

Minutes - Extraordinary Meeting of Tweed Shire Council

IN ATTENDANCE

Councillors W J Polglase (Mayor), L F Beck, M R Boyd, R D Brinsmead, B J Carroll, G Davidson (Deputy Mayor), H James, G J Lawrie, B M Luff, W M Marshall, P C P Youngblutt.

Also present were Dr John Griffin (General Manager), Mr Ian Munro (Manager Design), Mr David Broyd (Director Development Services), Mr Don Buckley (Director Environment & Community Services), Mr Reg Norvill (Acting Director Corporate Services), Mr Peter Brack (Acting Manager Administration Services) and Mrs Meredith Smith (Minutes Secretary).

Cr Luff was not present at the commencement of the meeting.

The meeting opened with a Prayer by the Mayor.

ABSENT

Nil.

ATTENDANCE AT MEETING

Cr Luff attended the meeting at 3.04pm.

DISCLOSURE OF INTEREST

Nil

ITEMS DEFERRED

8. **Application to Rezone Lot 12 DP 1005206 and Lot A DP 327759 Terranora Road, Terranora to allow a 56 Lot Rural Residential Subdivision - Applicant made Pursuant to Section 72J of the Environmental Planning and Assessment Act 1979 DA02/1159 Pt1; 5440.681**

279

Cr Boyd

Cr Beck

RESOLVED that this item be deferred until after Items 1 and 2 of the Agenda being the Election for Mayor and Deputy Mayor and the appointment of Councillors to various Committees (Minute No 284 refers).

Voting - Unanimous

Minutes - Extraordinary Meeting of Tweed Shire Council

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR CORPORATE SERVICES

1. Election of Mayor and Deputy Mayor for the Period to September 2003

Elections - Mayoral

280

Cr James

Cr Marshall

RESOLVED that should an election be necessary to determine the selection of the persons for Mayor and Deputy Mayor that it proceed by way of open voting.

Voting For

Cr Polglase
Cr Beck
Cr Boyd
Cr Brinsmead
Cr Carroll
Cr Davidson
Cr James
Cr Luff
Cr Marshall

Voting Against

Cr Lawrie
Cr Youngblutt

Election of Mayor

The General Manager called for nominations. Councillors Polglase and Beck were nominated.

By the open ballot method of voting Councillor Polglase received seven votes (Councillors Boyd, Brinsmead, Carroll, Davidson, Lawrie, Polglase and Youngblutt). This being a majority, the General Manager declared Councillor Polglase elected as Mayor.

Election of Deputy Mayor

The General Manager called for nominations. Councillors Beck, Davidson, Luff and Youngblutt were nominated.

By the open ballot method of voting Councillor Beck received two votes (Councillors Beck and Marshall), Councillor Davidson received five votes (Councillors Boyd, Brinsmead, Carroll, Davidson and Polglase), Councillor Luff received two votes (Councillors James and Luff) and Councillor Youngblutt received two votes (Councillors Lawrie and Youngblutt).

Councillor Davidson having a majority, the General Manager declared Councillor Davidson elected as Deputy Mayor.

Cr Brinsmead

Cr Youngblutt

PROPOSED that Council accepts the ruling of the decision declaring Cr Davidson as Deputy Mayor.

Minutes - Extraordinary Meeting of Tweed Shire Council

Voting For

Cr Polglase
Cr Boyd
Cr Brinsmead
Cr Carroll
Cr Davidson
Cr Youngblutt

Voting Against

Cr Beck
Cr James
Cr Lawrie
Cr Luff
Cr Marshall

Cr Polglase took the Chair.

FOLLOWING CONSULTATION BETWEEN THE GENERAL MANAGER, COUNCILLORS AND WITH REFERENCE TO SCHEDULE 3 – ELECTION BY COUNCILLORS (CL. 120)

“Count - 3 or more candidates

7. (1) *If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.*
- (2) *If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.*
- (3) *If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.*
- (4) *A further vote is to be taken of the 2 remaining candidates.*
- (5) *Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.*
- (6) *If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.”*

THE MEETING WAS ADVISED THAT AS THREE COUNCILLORS WERE TIED IN THE VOTE FOR DEPUTY MAYOR IT WAS REQUIRED THAT A NEW ELECTION FOR DEPUTY MAYOR BE HELD.

Election of Deputy Mayor

A lot was chosen from nominated Councillors Beck, Luff and Youngblutt being the tied candidates on the lowest number of votes.

At the first lot Councillor Beck was excluded.

The General Manager advised of the remaining candidates for Deputy Mayor being Councillors Davidson, Luff and Youngblutt.

By the open ballot method of voting Councillor Davidson received five votes (Councillors Boyd, Brinsmead, Carroll, Davidson and Polglase), Councillor Luff received three votes

Minutes - Extraordinary Meeting of Tweed Shire Council

(Councillors James, Luff and James) and Councillor Youngblutt received three votes (Councillors Beck, Lawrie and Youngblutt).

A lot was chosen from remaining Councillors Luff and Youngblutt being the tied candidates on the lowest number of votes.

At the second lot Councillor Luff was excluded.

The General Manager advised of the remaining candidates for Deputy Mayor being Councillors Davidson and Youngblutt.

By the open ballot method of voting Councillor Davidson received five votes (Councillors Boyd, Brinsmead, Carroll, Davidson and Polglase) and Councillor Youngblutt received four votes (Councillors Beck, Lawrie, Luff and Youngblutt).

Councillors James and Marshall abstained from voting.

Councillor Davidson having a majority, the General Manager declared Councillor Davidson elected as Deputy Mayor.

SUSPENSION OF STANDING ORDERS

281

Cr Polglase

Cr Boyd

RESOLVED that standing orders be suspended to allow the Mayor to meet media commitments.

Voting – Unanimous

RETIREMENT FROM MEETING

Cr Youngblutt

Left the meeting at 3.16pm.

RESUMPTION OF STANDING ORDERS

282

Cr Marshall

Cr Davidson

RESOLVED that Standing Orders be resumed.

Voting – Unanimous

Minutes - Extraordinary Meeting of Tweed Shire Council

2. Council Committees - Delegations to September 2003

Committees of Council

283

Cr Boyd

Cr Lawrie

RESOLVED that Council appointments to the various committees be made for the period ending 30 September 2003:-

Committee: Aboriginal Liaison Committee
Councillors: Boyd
Alternate:
Contact: Denise Saunders
Staff: Denise Saunders
Others: Mr Frank Krasna (Inaugural Chairman), representatives of Aboriginal Organisations and Community of Tweed Local Government Area
Frequency:
Place:
Duration:
Comment:

Committee: Agenda 21 Steering Committee
Councillors: Boyd Davidson, Lawrie
Alternate:
Contact: Don Buckley
Staff: Don Buckley, Geoff Edwards, Stewart Brawley, Douglas Jardine, Ian Munro, Graham Judge
Others:
Frequency:
Place:
Duration:
Comment:

Committee: Alternate Waste Disposal Working Party
Councillors: Mayor, Boyd, Marshall
Alternate:
Contact: Ian Percy
Staff: DECS, Ian Percy
Others: Joint Working Party with Gold Coast City Council, Redlands, Logan & Beaudesert
Frequency:
Place:
Duration:
Comment: 4/4/2001 Min 924

Committee: Area Assistance Committee
Councillors: Marshall, Carroll
Alternate:

Minutes - Extraordinary Meeting of Tweed Shire Council

Contact: Jenni Funari
Staff: Jenni Funari
Others: Statutory Committee of State Dept of Urban Affairs & Planning
Frequency:
Place:
Duration:
Comment: Delegate

Committee: Banora Point Community Centre Establishment Committee
Councillors: Lawrie
Alternate:
Contact: Geoff Edwards
Staff: Geoff Edwards, Robin Spragg,
Others: Anne Grace (Family Centre), Lesley Baker (Tweed Heads & Greenbank Community Preschools), Michelle Hartley (Tweed Heads & Greenbank Community Preschools), Jane Wilkinson (Tweed Heads & Greenbank Community Preschools), Merran Marriott (Centaur Parents & Citizens), Darryl Luhrs (Salvation Army), Neil Clanfield (Salvation Army), John Murray (Banora Point Residents' Association), George Bonomo (Banora Point Resident's Association), Mark Trotter (Fulton Trotter Partners), Emma Harcourt (Fulton Trotter Partners), Robert Weisner (Fulton Trotter Partners).

