

Minutes - Meeting of Tweed Shire Council

IN ATTENDANCE

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

Also present were Mr Ian Carpenter (Acting General Manager), Mr Mike Rayner (Director Engineering Services), Mr Garry Smith (Acting Director Development Services), Mr Stewart Brawley (Manager Recreation Services), Mr Reg Norvill (Acting Director Corporate Services), Mr Don Buckley (Director Environment & Community Services) from 5.25pm, Mr Brian Donaghy (Manager Administration Services/Public Officer) and Mrs Meredith Smith (Minutes Secretary).

Cr Carroll, Cr Luff were not present at the commencement of the meeting.

The meeting opened with a Prayer by Council's Chaplain, Reverend Ian Hartland.

*"Let the heavens rejoice, let the earth be glad;
let them say among the nations, "The LORD reigns!"*

(1 Chronicles 16:31)

God of grace and mercy, lead us in Your ways as we meet today. Give wisdom and guidance as we make decisions about the life of our Shire so that with grace and integrity we can enrich the life of our Shire and its people.

Help us to be open and honest in all that we do. Help us to listen to each other and to make our judgements on all the information before us. We pray Your blessing on each other, and by the Holy Spirit grant us a quiet peace which transcends the turmoil of the world around us. We ask Your special blessing upon our Mayor, Warren. Endow him with the gifts and graces needed to fulfil his office with dignity and purpose.

*Let Your presence be with us, O God, for we ask it in the Name of Jesus Christ our Lord.
Amen."*

CONFIRMATION OF MINUTES

889

Cr Boyd

Cr Youngblutt

RESOLVED that the Minutes of the Ordinary Meeting held 3 April 2002 be confirmed as an accurate record of the proceedings of that Meeting.

Voting - Unanimous

890

Cr Boyd

Cr Youngblutt

RESOLVED that the Minutes of the Extraordinary Meeting held 27 March 2002 be confirmed as an accurate record of the proceedings of that Meeting.

Voting - Unanimous

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ABSENT

Councillors G Davidson (Deputy Mayor), L F Beck.

Councillor Cr Davidson were granted Leave of Absence by Council at its Meeting on 20 February 2002 at Minute No 726.

Councillor Cr Beck and was granted Leave of Absence by Council at its Meeting on 3 April 2002 at Minute No C207.

ATTENDANCE AT MEETING

Cr Carroll attended the meeting at 3.04pm.

PRESENTATION – DUNE CARE GROUPS

Cr Polglase, Mayor, welcomed Dune Care groups from Twin Towns, Fingal, Kingscliff and Cabarita to commend their work which was recognised by presentation of awards under the Keep Australia Beautiful Clean Beach Challenge.

State Member for Tweed, Mr Neville Newell, MP attended Council to present the awards being:-

- Kingscliff received the top beach title award
- Durambah Beach received the Litter Prevention Award and was highly commended for the Young Legends Award
- Fingal Head received the Sydney Water Resource, conservation and Waste Management Award
- Cabarita was highly commended for the Energy Australia Friendliest Beach Award and highly commended for the Cleanest Beach.

DISCLOSURE OF INTEREST

Cr Boyd declared an interest in Item No 5.

The nature of the interest is that Cr Boyd resides in the vicinity of the subject property.

ITEMS TO BE MOVED TO OR FROM CONFIDENTIAL

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

891

Cr Boyd

Cr Youngblutt

RESOLVED that this report be received and noted.

Voting - Unanimous

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MAYORAL MINUTE

- 1. Numinbah Road Upgrade Meeting** **R3780 Pt3**

This item was received and noted.
- 2. Opening ILNAM Estate Winery** **Invitations**

This item was received and noted.
- 3. Flying Colours Art Gallery** **Invitations**

This item was received and noted.
- 4. Cudgen Headland Surf Life Saving Club** **Surf Life Saving; Invitations**

This item was received and noted.
- 5. Visit by Chinese Delegation** **Invitations**

This item was received and noted.
- 6. Australia V's England Test Series** **Sport Rec – General; Invitations**

This item was received and noted.
- 7. Directory Community Resources Launch** **Community Directory**

This item was received and noted.
- 8. Anzac Commemoration Ceremony** **Anzac Day**

This item was received and noted.
- 9. Anzac Day Service** **Anzac Day**

This item was received and noted.
- 10. Memorial Service** **Condolences**

This item was received and noted.
- 11. Netball Queensland** **Invitations**

This item was received and noted.

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12. Proposed Highway Service Centre Melaleuca Station

Motorways/Pacific

This item was received and noted.

13. Visit by Rotarians from Oklahoma

Visits

The Mayor advised that he did not attend the Welcome of the visiting Rotarians from Oklahoma.

14. Southern Cross University Tweed Gold Coast Campus

Southern Cross University

This item was received and noted.

Adoption of Mayoral Minute

892

Cr Polglase

RESOLVED that the Mayoral Minute as presented be adopted.

Voting - Unanimous

ITEMS DEFERRED

5. Councillors Fees, Expenses and Facilities

Councillors - Fees

893

Cr Boyd

Cr Lawrie

RESOLVED the item be dealt with at Item 7 of the Agenda (Minute No 901 refers).

Voting - Unanimous

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

1. Six Unit Multi-dwelling Housing Development at Lot 10 Sec 6 DP759009, 13 Eden Street, Tweed Heads

DA1800/40 Pt2

894

Cr Lawrie

Cr Youngblutt

RESOLVED that:-

- A. Council supports the submission made under SEPP1 to vary the provisions of Clause 32B(4) of the North Coast Regional Environmental Plan and assumes the concurrence of the Director planningNSW.
- B. Development Application 1155/2001DA for the demolition of an existing dwelling house and the erection of a six unit multi-dwelling housing development at Lot 10 Sec 6

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DP759009, 13 Eden Street, Tweed Heads be approved subject to the following conditions:-

GENERAL

1. The development shall be completed in general accordance with the Statement of Environmental Effects and Plans Nos A1-1 to 1-4 prepared by Summerland Design and dated October 2001, 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. detailed plans and specifications of the building have been endorsed with a construction certificate 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 erection of the building.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. 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 79H of the Environmental Planning and Assessment Regulations, 1994, 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/edition of the relevant Section 94 Plan current at the time of the payment.

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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: \$3349

S94 Plan No. 4 (Version 4.0)

(Tweed Heads)

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. 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

b. Open Space (Structured): \$1511

S94 Plan No. 5

c. Open Space (Casual): \$576

S94 Plan No. 5

d. Shirewide Library Facilities: \$1109

S94 Plan No. 11

e. Eviron Cemetery/Crematorium Facilities: \$396

S94 Plan No. 13

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- f. Emergency Facilities (Surf Lifesaving) \$644
S94 Plan No. 16
- g. Extensions to Council Administration Offices
& Technical Support Facilities \$1225
S94 Plan No. 18
- h. Cycleways \$470
S94 Plan No. 22

6. A **certificate of compliance** (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Clause 79H of the Environmental Planning and Assessment Regulations, 1994, a Construction Certificate shall **NOT** be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

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

Water:	\$14400
Sewer:	\$12056

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 Management Act 2000 to be certified by an Accredited Certifier.

7. The footings and floor slab are to be designed by a practising Structural Engineer after consideration of the findings of the geotechnical report (200-2669) prepared by Soil Surveys Pty Ltd dated September 2001 and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.
8. A. Building work that involves 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:
- i. in the case of work to be done by a licensee under that Act:

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- (i) has been informed in writing of the licensee's name and contractor licence number; and
- (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or

ii. in the case of work to be done by any other person:

- (i) has been informed in writing of the person's name and owner-builder permit number, or
- (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner-builder work* in Section 29 of that Act,

and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

B. A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

9. A site stormwater management plan shall be submitted to and approved by the Principle Certifying Authority prior to issue of a Construction Certificate. This plan is to be consistent with Tweed Urban Stormwater Quality Management Plan.
10. Landscape works on the adjoining public reserve are to be carried out in accordance with the Landscape Plan prepared by Kershaw Design (L01A) dated 12 November 2001. These works are to be carried out on behalf of Council to ensure the amenity of the reserve is enhanced. Prior to the issue of a Construction Certificate an agreement is to be entered into with Council's Manager Recreation Services detailing terms of maintenance of this landscaping within the reserve.
11. 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.
12. 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

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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.

13. 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*.

14. 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.

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15. A privacy screen is to be erected along the common boundary with the adjoining residence (west) to prevent direct overlooking at the podium level.
16. Erosion and Sediment Control During the Construction Phase of Development
 - (a) 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*.
17. A dilapidation report is to be submitted in relation to the structures located on Lot 9 Sec 6 DP759009 and the Yacht Harbour Towers building, to the satisfaction of the Director of Development Services, prior to the issue of a Construction Certificate.

PRIOR TO COMMENCEMENT OF WORK

18. All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised to the satisfaction of the Principal Certifying Authority and provided with a dish drain or similar at the base or otherwise retained to the satisfaction of the Principle Certifying Authority. All retaining works shall be completed to the satisfaction of the Principal Certifying Authority prior to start of building work. Please note timber retaining walls are not permitted.
19. 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.
20. A sign must be erected on the site in a prominent, visible position stating:
 - a. that unauthorised entry to the work site is prohibited; and
 - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
 - c. Lot number.
21. A demolition plan is to be submitted to Council for approval prior to the commencement of work.
22. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must comply with the following:

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- i. The person must, at the person's own expense:
 - a. preserve and protect the building from damage; and
 - b. if necessary, underpin and support the building in an approved manner.
 - ii. The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.
23. Prior to work commencing, a "Notice of Commencement of Building Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing.
24. Prior to the commencement of building work, a certificate signed by a registered professional engineer is to be submitted to the Principal Certifying Authority to certify that adequate consolidation of foundation material has been achieved to support the proposed structure.
25. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

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.

