement Motors on Prospero Street, Murwillumbah due to the ambiguous nature of the driveway.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Polglase

DELEGATES REPORTS
Nil.

OUTSTANDING INSPECTIONS
Nil.

ITEMS OF INFORMATION AND INTEREST
Nil.

ORDERS OF THE DAY
Nil.

WORKSHOPS
Nil.
QUESTION TIME

1. Refund Request for March 2004 Election Recount

Cr G J Lawrie

Asked what has been the response from the NSW Electoral Office to Council’s request for a refund of the $8,000.00 cost of Rose Wright’s application for a re-count?

May we have a copy of the letter of request, together with the reply?

The General Manager advised that no response has been received from the State Electoral Office.

2. Modification requested by Salt

Cr M R Boyd

Requested an answer to his Question at Council’s meeting of 17 November 2004 regarding the modification requested by Salt, which seeks to more than double the density of its development in the lots described in the advert in the Tweed Link issue of 9 November 2004.

The Director Planning & Environment advised that Council is awaiting legal advice.

COMMITTEE OF THE WHOLE

849 RESOLUTION:

Cr J F Murray
Cr G B Bell

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

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Polglase

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

REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT IN COMMITTEE

1  [PE] Development Application D95/0320 for the Construction of a Shopping Village in Six (6) Stages at Lot 1 DP 848875, Henry Lawson Drive, Terranora

REASON FOR CONFIDENTIALITY:

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

(a) personnel matters concerning particular individuals (other than councillors)

C 191 RESOLUTION:

That Council supports the request to extend the timeframe on the Order to 31st December 2005.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Polglase

2  [PE] Unauthorised Clearing at Wooyung, Hastings Point, Kings Forest and West Kingscliff

REASON FOR CONFIDENTIALITY:

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

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

C 192 RESOLUTION:

That this report be received and noted.

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Polglase
REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER IN COMMITTEE

Nil.

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

3  [EQ] Contract EC2004-119 Proposed Change Room Amenities Building
    John Rabjones Oval Murwillumbah

REASON FOR CONFIDENTIALITY:

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

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

C 193 RESOLUTION:

That:-

1. Council awards the Contract EC2004-119 to Haighs Constructions for the revised Lump Sum tender amount of $113,505.00 exclusive of GST for the proposed Change Room Amenities Building located at John Rabjones Oval, Murwillumbah.

2. All documentation be completed under the Common Seal of Council.

3. The Director Engineering and Operations be given delegated authority to approve variations up to 20% of the initial contract price.


FOR VOTE - Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell, Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale, Cr James
AGAINST VOTE - Cr Lawrie
ABSENT. DID NOT VOTE - Cr Polglase
4 [EQ] EQ2004-164 Supply and Delivery of Reinforcing Steel and Accessories for Bray Park Clear Water Tank

REASON FOR CONFIDENTIALITY:

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

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

C 194 RESOLUTION:

That:-

1. EQ2004-164 Supply and Delivery of Reinforcing Steel for Bray Park Clear Water Tank be awarded to OneSteel Reinforcing for a price of $123,748 (excluding GST).

2. The Director Engineering and Operations be given delegated authority to approve variations up to 20% of the initial contract price.

3. All documentation be completed under the Common Seal of Council.

FOR VOTE - Cr Murray, Cr Brinsmead, Cr Beck, Cr Bell, Cr Holdom, Cr Carroll, Cr Boyd, Cr Dale, Cr James
AGAINST VOTE - Cr Lawrie
ABSENT. DID NOT VOTE - Cr Polglase

850 RESOLUTION:

Cr G B Bell
Cr G J Lawrie

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

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr Polglase

There being no further business the Meeting terminated at 5.55pm.
Minutes of Meeting Confirmed by Council

at Meeting held

I hereby certify that I have authorised the affixing of my electronic signature to the previous pages numbered 1 to 43 of these Minutes

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Chairman