Frequency:
Place:
Duration:
Comment: 6/6/2001 Min No 1092

Committee: Burringbar Sewerage Community Reference Group
Councillors: Polglase, Marshall
Alternate:
Contact: A Abedrabbo
Staff: A Abedrabbo, M Rayner, P Ainsworth
Others: Tom Tabart (Burringbar & District Progress Association & Local Landcare Group), Stuart Cahill (Burringbar Progress Association), Bob McTackett (Burringbar & District Progress Association) Bruce Douglas (Community Rep), Joanne Wyatt (Community Rep)

Frequency:
Place:
Duration:
Comment:

Committee: Cabarita Beach Surf Club Working Group
Councillors: Davidson, James
Alternate:
Contact: Geoff Edwards
Staff: Geoff Edwards, Don Buckley

Minutes - Extraordinary Meeting of Tweed Shire Council

Others: Wilson Cregan, Fred Perlenfein, Bruce Douglas, Anita Raftery, Terry Kane, Tim Smerd, Patrick Raftery, Steve Dale, Peter Skaines
Frequency: Monthly as required
Place: CBSC
Duration: 1 ½ hours
Comment:

Committee: Casuarina Beach Dune Management Plan Monitoring Review Committee
Councillors: Marshall, James
Alternate:
Contact: Stewart Brawley
Staff: Stewart Brawley
Others:
Frequency:
Place:
Duration:
Comment: 7/2/2001

Committee: Chinderah Planning Committee
Councillors: Beck, Brinsmead, Davidson, Polglase
Alternate:
Contact: Douglas Jardine
Staff: Douglas Jardine, David Oxenham
Others:
Frequency: As required
Place: Council
Duration: 1-1 ½ hrs
Comment:

Committee: Clarrie Hall Dam Fishery Management Committee
Councillors: Beck, Youngblutt
Alternate:
Contact: David Oxenham
Staff: David Oxenham
Others: Bob Loring, Colin Wiley, Chris Estreich, Barry Saunders, Tom Senti + Corresponding Members: Lindsay Cram, David Gardner, Leslie Brims, Michael Elliott, Des Charles
Frequency: As required
Place: Council
Duration: 1-1 ½ hrs
Comment:

Committee: Coastal Hazard Committee
Councillors: Boyd, James, Luff, Marshall
Alternate:
Contact: Mike Rayner

Minutes - Extraordinary Meeting of Tweed Shire Council

Staff: David Oxenham, Jane Lofthouse, Don Buckley, David Broyd
Others: Richard Hagley
Frequency: As required
Place: Council
Duration: 1-1½ hrs
Comment:

Committee: Communication Committee
Councillors: Boyd, Carroll, Davidson
Alternate:
Contact: Marilyn Smith
Staff: Marilyn Smith, Ian Carpenter
Others: Ray Carlile, Jude Robb, Dudley Kelso and Alison Turner.
Frequency: Monthly
Place: Tweed Heads
Duration: 1 ½ hrs
Comment:

Committee: Community Cultural Development Advisory Committee
Councillors: Boyd (Chair), Carroll
Alternate:
Contact: Lesley Buckley
Staff: Lesley Buckley, Geoff Edwards
Others: Glenda Nalder, Judith Sutton, Garry Corbett, Greg Manson and Bill Bainbridge
Frequency: Monthly
Place: Oxley Meeting Room
Duration:
Comment:

Committee: Community Development and Expenditure Scheme Committee
Councillors:
Alternate:
Contact: Geoff Edwards,
Staff: Geoff Edwards,
Others: John Smith and Phillip Kelly (Kingscliff Bowls Club); Ron Lewis (Club Banora); Jenny Wrights (Cabarita Bowls Club); Dallas Ryan (Twin Towns Services Club); Lindsay Howard-Smith (Murwillumbah Services Club); Phillip Dark (Coolangatta-Tweed Golf Club); Michael Hill (Seagulls); Gordon Rhodes and Penne Jeffouse (South Tweed Bowls Club); Geoff Provest (Tweed Heads Bowls Club); Terry Collier (Dept of Community Services); Ron McLean (Seagulls), Jenni, Funari (NCCOS)
Frequency:
Place: Tweed Heads
Duration: 2 hours
Comment: This is not a committee of Council.

Minutes - Extraordinary Meeting of Tweed Shire Council

Committee: Community Development Plan Working Group
Councillors: Carroll
Alternate:
Contact: Jenni Funari, Robin Spragg
Staff: Jenni Funari, Robin Spragg
Others:
Frequency:
Place:
Duration:
Comment:

Committee: Community Options Project Management Committee
Councillors: Carroll, Marshall
Alternate:
Contact: Sharyn Angel
Staff: Don Buckley, Geoff Edwards, Sharyn Angel, Community Options Staff as required
Others:
Frequency: As required
Place: Council
Duration: As required
Comment:

Committee: Companion Animal Committee
Councillors: Marshall
Alternate:
Contact: Peter Ainsworth
Staff: Don Buckley, Terry Lintern, Peter Ainsworth
Others: Rob Philp, Digby Moore, Alma McAllister, Christie Walker, Len Greer, Noela Wynne; Audrey Rennison ,Milena Morrow (Companion Animal Owners)
Frequency: As needs basis
Place: Rous Room
Duration: 2 hrs
Comment:

Committee: Contiguous Local Authority Group (Mosquito Control)
Councillors: Marshall
Alternate:
Contact: Clive Easton
Staff: Clive Easton, Don Buckley
Others:
Frequency: Quarterly meeting day to be advised
Place: Rotational (Tweed-Redlands)
Duration: All day
Comment: Renamed from Biting Midge Research and Control Committee

Minutes - Extraordinary Meeting of Tweed Shire Council

Committee: Coolangatta Airport Environment Management Committee
Councillors:
Alternate:
Contact: Don Buckley
Staff: Don Buckley
Others: As appointed by Gold Coast Airport
Frequency: TBA
Place:
Duration: 1-2 hrs
Comment:

Committee: Coolangatta Airport Noise Abatement Consultative Committee
Councillors:
Alternate:
Contact: Don Buckley
Staff: Don Buckley
Others: As appointed by Gold Coast Airport
Frequency: TBA
Place:
Duration: 1-2 hrs
Comment:

Committee: Coolangatta Airport Regional Advisory Committee
Councillors: Polglase
Alternate: Marshall
Contact: Ian Carpenter
Staff: Ian Carpenter
Others: 2 reps Qld Airports Ltd, 2 reps GCCC, 1 rep GC Tourism Board, 1 rep TACTIC, 1 rep GC Economic Dev Org, 1 rep TEDCO, Mr. Trevor Stephenson (community rep TSC), 1 community rep GCCC
Frequency: Monthly
Place: Council
Duration: 1-2 hrs
Comment:

Committee: Cudgen Lake Catchment Rehabilitation Committee
Councillors: Beck, Davidson, James, Marshall
Alternate:
Contact: Mark Tunks
Staff: Mark Tunks, Don Buckley
Others: Rhonda James, Harry Boyd, Lance Tarvey, Betty Wood, Bill Shaw, Robert Quirk, Reg Carter, Geoff Provest, Rob Loring, Richard Hagley, Stan Dawson, Nigel Greenup, Douglas Jardine
Frequency: As required
Place: Council
Duration: 2 hrs

Minutes - Extraordinary Meeting of Tweed Shire Council

Comment:

Committee: Development Assessment Panel
Councillors:
Alternate:
Contact: Garry Smith
Staff: Garry Smith, Rick Paterson, Patrick Knight
Others:
Frequency: Wednesday & Friday each week
Place: Rous Room
Duration: As required
Comment:

Committee: Far North Coast County Council
Councillors: Youngblutt
Alternate:
Contact:
Staff:
Others:
Frequency: Monthly (3rd Thursday)
Place: Rotational
Duration: All day
Comment:

Committee: Flood Plain Management Committee
Councillors: Boyd, Brinsmead, Marshall
Alternate:
Contact: David Oxenham
Staff: David Oxenham, Douglas Jardine, Mike Rayner
Others: Reps of DLAWC, DUAP, SES & Community reps as appropriate (P Reynolds, J Everingham, I Taylor (DLWC), T Flood (SES))
Frequency: As required (infrequent)
Place: Council
Duration:
Comment:

Committee: General Manager Review Committee
Councillors: Mayor, Deputy Mayor, Beck, Carroll, Lawrie, Luff, Youngblutt
Alternate:
Contact: Mayor
Staff:
Others:
Frequency:
Place:
Duration:
Comment: Committee of 7 with a quorum of 4

Minutes - Extraordinary Meeting of Tweed Shire Council

Committee: Joint Tourism Committee
Councillors: Boyd, Marshall
Alternate:
Contact:
Staff:
Others: Terry Watson
Frequency: 10 am Monday (approx 2 monthly)
Place: Rotational
Duration: All Day
Comment: 20/10/99

Committee: Krekelberg Environment Reserve Management Committee
Councillors: James
Alternate:
Contact: Stewart Brawley
Staff: Stewart Brawley
Others: Peter Krekelberg, Len Greer
Frequency: As required
Place: Pottsville Environment Park
Duration: 1 hr
Comment:

Committee: Lend Lease Development – The Anchorage
Councillors: Polglase, Marshall
Alternate:
Contact: Ian Carpenter
Staff: Ian Carpenter, Richard Adams, Stewart Brawley
Others:
Frequency: 3 monthly
Place: The Anchorage Tweed Heads
Duration: 2 hrs
Comment:

Committee: Local Environmental Plan Advisory Committee
Councillors: Polglase, Beck, Boyd, Brinsmead, Carroll, Davidson, James, Lawrie, Luff, Marshall, Youngblutt
Alternate:
Contact: Douglas Jardine
Staff: David Broyd, Douglas Jardine
Others: Bruce Graham, Trevor Stephenson, Col Brooks, Don Beck, Alan McIntosh, Athol Dobson, Mike Allen, Darren Gibson, Craig Venner, Tom Senti
Frequency: Third Tuesday of each month at 2.00pm
Place: Canvas & Kettle
Duration: 1 ½ hours
Comment: First mtg 30/1/2001

Minutes - Extraordinary Meeting of Tweed Shire Council

Committee: Local Traffic Committee
Councillors: Davidson
Alternate: Marshall
Contact: Paul Morgan
Staff: Paul Morgan (Chairman) Judith Finch, Ray Clark
Others: Mr Neville Newell, MP, State Member for Tweed, Mr Don Page, MP, State Member for Ballina, Police Representative and Mr Mike Baldwin, RTA Representative
Frequency: Monthly or as need arises
Place: Oxley Room
Duration: Approx. 2 hrs
Comment:

Committee: Lot 490 Committee
Councillors: All Trustees
Alternate:
Contact: Ian Carpenter
Staff: Ian Carpenter, David Broyd
Others: Representatives of (DLAWC), (Tourism NSW), Trustee(s) Tweed Shire Council & One Community Representative
Frequency:
Place:
Duration:
Comment:

Committee: Murwillumbah Airfield Management Committee
Councillors: Beck, Boyd
Alternate: Youngblutt
Contact: Richard Adams
Staff: Richard Adams
Others: Mr Greyden, S Tapp (Tapp's Aviation), Mr. Brian Budd, Mr. J H Williams, Mr. Ken Zealey
Frequency: As need arises
Place: Murwillumbah Airfield
Duration:
Comment:

Committee: New Art Gallery Construction Committee
Councillors: Polglase, Boyd, Davidson
Alternate:
Contact: MEH
Staff: Director Environment & Community Services, Manager Environment & Health
Others: Architect, a representative of the Friends of the Gallery, Mrs Margot Anthony and the Art Gallery Director
Frequency:
Place:

Minutes - Extraordinary Meeting of Tweed Shire Council

Duration:
Comment: New Committee 5/9/2001 -Cr Youngblutt resigned 6/5/02

Committee: Northern Rivers Catchment Management Board
Councillors: Boyd (Ministerial Appointment)
Alternate:
Contact: Cr Boyd
Staff: Geoff Edwards
Others: Gary Varga (Co-ordinator)
Frequency: Quarterly
Place: Canvas & Kettle
Duration:
Comment: Ratified 6/10

Committee: Northern Rivers Regional Strategy Management Committee
Councillors: Marshall (Delegate)
Alternate: Boyd
Contact:
Staff: Douglas Jardine
Others:
Frequency: Bi monthly
Place: Rotational
Duration:
Comment:

Committee: Northern Rivers Regional Strategy/Tweed-Brunswick Valley Committee
Councillors: Marshall (Chair-appointed by DUAP)
Alternate:
Contact: Katrina Luckie
Staff: David Broyd
Others:
Frequency: Monthly
Place: M'bah Civic Centre
Duration: 1-2 hrs
Comment:

Minutes - Extraordinary Meeting of Tweed Shire Council

Committee: Northern Rivers Water Management Committee
Councillors:
Alternate: Boyd
Contact:
Staff:
Others:
Frequency:
Place:
Duration:
Comment: Notified 26/9/01

Committee: Pottsville Environment Park Committee
Councillors: James
Alternate:
Contact: Stewart Brawley
Staff: Stewart Brawley, Rodney Keevers
Others: R James, R Mark, A Rawlinson
Frequency: As required
Place: Bicentennial Environment Park
Duration: 1 hour
Comment: Reconvened Min 453 21/11/01

Committee: Public Transport Committee
Councillors: Luff, Marshall
Alternate:
Contact: Robin Spragg
Staff: Robin Spragg, Paul Morgan
Others: Stephanie Cooper (Public Trans Dev Proj), other transport industry reps & community reps
Frequency: Monthly 3.30 pm Tuesday
Place: Murwillumbah TAFE
Duration: 2-3 hrs
Comment:

Committee: Recycling Review Committee
Councillors: Youngblutt
Alternate:
Contact: Ian Percy
Staff: Ian Percy, Geoff Edwards, Don Buckley
Others: Contracting representative
Frequency: As required
Place: Council
Duration: 2 hrs
Comment:

Minutes - Extraordinary Meeting of Tweed Shire Council

Committee: Regional Companion Animals Committee
Councillors: Marshall (Chair)
Alternate:
Contact: Peter Ainsworth
Staff: Peter Ainsworth
Others:
Frequency:
Place:
Duration:
Comment: 20/9/2000

Committee: Richmond-Tweed Regional Library Committee
Councillors: Polglase, Boyd
Alternate:
Contact: Geoff Edwards
Staff: Don Buckley, Geoff Edwards
Others:
Frequency: 10 am 2nd Thursday (Feb, May, Aug, Nov)
Place: Rotational
Duration: 4 hrs
Comment:

Committee: Rural Fire Service Liaison Committee
Councillors: James, Youngblutt
Alternate:
Contact:
Staff:
Others:
Frequency:
Place:
Duration:
Comment: New Committee 20/6/2001

Committee: Southern Regional Organisation of Councils (SouthROC)
Councillors: Boyd, Polglase
Alternate: James
Contact: Ian Carpenter
Staff:
Others:
Frequency: Thursday (monthly)
Place: Rotational (Tweed-Redlands)
Duration: 4 hrs
Comment:

Committee: Sports Advisory Committee
Councillors: Polglase, Boyd, Davidson, Youngblutt
Alternate:

Minutes - Extraordinary Meeting of Tweed Shire Council

Contact: Stewart Brawley
Staff: Stewart Brawley, Don Buckley
Others: Merv Edwards, Linda Threlfo, Peter Moschogianis, Ray Jarrett Jrn, Glynnis Kenny, Hubert Ehemann, Leanne Sharp + 1 more
Frequency: 3rd Tuesday bi-monthly 5pm
Place: Alternates Tweed/ Buchanan Room
Duration:
Comment: Min 457 21/11

Committee: Strategic Planning Committee
Councillors: Committee of the Whole
Alternate:
Contact: Douglas Jardine
Staff: Douglas Jardine, staff from SPU
Others:
Frequency: 2nd Wed (monthly) 2.30pm
Place:
Duration:
Comment: 1/12/99

Committee: Tweed & Coolangatta Tourism Inc
Councillors: Brinsmead, Marshall
Alternate:
Contact: Ian Carpenter
Staff:
Others: TACTIC: Lee Eyre, Barrie Briggs, Shane Marshall, Mark Manteit, Zeta Grealy, Clive Parker
Frequency: Irregularly
Place:
Duration:
Comment:

Committee: Tweed Australia Day Committee
Councillors: Beck, Marshall
Alternate:
Contact: Brian Donaghy
Staff:
Others:
Frequency: As required
Place: Council
Duration:
Comment:

Committee: Tweed Bush Fire Management Committee
Councillors: Youngblutt
Alternate:
Contact:

Minutes - Extraordinary Meeting of Tweed Shire Council

Staff:
Others: Emergency Organisation reps
Frequency: Twice yearly (minimum)
Place:
Duration:
Comment:

Committee: Tweed Coastal Committee
Councillors: Boyd, James, Marshall (Chair)
Alternate:
Contact: Jane Lofthouse
Staff: David Oxenham, Stewart Brawley, Jane Lofthouse
Others: C Cormack (Waterways Auth), R James (Caldera), G Budd (EPA), T Rabbidge, R Hagley (Dept Land & Water Cons), L Tarvey (NPWS), N Newell (State Member), G Thorpe (Hastings Pt) J Harbison (P'ville), T Kane (Bogangar), E Griffiths (K'cliff), C Venner (TBLC)
Frequency: 2 monthly approx.
Place: Canvas & Kettle Restaurant
Duration: 2 hrs
Comment:

Committee: Tweed Coastline Management Plan Steering Committee
Councillors: Crs James, Marshall, Boyd
Alternate:
Contact:
Staff: DECS, DES, DDS, MWT
Others: Representative from DLAWC
Frequency:
Place:
Duration:
Comment: Minute No 217 of 19/9/01

Committee: Tweed Dune Care Advisory Committee
Councillors: Boyd, James
Alternate:
Contact: Stewart Brawley
Staff: R Keevers, S Brawley
Others: G Thorpe, F McLeod, K McKenzie, R Glover, M Stewart, L Greer, P Langley, J Davidson, I Anderson
Frequency: Bi-monthly
5-7 pm
Place: Pottsville Environment Centre
Duration: 2 hrs
Comment:

Minutes - Extraordinary Meeting of Tweed Shire Council

Committee: Tweed Economic Development Corporation
Councillors: Polglase, Marshall
Alternate:
Contact:
Staff:
Others: Now includes Tweed Shire Town Centres Committee
Frequency:
Place:
Duration:
Comment: Includes Tweed Shire Town Centres C'ttee

Committee: Tweed River Committee
Councillors: Boyd, James
es, Marshall (Chair)
Alternate:
Contact: Jane Lofthouse
Staff: David Oxenham, Graham Judge, Geoff Edwards, Jane Lofthouse
Others: C Comack (Waterways Auth) R James (Caldera) G Budd (EPA) T Rabbidge, R Hagley (DLWC), L Tarvey (NPWS), Bob Loring (NSW Fisheries), N Newell (State Member), R Quirk (TRAC & NSW Canegrowers Assn), Dugald Gray (Dredging Industry)
Frequency: 2 monthly approx
Place: Canvas & Kettle Restaurant
Duration: 3 hrs
Comment: (formerly Tweed River Management Plan Advisory Committee Renamed 8/8/01)

Originally only 3 Councillors

Committee: Tweed River Regional Art Gallery Advisory Committee
Councillors: Boyd, Polglase
Alternate:
Contact: Garry Corbett
Staff: Gary Corbett, Geoff Edwards
Others: M Anthony, D Francis, A King, R Stephens, R Watson, J Flett, J Sutton, A Schardin, B Connery, D Calrow
Frequency: Every 6 weeks approx
Place: Gallery
Duration: 2 hrs
Comment:

Committee: Tweed Shire Council Bush Fire Risk Management Implementation Liaison Committee
Councillors: James, Youngblutt
Alternate:
Contact:
Staff: Stewart Brawley, Douglas Jardine, David Oxenham, Geoff Edwards, Brian Donaghy

Minutes - Extraordinary Meeting of Tweed Shire Council

Others:
Frequency:
Place:
Duration:
Comment: Min 31 of 18/7/2001

Committee: Tweed Shire Council Consultative Committee
Councillors: Marshall
Alternate:
Contact: Joyce Lillyin
Staff: Joyce Lillyin, MEU Rep (2), Ruth Ormella, Edward Dickson, Greg James, Merv Bridger, Greg James, Gary McArthur, Steve Sharp, Bill Miller, DES, LGEA Rep, HBSA Rep

Others:
Frequency: 3rd Thursday of month
Place: Buchanan Room
Duration: 1-2 hrs
Comment:

Committee: Tweed Shire Council Disability Access Committee
Councillors: Boyd, Marshall
Alternate:
Contact: Maggie Groff
Staff: Maggie Groff, Stewart Brawley, Ross Cameron, Ray Clark, Bob Missingham

Others: U Cowdroy, R Douglas, S Gamble, A Maglaras, G Martin, B McKennariey, A Fisher, M O'Brien, S Pigram, S Pollit, S Zak, M Cooper,

Frequency: 2 in Murwillumbah
4 in Tweed Heads
Place: Tweed HACC Centre, Mbah Buchanan Room
Duration: 2 hrs
Comment: Terms of reference have been changed to a quorum of four members.