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

DURING CONSTRUCTION

27. 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).
28. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior approval of the Director of Development Services.

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29. 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.
30. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:
 - a. A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.
 - b. The chute shall be located in a position approved by the Principal Certifying Authority.
 - c. A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.
31. No blasting is to be undertaken as part of the Construction of the building.
32. 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.
33. All demolition works are to observe the guidelines set down under the Environment Protection Authority publication "A Renovators Guide to the Dangers of Lead" and the WorkCover guidelines on working with and handling of asbestos.
34. 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.
35. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - a. footings, prior to pouring of concrete
 - b. slab, prior to pouring of concrete
 - c. frame prior to the erection of brick work or any wall sheeting
 - d. final inspection prior to occupation of the building
 - e. steel reinforcing prior to pouring of concrete
36. 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.
37. All fire service connections are to be compatible with those of the NSW Fire Brigade.
38. The earthworks shall be carried out in accordance with AS 3798, "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

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the specified density ratio as monitored in Table 5.1 - Guidelines for Minimum Relative Compaction.

39. All surface waters, other than stormwater shall be directed to Council approved pre-treatment facilities before discharge to sewer. Details are to be submitted to and approved by the Director of Environment and Community Services prior to installation.
40. The applicant or operator of the proposed business is to enter into a maintenance contract which will ensure that the diversion valve is serviced by a licensed contractor at least every six months. Details are to be submitted to and approved by the Director of Environment and Community Services prior to installation.
41. All surface water collected from hard stand parking areas to be directed to Council approved pre-treatment facilities before discharge to approved discharge locations. Stormwater from covered or enclosed carpark areas shall not be discharged to the public sewer unless approved treatment facilities have been provided. Details are to be submitted to and approved by the Director of Environment and Community Services prior to installation
42. The provision of 18 off street parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 – Parking Controls.
43. Internal stormwater lines are to be connected directly into road drainage pits if available along the frontage of the site. Drainage lines shall not cross Crown Land unless separate approval from the Department of Land & Water Conservation has been obtained.
44. 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.

45. The additional rainwater drains must be connected to the existing rainwater disposal system; to provide satisfactory stormwater disposal in accordance with Australian Standard AS/NZS3500.3.2.
46. 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.
47. 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:

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- A. Short Term Period - 4 weeks.
- L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
- B. Long term period - the duration.
- L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.
48. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.
49. 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.
50. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of the buildings with direct line of sight to the proposed building.
51. All new residential dwellings are to fully comply with Councils Energy Smart Housing Policy (DCP39). In order to comply with DCP39 consideration must be given to the building envelope, orientation, insulation, ventilation, thermal mass, zoning, and hot water supply.
52. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- internal drainage, prior to slab preparation;
 - water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - external drainage prior to backfilling.
 - completion of work.
53. 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.
54. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.

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55. Where two (2) or more premises are connected by means of a single house service pipe, the owner of each premises must (*unless all the premises are occupied by a single household or firm as a residence or place of business*) ensure that a separate water meter, of a class and size approved by Council, is installed on each of those premises.
56. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.
57. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.
58. 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.
59. Yard 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.
60. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
 - * 43.5⁰C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - * 50⁰C in all other classes of buildings.

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

61. 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. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
 - iv. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.
62. 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 any use or occupation of the buildings.

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63. Landscaping of the site shall be carried out in accordance with the submitted landscaping plans. The landscaping to be completed prior to occupation of the building, to the satisfaction of the Director, Development Services.
64. A concrete ribbon footpath 2.0 metres wide and 75 millimetres thick is to be constructed on a compacted base along the entire frontage of the site to Eden Street. The compacted base is to achieve 95% of maximum dry density determined in accordance with AS1289 5.4.1 for a minimum 100mm depth. A full depth construction joint is to be provided at 6.0 metre intervals and 20 millimetre deep groove joints provided every 2.0 metres, the balance area to be graded to the kerb and turfed. The footpath is to have a 3% crossfall which must be attained at each side boundary. This may result in work to be undertaken on the footpath at adjoining properties which must not exceed 1:14 and must be reinstated with turf. The footpaving is to be located 800 millimetres from the property boundary. The concrete footpath gradient shall be parallel to the top of kerb for the full frontage of the site and maintained unvaried across the (any) driveway cross-section. An inspection of the formwork is to be arranged with Council's Engineering Services Division prior to concrete being placed.
65. An automatic fire detection and alarm system, designed to ensure the occupants are given adequate warning so they can evacuate the building in an emergency, must be installed in Class 2 and 3 buildings and Class 4 part of a building in accordance with the provisions of Specification E2.2a of the Building Code of Australia. Smoke alarms must be installed:
- (i) within each sole occupancy unit, located on or near the ceiling in any storey -
 - (A) containing bedrooms -
 - (aa) between each part of the sole occupancy unit containing bedrooms and the remainder of the sole occupancy unit; and
 - (bb) where bedrooms are served by a hallway, in that hallway; and
 - (B) not containing any bedrooms, in egress paths; and
 - (ii) in a building not protected with a sprinkler system, in public corridors and other internal public spaces, located in accordance with the requirements for smoke detectors in AS 1670 and connected to activate a **building occupant warning system** in accordance with Specification 2.2a(6) of the Building Code of Australia which states:

A building occupant warning system must comply with Clause 8.7 of AS 1670 to sound through all occupied areas except-

 - a) in a Class 2 and 3 building or Class 4 part provided with a smoke alarm system:
 - (i) the sound pressure level need not be measured within a sole occupancy unit if a level of not less than 85dB(A) is provided at the door providing access to the sole occupancy unit; and

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- (ii) the inbuilt sounders of the smoke alarms may be used to wholly or partially meet the requirements.

A Certificate of Compliance is to be submitted to the PCA prepared by the licensed Electrical Contractor certifying that the installation complies with the above, prior to occupation of the building.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

- 66. 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, conditions of Consent and the relevant provisions of the Building Code of Australia.
- 67. 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).
- 68. Portable fire extinguishers containing an extinguishing agent suitable for the risk being protected must be installed in accordance with Australian Standard AS 2444 "Portable Fire Extinguishers - Selection and Location" and Part E1.6 of the Building Code of Australia.
- 69. 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 essential fire safety measure listed in the schedule below has been designed and installed in accordance with the relevant standards.

Such certificate shall state as to each essential fire measure installed in the building:

- (a) that the service has been inspected and tested by a person who is competent to carry out such an inspection or test; and
- (b) that the service was (as at the date on which it was inspected and tested) found to have been properly implemented and capable of performing to a standard not less than that required by the most recent fire safety schedule for the building for which the certificate is issued.

Please note that all Essential Services listed on the schedule below must be certified on an annual basis as per the provision of section 177 of the Environmental Planning and Assessment Regulation 2000.

Fire Safety Schedule Essential Fire Safety Measure	Minimum Standard of Design Installation and Maintenance
Automatic Fire Detection and Alarm Systems	AS1670.1 1995 "Fire Detection, Warning Control and Intercom Systems"

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- | | |
|---------------------------------|---|
| Exit Signs | AS/NZS2293.1 1998 "Emergency Evacuation Lighting in Buildings" Part 1 - System Design, Installation and Operation |
| Fire Doors | AS/NZS1905.1 1997 "Components for the Protection of Openings in Fire Resistant Walls" Part 1 - Fire Resistant Doorsets |
| Fire Hydrant Systems | AS2419.1 1994 "Fire Hydrant Installations" Part 1 - System Design, Installation and Commissioning |
| Hose Reel Systems | AS2441 1998 - "Installation of Fire Hose Reels" |
| Mechanical Air Handling Systems | AS/NZS1668.1 1998 - "The Use of Mechanical Ventilation and Air Conditioning in Buildings" Part 1 - Fire and Smoke Control |
70. Exits are to be provided so that no point on the floor of the building shall be more than 20 metres from:
- (a) an exit; or
 - (b) a point from which travel in different directions to two exits is available in which case the maximum distance to one of those exits shall not exceed 40 metres.

USE

71. 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.
72. Owners of buildings served by plant involving the operation of "cooling towers", "evaporative condensers" or "tepid water systems" must submit to Council, half yearly, a report detailing the maintenance, cleansing and chemical treatment of such plant every three (3) months in accordance with Part 6 of the NSW Public Health Act.

Voting - Unanimous

2. **Development Application 1098/2001DA for a Residential Subdivision Creating 11 Allotments at Lot 1 DP1027531, Casuarina Way Kingscliff**

DA0989/5 Pt4

895

Cr Lawrie

Cr Youngblutt

RESOLVED that Development Application 1098/2001DA for a residential subdivision creating 11 allotments at Lot 1 DP1027531, Casuarina Way Kingscliff be approved subject to the following conditions:-

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"DEFERRED COMMENCEMENT"

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

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "A". The consent shall become operative and take effect from the date of notification under Section 67 of the Environmental Planning and Assessment Regulations subject to the conditions set out in Schedule "B".

SCHEDULE "A"

Conditions imposed pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 and Section 67 of the Regulations as amended.

1. A Bushfire Management Plan is to be prepared for the subject land in accordance with planningNSWs Planning for Bushfire Protection Guidelines (December 2001). Fuel-free and fuel-reduced zones are to be located along the southern boundary of the subject land and within it unless otherwise agreed to in writing by the adjoining property owners. The Plan is to be approved by Council's Director Development Services.

SCHEDULE B

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

GENERAL

1. The development shall be completed in general accordance with the Statement of Environmental Effects and Plans "Plan of Subdivision, Dakota Properties, Casuarina Beach - Figure 1" and "Proposed earthworks and clearing plan, Dakota Properties, Casuarina Beach, Figure 2" prepared by Cardno MBK (Qld) Pty Ltd and dated 25th March 2002, except where varied by these conditions.
[GEN0010]
2. The sewer line is restricted to the section within part Lot 1 DP1027531. The location of the proposed sewer line is to be in accordance with the plan provided as Attachment B to the details provided by Brannock & Associates dated 30 January 2002 their reference Peterson-CasBSubL06-V01.
3. No residential development or associated buildings are to be erected on land zoned 7(f). No works except to those provided for by conditions of consent are to be undertaken on land zoned 7(f).
4. Access across the eastern boundary of the land shall be restricted to that point as shown on Plan 1767SK01. No other paths or tracks are to be constructed or formed and there is to be no vehicular access to the beach from the subject land.

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5. Fencing and associated gates are to be located around boundary of the freehold lots. No fencing shall occur around the land to be dedicated to Council except on its western boundary. The post and rail chain wire fencing shall be in accordance with the type identified on Landscape Intent Plan No. 995402-01 dated November 2001.
6. Landscaping and vegetation planting shall be undertaken in the 7(f) zone on each allotment to reinforce the separation of this land from the adjoining public land to protect the scenic amenity of the land prior to the completion of any subdivision works to the satisfaction of the Director of Development Services.
7. The proposed drainage work is not to involve any work or disturbance (including filling or clearance) to any Crown Land.
8. Stormwater drainage for the proposed 11 lot subdivision is to be in accordance with the details submitted to Council by the applicant dated 30 January 2002 reference Peterson-CasBSubL06-V01 except where varied by other stormwater drainage conditions of this consent.
9. 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.
10. The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.
11. 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 the relevant provisions of AS1428- Design for Access and Mobility.
12. No retaining walls or similar structures are to be constructed over Council's sewer main.
13. Prior to commencement of work pursuant to this consent a **Construction Certificate** shall be obtained for the works proposed and 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

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- landscaping works
- sedimentation and erosion management plans
- location of all service conduits (water, sewer, Country Energy and Telstra)
- the approved Traffic Control Plan
- the relevant maintenance manuals (eg. G.P.T's, water pump station)

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.

14. Notwithstanding any other condition of this consent, a construction certificate for bulk earthworks may be issued and the carrying out of bulk earthworks may be commenced prior to the issue of a construction certificate for all subdivision works subject to compliance with the following conditions – 1, 9, 10, 12, 13(b) first dot point, 15, 19, 26, 31, 32, 33, 37, 38, 39, 40, 41, 42, 47, 52, 53, 54, 55, 56, 57.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

15. 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.

16. Section 94 Contributions

- (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: \$5540

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S94 Plan No. 4 (Version 4.0)

(LCA Kings Beach)

b. Tweed Road Contribution Plan: \$23940

S94 Plan No. 4 (Version 4.0)

(Kings Beach)

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:-

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

where:

$\$Con_{TRCP - Heavy}$ 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)

$\$Unit$ 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

c. Street Trees: \$429

S94 Plan No. 6

d. Shirewide Library Facilities: \$3000

S94 Plan No. 11

e. Bus Shelters: \$230

S94 Plan No. 12

f. Eviron Cemetery/Crematorium Facilities: \$1260

S94 Plan No. 13

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- g. Emergency Facilities (Surf Lifesaving) \$2560
S94 Plan No. 16
- h. Extensions to Council Administration Offices
& Technical Support Facilities \$3448
S94 Plan No. 18
- j. Kings Beach Open Space \$4970
S94 Plan No. 19
- k. Kings Beach Cycleways \$2260
S94 Plan No. 19
- l. Kings Beach Community Facilities \$6370
S94 Plan No. 19

17. A **certificate of compliance** (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to 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: 10 lots @ \$3840.00	\$38400.00
Sewer: 10 lots @ \$3215.00	\$32150.00
Local Water Levy: 10 lots @ \$205.00	\$2050.00

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 Management Act 2000 to be certified by an Accredited Certifier.

18. A detailed plan of landscaping, required by the works for the 11 lot subdivision is to be submitted and approved by Council's Director, Development Services prior to the issue

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

19. **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.

20. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-

- i. Construction of the road for the subdivision shall be generally in accordance with Cardno MBK (Qld) Pty Ltd Figure 1, Plan of Subdivision, except where varied by the table below, and where varied by these conditions.
- ii. Road cross sections employing "roll over" kerbing with a minimum of 0.9m abutting grass filter verge containing street lighting and street trees, to discourage parking on the footpath.
- iii. A native tree planting schedule for each of the roads in the table below showing the location and species of each street tree, clear of driveways and sight lines.
- iv. Proposed traffic calming devices must comply with the relevant Australian Standard and the NSW Roads and Traffic Authority technical direction for raised platforms. Detailed design plans shall be submitted with the construction certificate application.
- v. Drainage inlets are to be relocated to avoid conflict with pram ramps for cycleway/walkways.
- vi. The minimum road pavement and footway width shall be maintained for the full length of the proposed road and shall be in accordance with the table below.

Figure	Road Number	Min. Road Reserve	Min. Carriageway Width	Min. Footway Width
1	New road	13.5m	7.5m	3.0m

All permanent cul-de-sacs shall be constructed with kerb radius of 9.0m and a minimum footway width of 3.0m.

21. 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

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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.

22. (a) All of proposed lots 2-11, the proposed road, the proposed pathway (adjacent to lot 11) and that part of proposed lot 1 generally above RL 7m AHD shall be contained in a drainage catchment (the "northern" catchment) which has a point of discharge at the north east corner of the site into the existing Casuarina coastal swale drain.
- (b) The remainder of lot 1 shall constitute the "eastern" catchment and stormwater runoff from this catchment shall discharge to an infiltration basin located within lot 1. This infiltration basin is to be sized to accommodate and infiltrate Q_{100} storm events of all durations. Runoff in excess of Q_{100} may be discharged by low velocity, dispersed flow to the existing point of discharge.
- (c) An open drainage swale, sized to accommodate Q_{100} runoff(with freeboard of 300mm) from the northern catchment, shall be constructed in a **drainage reserve (to be dedicated to Council with minimum width 4.2m)** to be located along the lot 500 boundary adjacent to the eastern boundaries of proposed lots 7-11. The drain shall slope and flow to the north and discharge into the existing swale drain in the "Casuarina" subdivision. It shall extend south to the northern boundary of proposed lot 1.
- (d) The existing coastal swale drain in "Casuarina" shall be analysed to determine the impact of the additional drainage catchment from this subdivision. Necessary drainage improvements to this existing drainage swale shall be designed and constructed by the applicant, to ensure Q_{100} runoff from the combined catchments can be accommodated with appropriate freeboard.
- (e) Lots 1-11 shall be landformed to create the northern catchment. Lot 1 shall be shaped to maximise the portion of the lot in the northern catchment.
- (f) Roof water runoff from all future buildings in lot 1 must initially be directed to infiltration trenches/pits to infiltrate $Q_{3 \text{ months}}$ runoff. Overflow from these infiltration areas must be directed to the northern catchment.
- (g) The proposed road shall be graded with a low point that ensures Q_{100} overland flow is directed down the path adjacent to lot 11 to the coastal swale drain. The path shall be designed and constructed to accommodate Q_{100} runoff.
- (h) Minor road drainage shall be collected and piped down the path adjacent to lot 11 and discharged to the coastal swale.
23. 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

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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*.
- (d) **Infiltration**
 - i. Infiltration areas are to be sized with a safety factor of 2 (this is to allow for long term deterioration in infiltration rate).
 - ii. Runoff entering infiltration trenches/basins shall be pre-treated to remove sediment and gross pollutants.
 - iii. The infiltration rate for infiltration devices shall be determined as follows
 - (i) Conduct percolation tests on the site in accordance with Appendix B of A.S. 1547-1994 - Disposal Systems for Effluent from Domestic Premises.
 - (ii) If the above calculation yields a result <6m/day, this rate may be used for design.
 - (iii) If the result is >6m/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
- (e) **Specific Requirements**

Permanent stormwater quality devices are to be designed in accordance with these conditions and "Tweed Urban Stormwater Quality Management Plan" Appendix E -

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Tweed Shire Council, Aus-spec D7 - Stormwater Quality, and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate Application.

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

(i) Roof drainage. All future roof drainage is to be discharged to infiltration trenches or pits 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).

(ii) 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

- 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%)

(iii) Oil/Grit Separators (ref 4.7), permanent pool 30m³ per impervious hectare, with 50-70% of this volume in first chamber (or alternative devices approved by Council) are to be provided in underground road/hardstand stormwater drainage systems to remove sediment, litter and oil/grease prior to discharge onto the coastal drain/infiltration area.

The standard "deemed to comply" sizing requirement for an Oil/Grit Separator (ref 4.7), is for the permanent pool to have a volume of 30m³ per

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impervious hectare with 50-70% of this volume in the first chamber. Where proprietary stormwater devices or BMPs such as Rocla Downstream Defender, Humeceptor, Ecosol Unit or the like are to be used as a substitute for the "Oil/Grit Arrestor" the following deemed to comply sizing guidelines will apply:

Sedimentation Tank Capacity 9m³ per impervious hectare. This volume is to be

calculated as the volume of the settling tank, below exit invert and includes sediment storage volume, but, excludes oil storage volume.

Oil Storage Capacity 2m³ per impervious hectare.

- (iv) Stormwater quality treatment Infiltration basins (ref 5.6) shall be provided for northern catchment runoff intercepted by the coastal swale drain. The infiltration basins may be constructed in the existing coastal swale drain north of the subject subdivision. The applicant shall design and construct infiltration basins sized to infiltrate stormwater flows of up to 40% of ultimate Q 1 year.

- (v) Infiltration basins are to consist of raw dune sand with an minimal vegetation cover of endemic dune grasses. 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.

24. 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.

25. 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 -

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"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*.
26. Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17° or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.