Committee: Tweed Shire Council Mayor's Disaster Relief Fund
Councillors: Mayor, Deputy Mayor, Brinsmead
Alternate:
Contact: Mayor

Staff:
Others:
Frequency: As required
Place: Council
Duration:
Comment:

Minutes - Extraordinary Meeting of Tweed Shire Council

Committee: Tweed Shire Council Occupational Health & Safety Committee
Councillors: Marshall
Alternate:
Contact: Geoff Hussey
Staff: R Harper, R Jones, T Dawson, N Hunt, I Dusi, B Alexander, R Norvill, R Missingham, S Brawley, Ian Carpenter
Others:
Frequency: Monthly 2nd Wednesday each month
Place: Buchanan Room
Duration: 1 hr
Comment:

Committee: Tweed Shire Local Emergency Committee
Councillors: Polglase
Alternate:
Contact: Geoff Edwards
Staff: Geoff Edwards, Ian Percy, Bob Missingham
Others: Emergency Organisation representatives
Frequency:
Place:
Duration:
Comment:

Committee: Vegetation Management Plan Committee
Councillors: Boyd, James, Youngblutt,
Alternate:
Contact: Graham Judge
Staff: Graham Judge, Douglas Jardine, Stewart Brawley
Others: Mr Brian Sandercock, Ms Barbara Stewart, Mr Gary Varga, Ms Rhonda James, Ms Kate McKenzie, Mr Robert Quirk, Mr Jim O'Brien, Mr Paul Bolster, Mr Paul Hopkins, Mr Peter Mason, Mr David Lovell, Mr Colin Brooks (Combined Rural Industries), Mr Mark Kingston (Ecograph), Representative (National Parks & Wildlife Service), Mr Bruce Hungerford (DLAWC).
Frequency: Monthly 4th Tuesday each month
Place: Canvas and Kettle
Duration:
Comment:

Voting – Unanimous

Minutes - Extraordinary Meeting of Tweed Shire Council

ITEMS DEFERRED

- 8. Application to Rezone Lot 12 DP 1005206 and Lot A DP 327759 Terranora Road, Terranora to allow a 56 Lot Rural Residential Subdivision - Applicant made Pursuant to Section 72J of the Environmental Planning and Assessment Act 1979 DA02/1159 Pt1; 5440.681**

**Cr Boyd
Cr James**

PROPOSED that:

1. In accordance with Section 54 of the Environmental Planning and Assessment Act, 1979 Council prepares a draft Local Environmental Plan to: -
 - a. Amend the location of the zone boundary between the 1(c) Rural Living zone and 7(d) Environmental Protection (Scenic Escarpment) zone in accordance with Figure 1.
 - b. Restrict minimum subdivision areas to one hectare in scenic catchment areas 1, 2 and 3 indicated on Figure 3.
 - c. Restrict building heights to one storey in scenic catchment areas 1, 2 and 3 indicated on Figure 3.
 - d. Control the use of building materials in scenic catchment areas 1, 2 and 3 on Figure 3 to ensure that materials used are compatible with the scenic landscape.
2. The applicant be requested to amend the subdivision layout to be consistent with the provisions of the draft Local Environmental Plan prior to exhibition of the plan.

AMENDMENT

284

**Cr Lawrie
Cr Beck**

RESOLVED that

1. In accordance with Section 54 of the Environmental Planning and Assessment Act 1979 Council prepares a draft Local Environmental Plan to:
 - a. amend the location of the zone boundary between the 1(c) Rural Living zone and 7(d) Environmental Protection (Scenic Escarpment) zone in accordance with "NEW ZONE LINE" on Figure 6 – REV.D in Cardno MBK Plan No 7030/1 dated Sept 02 subject to confirmation by survey; and
 - b. restrict minimum Lot size to 4000m².
 - c. Restrict building heights to a maximum of two storeys.

Provided that arrangements, satisfactory to Council, are made for the ongoing management of that part of the property that remains zoned 7(d), especially the methods used for control of camphor laurel

Minutes - Extraordinary Meeting of Tweed Shire Council

2. The applicant be requested to formally submit an amended subdivision layout *to be* consistent with the above provisions of the draft Local Environment Plan generally in accordance with figure 6 – REV.D in Cardno MBK Plan No 7030/1 dated Sept 02, prior to exhibition of the Plan.

The Amendment was **Carried** on the Casting vote of the Mayor.

Voting For

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Davidson
Cr Lawrie

Voting Against

Cr Boyd
Cr Carroll
Cr James
Cr Luff
Cr Marshall

The Amendment on becoming the Motion was **Carried**

Voting For

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Davidson
Cr James
Cr Lawrie
Cr Luff

Voting Against

Cr Boyd
Cr Carroll
Cr Marshall

SUSPENSION OF STANDING ORDERS

285

Cr Marshall

Cr Luff

RESOLVED that standing orders be suspended to deal with Trust Agenda, Community Access and the Workshop.

The Meeting resumed at 9pm.

Cr Carroll did not return to the meeting.

RESUMPTION OF STANDING ORDERS

286

Cr Marshall

Cr Luff

RESOLVED that Standing Orders be resumed.

Voting - Unanimous

Minutes - Extraordinary Meeting of Tweed Shire Council

COMMITTEE OF THE WHOLE

287

Cr Luff

Cr Davidson

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

Voting - Unanimous

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:-

ITEMS DEFERRED IN COMMITTEE

- 1. The Establishment of a Residential Subdivision Comprising Nineteen (19) Lots & Remediation Works at Lot 70 DP 1031933, Tweed Coast Road Kingscliff - Subdivision Application Correspondence: Casuarina Development**
DA1180/385 Pt11

This item was dealt with in conjunction with Item A1 at Minute No C72.

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES IN COMMITTEE

- A1. Residential Subdivision Comprising 19 Lots and Remediation Works at Lot 70 DP 1031933 Tweed Coast Road, Kingscliff and Tweed Local Environmental Plan 2000 Provisions on Subdivision in the 7(f) Environmental Protection (Coastal Lands) Zone**

DA1180/385 Pt10 "A"; DA1180/668 Pt22; DA1180/382 Pt15; DA1180/385

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

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

C72

That Council delegates the issue of determination of the development application in the following terms to the Director of Development Services, subject to concurrence being granted by the Director-General of PlanningNSW for subdivision in the Environmental Protection 7(f) Coastal Lands zone: -

- A. Development Application 0101/2001DA for the establishment of a residential subdivision comprising 19 lots & remediation works at Lot 70 DP 1031933, Tweed Coast Road Kingscliff be approved subject to the following conditions: -**

Minutes - Extraordinary Meeting of Tweed Shire Council

GENERAL

1. The development shall be completed in general accordance with Figure No. 3 Rev B prepared by Cardno MBK and dated 20 June 2002, 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. All bulk earthworks, stormwater drainage, road construction and public infrastructure associated with the northern precinct civil works Construction Certificate shall be completed to Council's satisfaction and all public roads, reserve, drainage systems and any other public infrastructure shall be dedicated to Council.
4. Prior to commencement of work pursuant to this consent a Construction Certificate shall be obtained for the works proposed and required by this consent.