Such plans shall generally incorporate the following and preferably be prepared by a landscape architect:

- i) Contours and terraces where the height exceeds 1m.
 - ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
 - iii) Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
 - iv) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.
 - v) The landscaping shall be completed to the satisfaction of the Director Development Services **PRIOR** to the issue of a Subdivision Certificate.
 - vi) A bond shall be lodged prior to the issue of the subdivision certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.
27. The drainage swale shall be replanted with suitable indigenous vegetation sourced locally.
28. Evidence shall be provided to substantiate that the 30 large mature Banksias as provided on Management Lot 1 as required by Condition 86(3) of K99/1360 are well established. Should any of the well established 30 large mature Banksia be on the subject land the applicant shall clearly identify and mark these Banksias to prevent their removal during construction activities.

PRIOR TO COMMENCEMENT OF WORK

29. Subdivision work in accordance with a development consent must not be commenced until:-

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- (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.
30. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.
- 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 has been released.
31. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of the Director, Development Services. The sign is to remain in place until the Subdivision Certificate is issued.
32. 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.
33. 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.

The haul route for the transportation of fill material shall be approved prior to the commencement of filling operations.

DURING CONSTRUCTION

34. 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:-

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- (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
- 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

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- 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 Management Act 2000 to be certified by an "accredited certifier".
35. Before the commencement of the relevant stages of road construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.
 - a. That the pavement has been designed and constructed in accordance with subgrade analysis as per Austroads Pavement Design, A Guide to the Structural Design of Road Pavements.
 - b. That the pavement materials used comply with the specifications in RTA Form Q3051 (June 1998)
 - c. That the pavement layers have been compacted to RTA specifications.
 - d. That site fill areas have been compacted to the specified standard.
 - e. That supervision of Bulk Earthworks has been to Level 1 and/or Level 2 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
 - f. That pavement testing has been completed in accordance with Table 8.1 of AS 3798-1996.
36. All proposed road/streets, drainage and associated works within the subdivision shall be designed and constructed in accordance with the development consent plans **AND** the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.
37. 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.
38. 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.
39. 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.
40. 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:

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A. Short Term Period - 4 weeks.

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

B. Long term period - the duration.

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

41. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited unless approved in writing by Council's Director Engineering Services.
42. No soil, sand, gravel, clay or other material shall be disposed of off the site.
43. 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.
44. 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.
45. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.
46. 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.
47. 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.
48. Provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet.
49. Pram ramps are to be constructed at road intersections in accordance with Council's Plan No. A4-96 to the satisfaction of the Director of Engineering Services and in accordance with Council's Standard Plan No. A4-96. Mountable or roll top kerb does not meet pram ramp requirements, and therefore requires a pram ramp to be constructed as above.

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50. The footpath area is to be graded to the kerb and a turfed strip shall be placed along the full frontage of the site.
51. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped.
52. All proposed building pads are to be above the Q100 design flood level, including provision for any localised overland flow, such that at least 300mm freeboard is provided to the satisfaction of the Director Development Services.
53. The earthworks shall be carried out in accordance with AS 3798, "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 nominated in Table 5.1 - Guidelines for Minimum Relative Compaction.
54. The earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with Appendix B, AS 3798-1996. In addition, the frequency of field density testing shall be to a Type 1 standard in accordance with Table 8.1 of AS 3798. The geotechnical report shall be accompanied by a certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798.
55. 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.

56. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
57. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
58. 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.

USE

59. The LA10 noise level emitted from the premises shall not exceed the background noise level (LA90) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more

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than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.

60. 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.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

61. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No 1098/2001DA have been complied with.
62. 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 as to user requiring that all roofwater from dwellings shall be discharged to an approved infiltration pit located on the subject land. The infiltration pit shall be approved by the Principle Certifying Authority.
 3. A restriction as to user for proposed lot 1 requiring the extent of the bushfire hazard reduction zone and ongoing maintenance responsibilities thereof. The restriction as to user shall be consistent with Condition 1 Schedule A.

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.

63. 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.
64. 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.
65. 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

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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.

66. 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 of \$118.00 per lot ie 11 lots @ \$118.00 - \$1298.00
 - relevant development consent
 - detailed subdivision engineering plans endorsed with a construction certificate (where applicable)
 - 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)
 - 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
- (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.

67. 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:

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- (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.

68. 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.

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

70. Prior to the issue of a Subdivision Certificate and also prior to the end of defects liability period, a CCTV inspection of the stormwater pipes will be required to demonstrate that the standard of the stormwater system is acceptable to Council.

Any defects identified by the inspection are to be repaired using any one of the following repair techniques or such other technique as may be approved by the Director of Engineering Services.

- Tiger Patch patch liner;
- Econoliner;
- PL Quick Sleeve System;
- Flexi-Bond method

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

71. 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

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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.

72. 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 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 Management Act 2000 to be certified by an Accredited Certifier.

73. The production of written evidence from Telstra Australia certifying that satisfactory arrangements have been made for the provision of underground telephone supply.
74. i. The production of written evidence from Country Energy certifying that reticulation of underground electricity (residential and rural residential) has been completed; and
- ii. The reticulation to include the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.
75. The following restrictions apply to dog and cat ownership and control on **all** residential lots:-
- 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 or modified only with the consent of Council.

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76. All stormwater gully lintels shall have the following notice **cast** into the top of the lintel: '**DUMP NO RUBBISH, FLOWS INTO CREEK**' or similar wording to the satisfaction of the Director of Development Services.
77. (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 lodgment of any plan of subdivision in respect of the development.
- Names which duplicate existing and approved street names will not be approved.
78. **PRIOR** to the issue of a Subdivision Certificate, the works required by the Bushfire Management Plan referred to Schedule A, that relate to the subdivision are to be completed to the satisfaction of the Director Development Services.

Voting - Unanimous

3. Draft Kingscliff Centres Study

GT1/29/2 Pt2; K'cliff Centres Structure Study

896

Cr Boyd

Cr Carroll

RESOLVED that Council extends the exhibition of the draft Kingscliff Centres Study to 14 May 2002.

Voting - Unanimous

4. Banora Point Community Survey - Consultant's Report

DA1393/320 Pt1

Cr Marshall

Cr Boyd

PROPOSED that Council:

1. Notes the tabled Research Report on Banora Point Community Centre prepared by Market Facts (Qld) Pty Ltd;
2. On the basis of the demonstrated substantial community support for the project, proceeds with final design consultation processes for the Community Centre at Banora Point, by way of the Establishment Committee previously formed and the appointed design consultant;

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3. Bases design of the Community Centre substantially on the preferred activities and facilities indicated by the Survey;
4. Calls for a further report setting out the features of the final design and management organization proposals for the Centre.

AMENDMENT

897

Cr Polglase

Cr Brinsmead

RESOLVED that this matter be held in abeyance until discussions are held between representatives from the Salvation Army, the Department of Education and Council to address the community needs in the area, with Council's priority being the provision of community facilities in acknowledgement of the result of the survey.

The Amendment was **Carried**

Voting For

Cr Polglase
Cr Boyd
Cr Brinsmead
Cr Carroll
Cr Lawrie
Cr Marshall
Cr Youngblutt

Voting Against

Cr James

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

Voting For

Cr Polglase
Cr Boyd
Cr Brinsmead
Cr Carroll
Cr Lawrie
Cr Marshall
Cr Youngblutt

Voting Against

Cr James

898

Cr Lawrie

Cr Youngblutt

RESOLVED that before Council makes a final resolution, a well publicised, educative public meeting be held with a representative of Market Facts in attendance to explain the outcome of the survey.

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Voting For

Cr Polglase
Cr Boyd
Cr Brinsmead
Cr Carroll
Cr James
Cr Lawrie
Cr Youngblutt

Voting Against

Cr Marshall

DECLARATION OF INTEREST

Cr Boyd declared an interest in Item No 5, left the Chamber and took no part in the discussion and voting.

The nature of the interest is that Cr Boyd resides in the vicinity of the subject property.

ATTENDANCE AT MEETING

Cr Luff attended the meeting at 3.45pm.

5. **Development Application 1226/2001DA for the Erection of a Dwelling House to be Used for Bed and Breakfast Accommodation at Lot 19 DP1006946, No. 12 Wedgetail Court, Dulguigan**

DA5862/32 Pt1

899

Cr James

Cr Luff

RESOLVED that the applicant be advised of the post determination options available and pursues such in accordance with the set fees and charges.

Voting - Unanimous

RETURN TO MEETING

Cr Boyd returned to the meeting.

6. **Assignment of Rights Under the Deed of Agreement from Lenen Pty Ltd to King Network Group Pty Ltd - Lenen North Land**

DA1190/115 Pt3; DA1180/10 Pt5

900

Cr Luff

Cr Lawrie

RESOLVED that the Deed of Agreement between Council and King Network Group Pty Ltd be executed under the Common Seal of Council.

Voting - Unanimous

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REPORTS FROM DIRECTOR CORPORATE SERVICES

7. Councillors Fees, Expenses and Facilities

Councillors - Fees

Cr Marshall

Cr Youngblutt

PROPOSED that the Policy for Councillors Fees, Expenses and Facilities as follows, be adopted:

CI.1 Councillor's Fees, Expenses and Facilities

Objective

To ensure that the fees paid, civic expenses reimbursed and facilities provided to the Mayor and Councillors are appropriate to the importance of the Office.

To ensure that the Mayor and Councillors do not suffer financial hardship by meeting their Civic responsibilities as a member of the governing body of the Council or as an elected person.

CI.1.1 Introduction

In accordance with the provisions of the Local Government Act 1993, the Council is required to adopt a policy concerning the payment of fees and expenses and the provision of facilities to the Mayor, Deputy Mayor and other Councillors in relation to their roles as elected persons and members of the governing body of the Council.

Councillors, in carrying out their civic responsibilities, are required to attend a variety of functions in their capacity as a representative of Council, ie Council meetings, Committee meetings, and as delegates.

Councillors will also be expected to attend a variety of functions in a capacity where they may not directly represent Council, but attendance is relevant to their effectiveness as a Councillor, ie attendance at community functions.

The Local Government Act recognises this obligation and makes provision for payment of fees (s248 and s249); payment of expenses (s252) and provision of facilities (s252).

CI.1.2 Legislative Provision

Division 5 of Chapter 9 of the Local Government Act 1993 provides what fees, expenses and facilities may be paid or provided to the Mayor and Councillors.

CI.1.2.1 Fixing and Payment of Annual Fees for Councillors

S248

- 1. A council must pay each Councillor an annual fee.*
- 2. A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
- 3. The annual fee so fixed must be the same for each Councillor.*

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4. *A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*

CI.1.2.2 Fixing and Payment of Annual Fees for the Mayor

S249

1. *A council must pay the Mayor an annual fee.*
2. *The annual fee must be paid in addition to the fee paid to the Mayor as a Councillor.*
3. *A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
4. *A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*
5. *A council may pay the Deputy Mayor (if there is one) a fee determined by the council for such time as the Deputy Mayor acts in the office of the Mayor. The amount of the fee so paid must be deducted from the Mayor's annual fee.*

CI.1.2.3 Payment of Expenses and Provision of Facilities

S251

1. *A Council must adopt a policy concerning the payment of expenses incurred or to be incurred by and the provision of facilities to the Mayor, the Deputy Mayor (if there is one) and the other Councillors in relation to discharging the functions of civic office.*
2. *The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the Mayor or a Councillor of a facility provided by the Council to the Mayor or Councillor.*

CI.1.2.4 Public Notice of Proposed Policy concerning Expenses and Facilities

S253

1. *Before adopting a policy for the payment of expenses or provision of facilities, the Council must give at least 28 days' public notice of the proposal.*

CI.1.2.5 Decision to be made in Open Meeting

S254

1. *The Council or a Council Committee all the members of which are Councillors must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or at which any proposal concerning those matters is discussed or considered.*

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CI.1.3 Fees

The Remuneration Tribunal must not later than 1 May in each year determine in each of the categories determined under Section 239 the maximum and minimum amounts of fees to be paid during the following year to Councillors and Mayors.

CI.1.4 Expenses

CI.1.4.1 Carer Expenses

Councillors are entitled to the reimbursement of carer expenses that were necessary to enable Councillors to attend Council business. The maximum entitlement for such expenses is \$2,000 per annum. Receipts will need to be provided no later than three (3) months after the expense has been incurred for reimbursement of funds.

CI.1.4.2 Mobile Phone Charges

Councillors will be provided with a mobile telephone to assist in undertaking Councillor duties. Council will meet the cost of providing the telephone, maintenance, monthly service and access fees, and call charges made on Council business. Individual Councillors meet the cost of any additional calls.

CI.1.4.3 Facsimile Charges

Councillors will be provided with a fax machine to assist in undertaking Councillor duties. Council will meet the cost of providing the fax machine, maintenance and rental charges for one (1) home facsimile line.

CI.1.4.4 Internet Charges

Council will meet the cost of internet charges involved in the conduct of Council business.

CI.1.4.5 Postage of Official Councillor Correspondence

Councillors will be reimbursed where expenses can be verified and where it is impractical to use the Council's own mail system.

CI.1.4.6 Travelling Expenses

a) Within the Local Government Area

Councillors will be entitled to be reimbursed for travel from their home whilst on Council business at the rate per kilometre as set out in the Local Government State Award.

The travelling expense is payable for Council Meetings, Committee Meetings, formal and social functions where representing council, consultation with the Mayor, General Manager, or staff or other meetings involving the general community and attendance is approved for the purpose of this Policy by the Mayor or General Manager.

b) Outside the Local Government Area

Councillors will be entitled to travel to official engagements at Council's expense by the most practical method, ie aircraft, Council vehicle or private vehicle.

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Councillors, when travelling by air, will travel Economy Class or as determined by the General Manager.

A Councillor who travels in his/her own vehicle will be reimbursed at the appropriate per kilometre rate or airfare whichever is the lower.

CI.1.5 Expenses Incurred at Conferences, Seminars and Courses

Attendance at Conferences by Councillors must be covered by Council resolution;

Conferences, Seminars and Courses – reimbursement of costs associated with:-

CI.1.5.1 Registration

Including official luncheons, dinners and tours relevant to the Conference.

CI.1.5.2 Travel

By Council vehicle, private vehicle, hire vehicle, rail or air. Persons using private vehicles to be reimbursed according to the relevant kilometre rate in the staff award (subject to the costs not exceeding the economy class air fare as applicable). Any travel by train will be by First Class, including sleeping berths where necessary. With all travel arrangements due consideration is to be given to the physical capacity of the Councillor and any variation to these arrangements be with the approval of the Mayor and the General Manager.

CI.1.5.3 Accommodation

Accommodation for other Council business will be as follows:

- i) at a standard of up to four star NRMA rating;*
- ii) booked and paid for by Council in advance or, where this is not possible, a claim for reimbursement made no later than three months after the expenses were incurred, and with receipts attached.*

CI.1.5.4 Meals and Other Expenses

Reasonable costs (including sustenance, telephone charges and incidental expenses) including the night before and after the conference where necessary to be met by the Council.

CI.1.5.5 Spouses/Partners Accompanying Delegates

Accommodation (shared basis) will be met by Council.

CI.1.6 Insurance

Councillors are to receive the benefit of insurance cover for:

CI.1.6.1 Personal Injury

Whilst on Council business, covering bodily injury caused by accidental, violent, external and visible means up to a sub-limit for death and capital limits of \$500,000. Also covering permanent disablement, temporary total disability and temporary partial disability.

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CI.1.6.2 Professional Indemnity

For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors provided the performance or exercise of the relevant civic duty or function in the opinion of Council bona fide and/or proper and is carried out in good faith, as required under 731 of the Local Government Act.

CI.1.6.3 Public Liability

For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors, carryout out in good faith.

CI.1.7 Facilities – Councillors

CI.1.7.1 Stationery

Use of personalised Councillor letterhead and envelopes

CI.1.7.2 Postage

Official Councillor correspondence – to be directed through the Council's own mail system. If not practicable reimbursement will be made for costs involved.

CI.1.7.3 Facsimile Machines/Answering Machines

Purchase and maintenance of machines, including supply of all fax paper, such to remain the property of Council.

CI.1.7.4 Meetings, Meals and Refreshments

Provision of meals and refreshments associated with Council, Committee and Working Party meetings where appropriate.

CI.1.7.5 Meeting Rooms / Councillor Room

Provision of meeting room facilities, including telephone, computer network facilities, and access to a photocopier in the Administration Centre for the purpose of Council Committee and Working Party Meetings, and for meeting with constituents.

CI.1.7.6 Mobile Phones

Provision of a mobile telephone, with the cost of calls on Council business to be met by Council and all private calls cost be met by the individual Councillor.

CI.1.7.7 Secretarial Support

The provision of secretarial support, as necessary, for Councillors generally.

CI.1.7.8 Access to Council Files

All Council files to be made available to Councillors with the exception of those parts exempt under the provisions of the Freedom of Information Act.

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Councillors seeking information from Staff or Council records are to make requests through the appropriate Director or Manager.

Councillors are to establish an agreed timeframe with the Manager Administration/Public Officer for the provision of, or access to information.

CI.1.7.9 Business Cards

250 Business cards (replacement on request).

CI.1.7.10 Christmas Cards

100 Maximum per year.

CI.1.7.11 Filing Cabinet

Councillors to be provided with home filing cabinet if requested.

CI.1.7.12 Name Badges

Councillors to be provided with a name badge.

CI.1.7.13 Relevant Acts, Building Codes, Policy Register

A current copy of the relevant Acts, Building Codes and a copy of the Policy Register to be made available upon request.

CI.1.8 Additional Facilities – Mayor

CI.1.8.1 Mayor Office

Mayor Office to be provided including office furniture, desk, chair, filing cabinets, meeting table and chairs and a bar fridge.

CI.1.8.2 Council Vehicle

A Council vehicle will be provided in accordance with Council's resolution.

CI.1.8.2 Secretarial Support

Suitably qualified and experienced person to provide administrative support, word processing, secretarial support, research and briefings.

CI.1.8.3 Administrative Support

Assistance with organisation of functions and meetings and briefings on functions to which the Mayor is invited to attend.

CI.1.8.4 Office Refreshment

As provided in the Mayor Office for entertainment purposes.

CI.1.8.5 Stationery

Mayoral letterhead, envelopes and stationery generally.

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C1.1.8.6 Mobile Phone

Purchase and maintenance. Payment of service and equipment charges and all calls made on Council business.

C1.1.9 Conditions for the Provision of a Motor Vehicle to the Mayor

C1.1.9.1

The conditions of the use of the vehicle by the Mayor were covered by Minute No 170 of Council meeting of 19 July 1995 and Minute No 652 of the Council meeting of 20 December 2000.

C1.1.9.2

The motor vehicle is and shall remain the property of Council and shall be surrendered to Council by the Mayor in the even that the person is no longer the Mayor.

C1.1.9.3

Council shall replace each motor vehicle as soon as is practicable after the expiry of twenty four (24) months from the date of the first registration of the motor vehicle or forty thousand kilometres (40,000km) of travel whichever occurs first. The type of vehicle provided is to be of the standard of a Ford Fairlane/Holden Calais or an alternative which is mutually acceptable to Council and the Mayor.

C1.1.9.4

Council cars provide in accordance with this Agreement shall bear no markings or identification.

C1.1.9.5

The Mayor is to be given unrestricted use of such vehicle with the council servicing and maintaining such vehicle, paying registration and insurance (including full comprehensive cover) and providing petrol.

C1.1.9.6

Private use means that the Mayor and his/her spouse or other licensed driver (provided the Mayor or Mayor's spouse is in the car) or any other Council employee are allowed to drive the vehicle.