The following information must accompany applications for a construction certificate for building & subdivision work.

(i) Subdivision Work

In the case of an application for a construction certificate for subdivision work required by this consent:

- 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
 - road pavement
 - road furnishings
 - stormwater drainage
 - water supply works
 - sewerage works
 - landscaping works
 - sedimentation and erosion management plans
 - location of all service conduits (water, sewer, NorthPower and Telstra)
 - the approved Traffic Control Plan

Minutes - Extraordinary Meeting of Tweed Shire Council

- the relevant maintenance manuals (eg. G.P.T’s, water pump station)

Where the proposed subdivision work involves a modification to previously approved plans the plans must be coloured or otherwise marked to the satisfaction of the certifying authority to adequately distinguish the modification.

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.

5. In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with AS1428-1993 Parts 1 to 4 - Design for Access and Mobility.
6. 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.

Table 5.4 Stormwater Treatment Objectives for Post Construction (Occupational) Phase of Development

Pollutant			
Nutrients	Maximum permissible load that may be discharged kg/ha/year		
	Average year (1719mm)	Wet Year (2185mm)	Dry Year (929mm)
Suspended solids (SS)	300	400	120
Total Phosphorus (TP)	0.8	1.1	0.35
Total Nitrogen (TN)	4.5	6	1.5
Litter	Retention 70% of annual litter load greater than 5mm		
Coarse sediment	Retention of 90% of annual load of sediment coarser than 0.125 mm		
Oil and grease (hydrocarbons)	<10 mg/litre in flows up to 40% of Q1 peak.		

- (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

Minutes - Extraordinary Meeting of Tweed Shire Council

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*.

- (d) Specific Requirements

Unless stated otherwise, references in brackets refer to sections on devices in NSW EPA publication "Managing Urban Stormwater - Treatment Techniques, November 1997".

- Roof drainage. All future roof drainage is to be discharged to infiltration trenches located on each contributing allotment or on other land appropriately title burdened to the contributing allotment. Infiltration trenches shall be designed in accordance with the following criteria:
 - As a minimum requirement, trenches are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) and infiltrate this storm within a 24 hour period, with a safety factor of 2, before surcharging occurs
 - Surcharge overflow from the infiltration area to the street gutter, interallotment or public drainage system must occur by visible surface flow.
 - Runoff is to be pre treated to remove contaminants prior to entry into the absorption areas (to maximise life of absorption areas between major cleaning/maintenance overhauls).
 - If the site is under strata or community title, the strata/community title plan is to ensure that the absorption areas are contained within common areas that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
 - Where consistent with other land use requirements, grassed swale drainage (Ref 5.2) is to be used in preference to pipes or hard lined channels.

Note: Swales are not preferred as a substitute for kerb and gutter

Minutes - Extraordinary Meeting of Tweed Shire Council

- *where on street parking is required, unless cars can be excluded from swale area*
 - *on roads serving small lots with numerous driveways*
 - *where gradients are <1% or >5%)*
 - Oil/Grit Separators (ref 4.7), permanent pool 30m³ per impervious hectare with 50-70% of this volume in first chamber are to be provided in the underground road/hardstand stormwater drainage systems to remove sediment, litter and oil/grease prior to discharge into the east/west swale drain/infiltration areas. For the purpose of this consent, this condition is satisfied if the Humeceptor Model STC3 proposed at 9/1 in drawing 7079/1/24-14 of the North Precinct Civil Works Construction Certificate is upgraded to a Humeceptor Model STC5 as proposed in Drawing (which accompanied this application) Job 7079/1-60 Figure 4 "Finished Surface Contours, Road Centrelines, Proposed Stormwater Drainage, Overland Flow Paths". This requirement may only be varied with the agreement of the Director of Engineering Services.
 - Infiltration basins (ref 5.6) shall be provided prior to Controlled Outlet No 11, to infiltrate runoff from stormwater flows of up to 40% of ultimate $Q_{1 \text{ year}}$. Infiltration basin sizing shall be determined on a catchment basis. A "catchment" shall be the total area draining controlled outlet No.11. This consent is satisfied if the coastal and east/west swale drains and infiltration basins designated in the North Precinct Civil Works Construction Certificate are constructed and dedicated to Council. No topsoil, mulch or other vegetative matter is to be used on infiltration basin surfaces and no establishment, operation or maintenance procedures are permitted that may reduce surface permeability.
7. Except as may be expressly provided in the approval, the approval holder must comply with section 120 of the Protection of the Environment Operations Act 1997 prohibiting the pollution of waters.
 8. No soil shall be removed from the site as part of the earthworks or remediation works.
 9. Access to earthworks and excavated areas on the site shall be restricted to the satisfaction of the Director of Environment & Community Services. The applicant shall ensure that the public do not have access or exposure to the excavations for site remediation.
 10. All wastes shall be collected, stored and disposed to the satisfaction of the Director of Environment & Community Services.
 11. There shall be no sewer connection through the 7(f) zone.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Minutes - Extraordinary Meeting of Tweed Shire Council

12. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, and submitted for approval by Council, prior to issue of the Construction Certificate. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.
13. (i) Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

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

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:

18 lots @ \$2948/lot	\$53,064
S94 Plan No. 4 (Version 4.0)	
(Sector 7c – Kings Beach – Residential)	

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 4.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

$$\text{\$Con}_{\text{TRCP - Heavy}} = \text{Prod.} \times \text{Dist} \times \text{\$Unit} \times (1 + \text{Admin.})$$

where:

$\text{\$Con}_{\text{TRCP - Heavy}}$ heavy haulage contribution

and:

Prod. projected demand for extractive material to be hauled to the site over life of project in tonnes

Dist. average haulage distance of product on Shire roads (trip one way)

$\text{\$Unit}$ the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.5

Minutes - Extraordinary Meeting of Tweed Shire Council

- b. Street Trees:
18 lots @ \$42.90 \$772.00
S94 Plan No. 6
- c. Shirewide Library Facilities:
18 lots @ \$688.00 \$12,384.00
S94 Plan No. 11
- d. Bus Shelters:
18 lots @ \$23.00 \$414.00
S94 Plan No. 12
- e. Eviron Cemetery/Crematorium Facilities:
18 lots @ \$126.00 \$2,268.00
S94 Plan No. 13
- f. Emergency Facilities (Surf Lifesaving)
18 lots \$256.00 \$4,608.00
S94 Plan No. 16
- g. Extensions to Council Administration Offices & Technical Support
Facilities
18 lots @ \$344.81 \$6,207.00
S94 Plan No. 18
- h. Kings Beach Open Space
18 lots @ \$637.00 \$11,466.00
S94 Plan No. 19
- i. Kings Beach Cycleways
18 lots @ \$160.00 \$2,880.00
S94 Plan No. 19
- j. Kings Beach Community Facilities
18 lots @ \$497.00 \$8,946.00
S94 Plan No. 19

Minutes - Extraordinary Meeting of Tweed Shire Council

14. A certificate of compliance (CC) under Part 3 Division 2 of the Water Supply Authorities Act 1987 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

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

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

Water:	18 lots @ \$4000.00	\$72,000.00
Sewer:	18 lots @ \$3275.00	\$58,950.00

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.