C1.1.9.7

The Mayor is responsible for the proper care and maintenance of the vehicle including garaging, regular cleaning – both inside and outside – and ensuring that normal running items such as petrol, oil, battery, radiator and tyre pressure are checked at regular intervals, in accordance with the Manufacturer's recommendations.

C1.1.9.8

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The Mayor is not allowed to compete in any car rally or competition or use the vehicle in any manner which may contravene the comprehensive insurance policy and result in voidance of the insurance cover and/or the vehicle Manufacturer's warranty.

CI.1.9.9

If the vehicle is involved in an accident, the Mayor agrees to pay the full amount of any claim rejected by Council's insurers due to a breach of the insurance contract by an action of the Mayor or the Mayor's family. An age excess applicable to a claim is to be paid by the Mayor, except where the driver is an employee of Council.

CI.1.10

Gifts to Councillors

Council adopts the policy of the NSW Government covering Ministers (and spouses), in that any gift worth over \$200 is officially valued, recorded and comes the property of the Council

CI.1.11 Reporting on Councillors Expenses

All relevant financial payments made to Councillors in pursuit of their duties as Councillors is to be included in Council's annual report and their attendance at all categories of meetings, so that Councillors' performance can be more fairly and accurately monitored by the ratepayers.

CI.1.12 Private Benefits

Any private benefit derived from facilities provided for discharging the functions of civic office shall be deducted from fees paid to Councillors.

CI.1.13 Acquisition of Equipment

Upon ceasing the position of Councillor or Mayor all equipment must be returned to Council.

AMENDMENT 1

901

Cr Luff

Cr Carroll

RESOLVED that the Policy for Councillors Fees, Expenses and Facilities as follows be adopted:

CI.1 Councillor's Fees, Expenses and Facilities

Objective

To ensure that the fees paid, civic expenses reimbursed and facilities provided to the Mayor and Councillors are appropriate to the importance of the Office.

To ensure that the Mayor and Councillors do not suffer financial hardship by meeting their Civic responsibilities as a member of the governing body of the Council or as an elected person.

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C1.1.1 Introduction

In accordance with the provisions of the Local Government Act 1993, the Council is required to adopt a policy concerning the payment of fees and expenses and the provision of facilities to the Mayor, Deputy Mayor and other Councillors in relation to their roles as elected persons and members of the governing body of the Council.

Councillors, in carrying out their civic responsibilities, are required to attend a variety of functions in their capacity as a representative of Council, ie Council meetings, Committee meetings, and as delegates.

Councillors will also be expected to attend a variety of functions in a capacity where they may not directly represent Council, but attendance is relevant to their effectiveness as a Councillor, ie attendance at community functions.

The Local Government Act recognises this obligation and makes provision for payment of fees (s248 and s249); payment of expenses (s252) and provision of facilities (s252).

C1.1.2 Legislative Provision

Division 5 of Chapter 9 of the Local Government Act 1993 provides what fees, expenses and facilities may be paid or provided to the Mayor and Councillors.

C1.1.2.1 Fixing and Payment of Annual Fees for Councillors

- S248 1. *A council must pay each Councillor an annual fee.*
2. *A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
 3. *The annual fee so fixed must be the same for each Councillor.*
 4. *A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*

C1.1.2.2 Fixing and Payment of Annual Fees for the Mayor

- S249 1. *A council must pay the Mayor an annual fee.*
2. *The annual fee must be paid in addition to the fee paid to the Mayor as a Councillor.*
 3. *A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
 4. *A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*

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5. *A council may pay the Deputy Mayor (if there is one) a fee determined by the council for such time as the Deputy Mayor acts in the office of the Mayor. The amount of the fee so paid must be deducted from the Mayor's annual fee.*

CI.1.2.3 Payment of Expenses and Provision of Facilities

- S251 1. *A Council must adopt a policy concerning the payment of expenses incurred or to be incurred by and the provision of facilities to the Mayor, the Deputy Mayor (if there is one) and the other Councillors in relation to discharging the functions of civic office.*
2. *The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the Mayor or a Councillor of a facility provided by the Council to the Mayor or Councillor.*

CI.1.2.4 Public Notice of Proposed Policy concerning Expenses and Facilities

- S253 1. *Before adopting a policy for the payment of expenses or provision of facilities, the Council must give at least 28 days' public notice of the proposal.*

CI.1.2.5 Decision to be made in Open Meeting

- S254 1. *The Council or a Council Committee all the members of which are Councillors must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or at which any proposal concerning those matters is discussed or considered.*

CI.1.3 Fees

The Remuneration Tribunal must not later than 1 May in each year determine in each of the categories determined under Section 239 the maximum and minimum amounts of fees to be paid during the following year to Councillors and Mayors.

CI.1.4 Expenses

CI.1.4.1 Carer Expenses

Councillors are entitled to the reimbursement of carer expenses that were necessary to enable Councillors to attend Council business. The maximum entitlement for such expenses is \$2,000 per annum. Receipts will need to be provided no later than three (3) months after the expense has been incurred for reimbursement of funds.

CI.1.4.2 Mobile Phone Charges

Councillors will be provided with a mobile telephone to assist in undertaking Councillor duties. Council will meet the cost of providing the telephone,

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maintenance, monthly service and access fees, and call charges made on Council business. Individual Councillors meet the cost of any additional calls.

CI.1.4.3 Facsimile Charges

Councillors will be provided with a fax machine to assist in undertaking Councillor duties. Council will meet the cost of providing the fax machine, maintenance and rental charges for one (1) home facsimile line.

CI.1.4.4 Internet Charges

Council will meet the cost of internet charges involved in the conduct of Council business.

CI.1.4.5 Postage of Official Councillor Correspondence

Councillors will be reimbursed where expenses can be verified and where it is impractical to use the Council's own mail system.

CI.1.4.6 Travelling Expenses

a) Within the Local Government Area

Councillors will be entitled to be reimbursed for travel from their home whilst on Council business at the rate per kilometre as set out in the Local Government State Award.

The travelling expense is payable for Council Meetings, Committee Meetings, formal and social functions where representing council, consultation with the Mayor, General Manager, or staff or other meetings involving the general community and attendance is approved for the purpose of this Policy by the Mayor or General Manager.

b) Outside the Local Government Area

Councillors will be entitled to travel to official engagements at Council's expense by the most practical method, ie aircraft, Council vehicle or private vehicle.

Councillors, when travelling by air, will travel Economy Class or as determined by the General Manager.

A Councillor who travels in his/her own vehicle will be reimbursed at the appropriate per kilometre rate or airfare whichever is the lower.

CI.1.5 Expenses Incurred at Conferences, Seminars and Courses

Attendance at Conferences by Councillors must be covered by Council resolution; Conferences, Seminars and Courses – reimbursement of costs associated with:-

CI.1.5.1 Registration

Including official luncheons, dinners and tours relevant to the Conference.

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CI.1.5.2 Travel

By Council vehicle, private vehicle, hire vehicle, rail or air. Persons using private vehicles to be reimbursed according to the relevant kilometre rate in the staff award (subject to the costs not exceeding the economy class air fare as applicable). Any travel by train will be by First Class, including sleeping berths where necessary. With all travel arrangements due consideration is to be given to the physical capacity of the Councillor and any variation to these arrangements be with the approval of the Mayor and the General Manager.

CI.1.5.3 Accommodation

Accommodation for other Council business will be as follows:

- i) at a standard of up to four star NRMA rating;*
- ii) booked and paid for by Council in advance or, where this is not possible, a claim for reimbursement made no later than three months after the expenses were incurred, and with receipts attached.*

CI.1.5.4 Meals and Other Expenses

Reasonable costs (including sustenance, telephone charges and incidental expenses) including the night before and after the conference where necessary to be met by the Council.

CI.1.5.5 Spouses/Partners Accompanying Delegates

Accommodation (shared basis) will be met by Council.

CI.1.6 Insurance

Councillors are to receive the benefit of insurance cover for:

CI.1.6.1 Personal Injury

Whilst on Council business, covering bodily injury caused by accidental, violent, external and visible means up to a sub-limit for death and capital limits of \$500,000. Also covering permanent disablement, temporary total disability and temporary partial disability.

CI.1.6.2 Professional Indemnity

For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors provided the performance or exercise of the relevant civic duty or function in the opinion of Council bona fide and/or proper and is carried out in good faith, as required under 731 of the Local Government Act.

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CI.1.6.3 Public Liability

For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors, carry out in good faith.

CI.1.7 Facilities – Councillors

CI.1.7.1 Stationery

Use of personalised Councillor letterhead and envelopes

CI.1.7.2 Postage

Official Councillor correspondence – to be directed through the Council's own mail system. If not practicable reimbursement will be made for costs involved.

CI.1.7.3 Facsimile Machines/Answering Machines

Purchase and maintenance of machines, including supply of all fax paper, such to remain the property of Council.

CI.1.7.4 Meetings, Meals and Refreshments

Provision of meals and refreshments associated with Council, Committee and Working Party meetings where appropriate.

CI.1.7.5 Meeting Rooms / Councillor Room

Provision of meeting room facilities, including telephone, computer network facilities, and access to a photocopier in the Administration Centre for the purpose of Council Committee and Working Party Meetings, and for meeting with constituents.

CI.1.7.6 Mobile Phones

Provision of a mobile telephone, with the cost of calls on Council business to be met by Council and all private calls cost be met by the individual Councillor.

CI.1.7.7 Secretarial Support

The provision of secretarial support, as necessary, for Councillors generally.

CI.1.7.8 Access to Council Files

All Council files to be made available to Councillors with the exception of those parts exempt under the provisions of the Freedom of Information Act.

Councillors seeking information from Staff or Council records are to make requests through the appropriate Director or Manager.