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.

15. 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 (minimum \$1,000).

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 Director, Development Services.

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

16. The Construction Certificate application shall include a provision for pavement design. The final design shall be approved by Council OR an accredited certifier prior to the placement of any road pavement material.

17. 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

Minutes - Extraordinary Meeting of Tweed Shire Council

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*.
18. The inter-allotment drainage system (IAD) proposed in Drawing Job 7079/1-60 Figure 4 “Finished Surface Contours, Road Centrelines, Proposed Stormwater Drainage, Overland Flow Paths” shall be deleted.
19. The reticulated sewerage system is to be designed so that no works are required to be undertaken within the 7(f) zone.

PRIOR TO COMMENCEMENT OF WORK

20. **Prior** to the commencement of work the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-
- a. Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
- b. AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
21. Subdivision work in accordance with a development consent must not be commenced until:-
- (a) a construction certificate for the subdivision work has been issued 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, and
- (ii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment, 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 subdivision work.
22. 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. If the proposed development requires driveway access (or modification of access) onto a public road, prior to the issue of a construction certificate

Minutes - Extraordinary Meeting of Tweed Shire Council

and prior to any works taking place on the public road, a detailed application for access/driveway under Section 138 of the Road Act must be submitted to and consent granted by Council. 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.

23. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of fill shall be submitted to the satisfaction of the Director Development Services.

DURING CONSTRUCTION

24. No soil, sand, gravel, clay or other material shall be disposed of off the site.
25. 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.
26. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.
27. 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 1742-1991 (Manual for 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.
28. 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.
29. A barrier fence shall be constructed along the top of the rock retaining wall located between the east/west swale and proposed Lots 229, 230, 235 and 236.
30. All lots must be graded and trimmed to prevent the ponding of surface water. Additionally, all lots must be adequately vegetated and action must be taken to prevent erosion from wind and/or water to the satisfaction of the Director, Development Services.
31. All proposed road/streets, drainage and associated works within the subdivision shall be designed and constructed in accordance with the development consent plans referred to in Condition 9 AND the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.
32. The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering Services 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.

Minutes - Extraordinary Meeting of Tweed Shire Council

33. The provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet, including the provision of an invert crossing at the kerb and gutter and paving of the driveway across the footpath to the front alignment. 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.
34. The concrete driveway across the footpath is to be constructed in accordance with the approved plan and be a minimum of 150 millimetres thick reinforced with F82 mesh.
35. The earthworks shall be carried out in accordance with AS 3798-1996 "Guidelines on Earthworks for Commercial and Residential Developments". In general, material shall be placed in layers not exceeding 300mm in depth, watered and compacted to achieve the specified density ratio as monitored in Table 5.1 – Guidelines for Minimum Relative Compaction.
36. The subject land shall be shaped in general accordance with Cardno MBK drawing 7079/1-60, Figure 4, "Finished Surface Contours, Road Centrelines, Proposed Stormwater Drainage, Overland Flow Paths" except for:
 - a. Proposed Lot 224 shall be shaped to its final level.
 - b. The earthworks transition from final levels to existing levels shall occur in the land to the west of the above road.
37. 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.

38. (a) Partial disposal of allotment runoff by infiltration, for stormwater treatment.

Runoff from all roofs, hardstand and impervious surfaces is to be discharged to infiltration trenches located on the subject allotment:-

- As a minimum requirement, trenches are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) and infiltrate this storm within a 24 hour period, with a safety factor of 2, before surcharging occurs. Surcharging overflow from the infiltration area must occur by visible surface flow.
- Runoff is to be pre treated to remove contaminants prior to entry into the absorption areas (to maximise life of absorption areas between major cleaning/maintenance overhauls).

Minutes - Extraordinary Meeting of Tweed Shire Council

- If the site is under strata or community title, the strata/community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
- The design infiltration rate shall be determined as follows:-
 - * Conduct percolation tests on the site in accordance with Appendix B of A.S. 1547-1994, Disposal Systems for Effluent from Domestic Premises,
 - * if the above yields a result $<6\text{m/day}$, this rate may be used for design
 - * if the result is $>6\text{m/day}$, the rate for design may not exceed 6m/day unless this rate is confirmed by independently determining the coefficient of permeability of the soil in accordance with AS 1289.6.7.3. Notwithstanding these tests, the maximum infiltration rate that may be used for design and sizing purposes is 12m/day .

The owner shall be responsible for perpetual maintenance of the stormwater disposal and infiltration system to ensure its continual operation at design capacity and to ensure no adverse affects on other land or property.

39. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.
40. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
41. 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.
42. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
43. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.
44. 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.
45. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

A. Short Term Period - 4 weeks.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

B. Long term period - the duration.

Minutes - Extraordinary Meeting of Tweed Shire Council

- L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.
46. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited unless otherwise approved by the Director of Environment and Community Services.
 47. All activities associated with the subdivision are to comply with the Protection of the Environment Operations Act, 1997.
 48. 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.
 49. Remediation works for radioactive materials shall be completed in accordance with the Casuarina Beach North Precinct Remediation Plan For Subdivision of Lot N70, Cardno MBK 14 June 2002.
 50. All materials above the depth of 2.5m from the ground surface within the subject allotment shall be remediated such that the maximum radiation level is 0.35uGy/hr.
 51. ASS shall be identified and treated in accordance with the Acid Sulfate Soils Investigation and Management Plan, Sinclair Knight Merz, September 1998.
 52. Prior to and during construction provide a "shake down" area along the haul route located immediately before the intersection with the road reserve. The "shake down" area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director of Engineering Services.
 53. The burning of builders waste on site by open fire is prohibited.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

54. The existing sewer which traverse proposed Lots 236 and 237 shall be removed when no longer operational. This work shall occur prior to the issue of the Subdivision Certificate and be performed under Council supervision.
55. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No 0101/2001DA have been complied with.
56. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:
 1. Easements for sewer, water supply and drainage over ALL services on private property.
 2. A restriction to user requiring all roofwater from dwellings shall be discharged to an approved infiltration pit located on the subject property. The infiltration pit shall be approved by the Principal Certifying Authority.

Minutes - Extraordinary Meeting of Tweed Shire Council

3. A restriction to user on Lots 228 to 240 inclusive requiring that no excavation is permitted below a depth of 2.5m below existing surface level unless a gamma radiation survey has been carried out and submitted to Council and the written approval of Council obtained for the proposed works.

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.

57. The following restrictions apply to dog and cat ownership and control on all residential lots:-
 - A.
 - i. Owners of dogs within the development shall have their yards fenced so as to securely contain a maximum of one (1) dog per allotment and the ownership of cats within the development shall be restricted to one de-sexed cat per allotment and such cats shall be restrained within the house or a secure night cage between the hours of 6.00pm and 6.00am.
 - ii. No dog shall be registered without the construction of a dog-proof compound, which must be approved by Council and the relevant fee paid by the applicant.
 - iii. No owner can retrieve a dog that has been impounded unless they can demonstrate to Council they have a secure compound.

These ownership and control requirements shall be reinforced by a Restrictions as to User under Section 88B of the Conveyancing Act, 1919-1964.

A Section 88B Instrument creating the restriction as to user shall contain a provision enabling the restriction to be revoked, varied and modified only with the consent of Council.