Councillors are to establish an agreed timeframe with the Manager Administration/Public Officer for the provision of, or access to information.

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CI.1.7.9 Business Cards

250 Business cards (replacement on request).

CI.1.7.10 Christmas Cards

100 Maximum per year.

CI.1.7.11 Filing Cabinet

Councillors to be provided with home filing cabinet if requested.

CI.1.7.12 Name Badges

Councillors to be provided with a name badge.

CI.1.7.13 Relevant Acts, Building Codes, Policy Register

A current copy of the relevant Acts, Building Codes and a copy of the Policy Register to be made available upon request.

CI.1.8 Additional Facilities – Mayor

CI.1.8.1 Mayor Office

Mayor Office to be provided including office furniture, desk, chair, filing cabinets, meeting table and chairs and a bar fridge.

CI.1.8.2 Council Vehicle

A Council vehicle will be provided in accordance with Council's resolution.

CI.1.8.2 Secretarial Support

Suitably qualified and experienced person to provide administrative support, word processing, secretarial support, research and briefings.

CI.1.8.3 Administrative Support

Assistance with organisation of functions and meetings and briefings on functions to which the Mayor is invited to attend.

CI.1.8.4 Office Refreshment

As provided in the Mayor Office for entertainment purposes.

CI.1.8.5 Stationery

Mayoral letterhead, envelopes and stationery generally.

CI.1.8.6 Mobile Phone

Purchase and maintenance. Payment of service and equipment charges and all calls made on Council business.

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CI.1.9 Conditions for the Provision of a Motor Vehicle to the Mayor

- CI.1.9.1*** *The conditions of the use of the vehicle by the Mayor were covered by Minute No 170 of Council meeting of 19 July 1995 and Minute No 652 of the Council meeting of 20 December 2000.*
- CI.1.9.2*** *The motor vehicle is and shall remain the property of Council and shall be surrendered to Council by the Mayor in the even that the person is no longer the Mayor.*
- CI.1.9.3*** *Council shall replace each motor vehicle as soon as is practicable after the expiry of twenty four (24) months from the date of the first registration of the motor vehicle or forty thousand kilometres (40,000km) of travel whichever occurs first. The type of vehicle provided is to be of the standard of a Ford Fairlane/Holden Calais or an alternative which is mutually acceptable to Council and the Mayor.*
- CI.1.9.4*** *Council cars provide in accordance with this Agreement shall bear no markings or identification.*
- CI.1.9.5*** *The Mayor is to be given unrestricted use of such vehicle with the council servicing and maintaining such vehicle, paying registration and insurance (including full comprehensive cover) and providing petrol.*
- CI.1.9.6*** *Private use means that the Mayor and his/her spouse or other licensed driver (provided the Mayor or Mayor's spouse is in the car) or any other Council employee are allowed to drive the vehicle.*
- CI.1.9.7*** *The Mayor is responsible for the proper care and maintenance of the vehicle including garaging, regular cleaning – both inside and outside – and ensuring that normal running items such as petrol, oil, battery, radiator and type pressure are checked at regular intervals, in accordance with the Manufacturer's recommendations.*
- CI.1.9.8*** *The Mayor is not allowed to compete in any car rally or competition or use the vehicle in any manner which may contravene the comprehensive insurance policy and result in voidance of the insurance cover and/or the vehicle Manufacturer's warranty.*
- CI.1.9.9*** *If the vehicle is involved in an accident, the Mayor agrees to pay the full amount of any claim rejected by Council's insurers due to a breach of the insurance contract by an action of the Mayor or the Mayor's family. An age excess applicable to a claim is to be paid by the Mayor, except where the driver is an employee of Council.*
- CI.1.10*** *Gifts, Benefits and Hospitality to Councillors*
- Gifts and hospitality should only be token in nature and accepted only when to refuse would give offence.*

Token means for example:

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- *Tea or coffee or light refreshments*
- *baseball cap*
- *tie*
- *note pad*
- *key ring.*

CI.1.11 *Reporting on Councillors Expenses*

All relevant financial payments made to Councillors in pursuit of their duties as Councillors is to be included in Council's annual report and their attendance at all categories of meetings, so that Councillors' performance can be more fairly and accurately monitored by the ratepayers.

CI.1.12 *Private Benefits*

Any private benefit derived from facilities provided for discharging the functions of civic office shall be deducted from fees paid to Councillors.

CI.1.13 *Acquisition of Equipment*

Upon ceasing the position of Councillor or Mayor all equipment must be returned to Council.

Amendment 1 was **Carried** and became the Motion.

Voting For

Cr Polglase
Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

Cr Brinsmead
Cr Lawrie
Cr Marshall
Cr Youngblutt

AMENDMENT 2

Cr Brinsmead

Cr Marshall

PROPOSED that:-

"CI.1.10 *Gifts, Benefits and Hospitality to Councillors*

Gifts and hospitality should only be token in nature and accepted only when to refuse would give offence.

Token means for example:

- *One-off expressions of modest hospitality"*

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Amendment 2 was **Lost**

Voting For

Cr Brinsmead
Cr Lawrie
Cr Marshall
Cr Youngblutt

Voting Against

Cr Polglase
Cr Boyd
Cr Carroll
Cr James
Cr Luff

Amendment 1 on being the Motion was **Carried**

Voting For

Cr Polglase
Cr Boyd
Cr Brinsmead
Cr Carroll
Cr James
Cr Lawrie
Cr Luff

Voting Against

Cr Marshall
Cr Youngblutt

8. Local Government Amendment Bill

Local Government Act

Cr James

Cr Luff

PROPOSED that this item be received and noted.

AMENDMENT

902

Cr Boyd

Cr Marshall

RESOLVED that:-

1. Council supports the Local Government Amendment Ethics Review Panel Bill and advises Mr David Barr, MP that Council generally supports his draft Bill but suggests that it does not go far enough and that it should empower the Panel to make recommendations to the Minister on the need for expulsion or suspension of individual councillors.
2. A copy of the above resolution be sent to Mr V De Luca.

The Amendment was **Carried**

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Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff
Cr Marshall

Voting Against

Cr Polglase
Cr Brinsmead
Cr Lawrie
Cr Youngblutt

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

Voting For

Cr Polglase
Cr Boyd
Cr Carroll
Cr James
Cr Luff
Cr Marshall

Voting Against

Cr Brinsmead
Cr Lawrie
Cr Youngblutt

9. Monthly Investment Report for Period Ending 31 March 2002

Monthly Investment Report

903

**Cr Boyd
Cr Marshall**

RESOLVED that this report be received and noted.

Voting – Unanimous

TEMPORARY ABSENCE FROM MEETING

Cr Youngblutt left the meeting.

10. Telephone System - Outstanding Resolution of 20 February 2002

Office Equipment - Telephones

904

**Cr Marshall
Cr Luff**

RESOLVED that this report be received and noted.

Voting - Unanimous

11. Shires Association of NSW - 2002 Election of Executive Council

Elections - General; Shires Association - General; DW663656

905

**Cr Marshall
Cr Boyd**

RESOLVED that this report be received and noted.

Voting - Unanimous

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12. Tweed and Coolangatta Tourism Inc. (TACTIC) Monthly Performance Report - February 2002

TACTIC

906

Cr Boyd

Cr Lawrie

RESOLVED that this report be received and noted.

Voting - Unanimous

13. Local Government and Shires Association of NSW Membership Subscriptions 2002/2003

DW663883; Local Govt & Shires Assn - General

907

Cr Boyd

Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

14. Tweed Economic Development Corporation (TEDC) Quarterly Performance Report - January to March 2002

TEDC

908

Cr Boyd

Cr Luff

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM DIRECTOR ENGINEERING SERVICES

15. Realignment of Fernvale Road, Fernvale - Land Acquisitions

GR3/12/1; Road Closures – Condong; Fernvale Road

909

Cr Boyd

Cr Marshall

RESOLVED that Council:-

1. Approves the acquisition of Lot 1 in DP 1039120 for road purposes and Lot 2 for compensation purposes under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991 for the purposes of the Roads Act, 1993; and
2. Endorses all necessary documentation under the Common Seal of Council.

Voting - Unanimous

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16. Floodplain Management - Flood Modelling

Flood Plain Management; Voluntary House Purchase

910

Cr Boyd

Cr Marshall

RESOLVED that \$10,000 of loan funds be transferred from Flood Mitigation Voluntary Purchase to Flood Mitigation - Flood Warning Systems in the current budget.

Voting - Unanimous

17. Directional Signage - Tweed Coast Road

R1181 Pt12; Directional Signs; Coast Rd

911

Cr Boyd

Cr Marshall

RESOLVED that Kingscliff directional signage be reinstated at the intersection of Casuarina Way on the Tweed Coast Road.

Voting - Unanimous

18. Kerb & Gutter Contributions - Roberta Crescent

R4770; Accounts – Sundry Debtors; Kerb & Gutter

912

Cr Boyd

Cr Marshall

RESOLVED that this report be received and noted.

Voting - Unanimous

RETURN TO MEETING

Cr Youngblutt returned to the meeting.

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

19. Australia's Centenary of Federation - Centenary Medals

Centenary of Federation; Civic Awards

913

Cr Luff

Cr Boyd

RESOLVED that Council advises the organiser of the Commonwealth Government Centenary Medal that:-

1. It is disappointed that it has been requested to provide nominations for the medal by 26 April 2002
2. Unless an extension of time is immediately indicated to Council, Council would be unable to fairly nominate people for medals and obtain the required information.