58. Prior to the issue of a Subdivision Certificate, Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council.
59. Where new state survey marks and/or permanent marks are placed, a copy of the locality sketch relating to the marks shall be submitted with the final subdivision certificate application.
60. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the Director, Development Services PRIOR to the issue of a Subdivision Certificate. 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

Minutes - Extraordinary Meeting of Tweed Shire Council

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.

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

(i) The following information must accompany an application:

- 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.
- relevant development consent or complying development certificate
- detailed subdivision engineering plans endorsed with a construction certificate (where applicable)
- for a deferred commencement consent evidence that the applicant has satisfied the consent authority on all matters which must be satisfied before the consent can operate
- evidence that the applicant has complied with all conditions of consent, that it is required to comply with before a subdivision certificate can be issued (where applicable)
- a certificate of compliance from the relevant water supply authority (where applicable)
- if a subdivision is the subject of an order of the Land and Environment Court under section 40 of the Land and Environment Court Act 1979 evidence that required drainage easements have been acquired by the relevant council
- for subdivision involving subdivision works evidence that:
 - the work has been completed, or
 - agreement reached with the relevant consent authority regarding payment of the cost of work or as to the time for carrying out the work, or
 - security given to the consent authority with respect to the completion of the work
- Work as Executed Plans for **ALL** works

Minutes - Extraordinary Meeting of Tweed Shire Council

- (ii) Documentary evidence that all matters contained in Section 109J of the Act have been complied with.
- (iii) Written evidence from Council that the proposed road/street names have been approved.

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.

62. 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:-

- (i) Compliance Certificate - Roads
- (ii) Compliance Certificate - Water Reticulation
- (iii) Compliance Certificate - Sewerage Reticulation
- (iv) Compliance Certificate - Drainage

Note: 1. Where Council is requested to issue compliance certificates, applications for such certificates must be accompanied by documentary evidence from the Developers Supervising Consulting Engineer 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, DCP16 - Subdivision Manual and good Engineering Practice.

2. Where Council is requested to issue the construction certificate all compliance certificates and a Subdivision Certificate, Council will carry out the following inspections as deemed necessary by Council 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

Minutes - Extraordinary Meeting of Tweed Shire Council

- 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

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.

3. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Supply Authorities Act, 1987 to be certified by an "accredited certifier".

63. Prior to the issue of a Subdivision Certificate, Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual.

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

- (i) all drainage lines, sewer lines and structures are wholly contained within the drainage easement created by the subdivision;
- (ii) 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 plans.

64. 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 which will be held by Council for a period of 6 months from the date on which the Subdivision Certificate is issued and will be refunded following the remedying of any defects arising within the 6 month period.

Minutes - Extraordinary Meeting of Tweed Shire Council

65. (i) PRIOR to lodging an application for a Subdivision Certificate, the applicant shall obtain the written approval of Council to the proposed road/street names. Approved names are to be in accordance with Council's Road Naming Policy adopted on 7 August 1996 and are to be shown on the Plan of Subdivision accompanying the application for a Subdivision Certificate.
- (ii) To avoid confusion resulting from duplication of private driveway/accessway name and public road/street names, the applicant shall submit to Council for approval the proposed name(s) of any private driveway/accessways.

The names shall be approved **PRIOR** to lodgement of any plan of subdivision in respect of the development.

Names which duplicate existing and approved street names will not be approved.

66. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-
- i. The construction of proposed road No. 14 and the extension of road No. 2 with a 7.5m wide pavement including a minimum 25mm AC surfacing, compacted gravel pavement and layback kerb and channel. The kerb alignment of each cul-de-sac shall have a minimum radius of 9.0m. The road reserves shall be 14.0m wide.
- ii. The existing kerb and gutter of the cul-de-sac of Road No. 2 shall be removed and the footway area re-instated to the satisfaction of the Director Development Services.

67. Prior to issuing a Subdivision Certificate, outfall sewerage reticulation shall be provided to all lots within the subdivision including a minimum 150mm diameter sewer junction terminated at least 1.0m inside the property boundary of each lot in accordance with engineering plans to accompany the Construction Certificate application. The reticulation shall be designed and constructed in accordance with DCP16 - Subdivisions Manual.

Council does not permit the building over Council's sewers. When buildings are located in close proximity to the sewer, detailed plans of footing types, location and depth relative to the sewer are required to be included with the Construction Certificate Application.

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.

68. The existing sewer line located within lots 236 and 237 shall be removed prior to the issue of the Subdivision Certificate.
69. Prior to issuing a Subdivision Certificate, Town Water shall be provided to each lot including a minimum size 25mm outside diameter water service terminated 1.0m inside the property boundary of each lot in accordance engineering with plans to accompany

Minutes - Extraordinary Meeting of Tweed Shire Council

the Construction Certificate application. The reticulation shall be designed and constructed in accordance with DCP16 - Subdivisions Manual.

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.

70. The production of written evidence from Telstra Australia certifying that satisfactory arrangements have been made for the provision of underground telephone supply.
71.
 - i. The production of written evidence from NorthPower certifying that reticulation of underground electricity has been completed; and
 - ii. Prior to the issue of a Subdivision Certificate, the reticulation to include the provision of fully installed electric street and parkland pathway lights to the relevant Australian Standard. Such lights are to be capable of being energised following a formal request by Council. The proposed location and style of lighting standards (clear of other public utilities, private accesses and street trees) are to be submitted with the Construction Certificate Application.
72. Prior to issue of the subdivision certificate, certification, to the satisfaction of the Director of Environment & Community Services, shall be provided to Council regarding the following matters:
 - i. verification of the extent and depth, if any, of radioactive materials (above the background level of 0.1uGy/hr) which may exist on the proposed residue lot 224, and radiation levels of that material.
 - ii.
 - a. verification on all sites where remediation has occurred that radiation levels to a depth of 2.5m are within the limits (maximum 0.35uGy/hr) specified in the approved Remediation Plan.
 - b. verification that radiation levels of the material placed at depth under the unformed crown road located at the northern boundary of the Northern Precinct do not exceed NSW Department of Health Guidelines for radiation levels under roads, and provide an indication of the actual radiation levels present.
 - c. verification that the radiation levels of material placed in Lot N70 as a consequence of prior remediation activities do not exceed NSW Department of Health Guidelines for residential land use.
 - iii. advice on radiation levels likely to exist beneath existing roads within the Northern Precinct, particularly those near or adjacent to the remediated areas.
- B. A notation be placed on any Section 149 certificate issued pursuant to the Environmental Planning and assessment Act, 1979 for Lots 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239 and 240 stating as follows: -

“The site has previously been subject to sand mining operations. As a consequence, there may be radioactive sand present at depths greater than 2.5m below the

Minutes - Extraordinary Meeting of Tweed Shire Council

surface. The radioactivity is caused by naturally occurring materials, which may have been concentrated by the processing operations. Radiation levels in the upper 2.5m, and at the surface, are below acceptable levels for continuous human habitation pursuant to Government environmental guidelines.”

Voting For

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Davidson
Cr Lawrie
Cr Marshall

Voting Against

Cr Boyd
Cr James
Cr Luff

288

Cr Marshall

Cr Davidson

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

Voting - Unanimous

LEAVE OF ABSENCE

289

Cr Lawrie

Cr Davidson

RESOLVED that Councillor Boyd be granted Leave of Absence until 9 October 2002.

There being no further business the Meeting terminated at 9.40pm.



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

Chairman