Voting – Unanimous

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20. Joint Select Committee on the Quality of Buildings

Accredited Certifiers; Building Code

914

Cr Boyd

Cr Marshall

RESOLVED that Items 1 to 16, as follows, be referred to the Joint Select Committee on the Quality of Buildings as Council's submission:-

1. The current system needs a more extensive auditing process by the Department of Urban Affairs and Planning (planningNSW). This is required to ensure that Accredited Certifiers are carrying out all processes correctly. It is also important that the auditing process investigates and ensures that the Conflict of Interest provisions of the Act are complied with and be seen to be complied with.
2. The matter of Conflict of Interest is considered to be clouding the whole certification process. There needs to be a clear intent that the Accredited Certifier (AC) is to be fully independent of the developer and have no other "contracts" or engagements with the owner, developer or consultants for the project other than providing the certification and inspection services and no long term contract or agreements for such service. Each project needs to be a separate engagement.
3. All documents such as plans and statements of environmental effects are to have the author identified on the document. Currently AC's are preparing documents for lodgement with applications without an identification of who has prepared these documents.
4. The legislation also needs to be amended to ensure it is clear that members and/or employees of a company cannot be accredited certifiers if other members and/or employees are providing design or any other services to the project.
5. A director or employee of a company providing certification services should not be a director or employee of another company having any other role or deriving a benefit from the development.
6. The appointment of the AC and/or PCA shall contain the signature of the owner of the development. There are many cases where the owners are unaware of who is certifying the project.
7. Council sees a real conflict of interest where the builder appoints the AC. This is even more applicable when the builder is also the owner and developer. When this occurs the AC is virtually an employee or sub-contractor of the builder. Thus in reality there is no independence of the AC, and there is anecdotal evidence of builders advising certifiers "*to remember who pays your wages*", when requested to attend to matters on site, and also of AC's advising an owner who is complaining about the builder that "*I work for the builder*".

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Under no commercial arrangement can it be guaranteed that the AC will not see it necessary to ensure they are not getting off side with the builder as there is ongoing work available.

This does not occur where the AC is appointed by the owner if the owner is not also the builder.

In the past the work required to be done could be easily insisted upon by a building inspector as the builder had no role in the choice of the building inspector for the next project.

8. It must be clear in the legislation who is to be responsible for enforcement of the Conflict of Interest provisions of the Act. This really should not be the role of councils who are also involved in approval and certification processes and in a way are in competition with the accredited certifier.
9. Copies of all development consents should be required to be sent by council to the owner. The owner is often not aware of conditions which affect the ongoing use of the building.
10. Council also considers that it would be in the interest of the consumer, in this case the owner, if all correspondence sent from Council to the applicant for a development approval was also required to be sent to the owner to keep the owner aware of the issues relating to the application on their property.
11. A significant issue is the use of alternative solutions for compliance with the objectives of the Building Code of Australia (BCA). It is considered that currently "alternative solutions" are being "written", or even approved without being "written", in retrospect to cover matters which have already been done not in compliance with the deemed to satisfy provisions of the BCA. It should be a requirement that all alternative solutions are documented and the documentation forwarded to Council prior to the work being carried out. The same provision for prior documentation will apply to council approval of alternative solutions.
12. The matter of approval or certification of significant alternative solutions such as those affecting fire safety issues or fire service issues needs to be reviewed.

It is considered that bearing in mind the significant issues of personal safety that can be affected by the design and structure of buildings, that a more rigorous process should be introduced for approval or certification of alternative solutions beyond a "specified level". The definition may present some difficulty and it is understood this matter is currently being considered by a committee convened by the Australian Institute of Building Surveyors (NSW Chapter).

The specified level of alternative solutions should not be approved or certified by either a council or AC unless an independent third party report certifying the adequacy of the alternative solution in complying with the objectives of the BCA. This third party cannot be associated with the owner, builder, designer or certifier and must, of course, not be involved in the design process. The use of such a third party report does not

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mean the council or AC has to issue the approval or certificate but it cannot issue such without compliance with such a report or the deemed to satisfy provisions of the BCA.

13. The accreditation process needs to be reviewed to ensure that the accreditation bodies more effectively deal with complaints and where necessary take appropriate disciplinary action.

There seems to be a reluctance on behalf of BSAP to take matters to the Administrative Decisions Tribunal. This seems to be based on the fear of being sued by an accredited certifier if the certifier is not found guilty by the Tribunal.

It would be considered appropriate for the accreditation body which is acting on behalf of the Government to be assisted with costs for these actions and to be protected from action against it by the AC unless the Tribunal finds the Accreditation Body to have been vindictive in its actions.

14. All Class 1 buildings should be required to be issued with Occupation Certificate.
15. Compulsory critical phase inspections should be introduced with a requirement for Compliance Certificate to be issued for each phase.
16. The accreditation schemes should be extended to require accreditation of all professions and trades that are providers of certificates which are relied upon for the initial approval and final certification of buildings.

Voting - Unanimous

21. Advice for Police Advisory Committee

Police

915

Cr James

Cr Lawrie

RESOLVED that this item be received and noted.

Voting - Unanimous

22. Delegates to the Richmond-Tweed Regional Library Committee

Library - Richmond/Tweed

916

Cr Marshall

Cr Boyd

RESOLVED that Council notifies the Richmond-Tweed Regional Library Committee that Tweed Shire Council nominated representatives be as previously advised.

Voting - Unanimous

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23. World Environment Day 2002

Sustaining the Tweed

917

Cr Carroll

Cr Boyd

RESOLVED that Council:-

1. Publicly endorses the conducting of the National Ecotourism Conference on 1 June and World Environment Day celebrations on 2 June in Murwillumbah as a weekend of community information and celebration.
2. Provides in-kind support to World Environment Day as determined by the Director Environment and Community Services.

Voting - Unanimous

REPORTS FROM SUB-COMMITTEES

1. **Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 14 March 2002**

Dunecare

1. **Bush Fire Management Plan**

Bush Fire Management Plan

918

Cr Boyd

Cr Youngblutt

RESOLVED that Council notes the recommendation and the Committee's comments be taken into account in the preparation of a DCP and review of the LEP in relation to Bush Fire Hazard Planning.

Voting - Unanimous

10. **Fencing and Walkways**

Budget; Fencing Matters

919

Cr Boyd

Cr Youngblutt

RESOLVED that Council considers increasing the Dune Care budget in 2002/2003 by \$20,000 to reflect the earlier reduction in the maintenance budget.

Voting - Unanimous

920

Cr Boyd

Cr Youngblutt

RESOLVED that the balance of the Minutes of the Tweed Dune Care Advisory Committee Meeting be adopted.

Voting - Unanimous

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**2. Minutes of the Public Transport Working Group Committee Meeting held
Thursday 21 March 2002**

Public Transport Committee

1. Policy Document Review

Public Transport Committee

921

Cr Boyd

Cr Marshall

RESOLVED that Council expresses support for this initiative to encourage the provision of a passenger rail service between the main towns in the Northern Rivers Region, and possibly provide a letter of support.

Voting - Unanimous

922

Cr Boyd

Cr Marshall

RESOLVED that the balance of the Minutes of the Public Transport Working Group Committee Meeting be adopted.

Voting - Unanimous

OUTSTANDING INSPECTIONS

Nil.

ORDERS OF THE DAY

Nil.

WORKSHOPS PREVIEW

1. Kingscliff Centre Study

GT1/29/2 Pt2; K'cliff Centres Structure Study

This Workshop has been cancelled.

ITEM NOT ON THE AGENDA

1. Proposed Extraordinary Meeting Dates

Budget; Council Meetings

923

Cr Boyd

Cr Youngblutt

RESOLVED that Council schedules Extraordinary Council Meetings to consider the 2002/2005 Management Plan/Budget as follows:-

24 April commencing at 4.30pm;

29 May commencing at 4.30pm.

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Voting - Unanimous

QUESTION TIME

Nil.

COMMITTEE OF THE WHOLE

924

Cr Boyd

Cr Luff

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

6. **Sale of Proposed Lots 1, 3, 5 & 7 Lease of Proposed Lots 2, 4, 6, & 8 Created by Road Closure Plan at Chinderah Bay Road, Chinderah**
R1071 Pt2; Road Closure - Cudgen; Chinderah Bay Rd

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

(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

C211

That this item be dealt with at Item 4 (Minute No C215 refers).

Voting - Unanimous

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REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES IN COMMITTEE

1. **Review of Determination of Section 96 Application to Amend Development Consent 0473/2001DA for the Erection and Operation of a Roadside Stall at Lot 2 DP616751 Cudgen Road, Cudgen**

DA1460/880 Pt1; Roadside Stalls

*Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)
(e) information that would, if disclosed, prejudice the maintenance of law*

C212

That the applicant be advised that Council has reviewed the determination of the Section 96 application to amend development consent 0473/2001DA pursuant to Section 82A of the Environmental Planning and Assessment Act and that the review has been unsuccessful.

Voting For

Cr Polglase
Cr Boyd
Cr Carroll
Cr James
Cr Luff
Cr Marshall

Voting Against

Cr Brinsmead
Cr Lawrie
Cr Youngblutt

REPORTS FROM DIRECTOR CORPORATE SERVICES IN COMMITTEE

2. **Far North Coast Weeds**

FNCC

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

C213

That Council advises the Far North Coast County Council that their proposal for organisation structure and operations is supported.

Voting - Unanimous

REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

3. **Unauthorised Works in Nullum Street Road Reserve in Murwillumbah**

R3770 Pt2; 3770.230

*Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)
(f) matters affecting the security of the council, councillors, council staff or council property*

C214

That:-

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1. Formal notice under Section 237 (1) of the Roads Act 1993 be issued to Brims Coaches Pty Ltd requiring removal of unauthorised works, and reinstatement, in Nullum Street within 30 days.
2. If notice in part 1 not completed to satisfaction of Director of Engineering Services the work specified in the notice be undertaken by Council at the expense of Brims Coaches Pty Ltd under Section 23 (1) and (2) of the Roads Act 1993.
3. If part 2 of recommendation is evoked, the cost of recovery be pursued by Council's solicitors.

Voting - Unanimous

4. **Sale of Proposed Lots 1, 3, 5 and 7 and Lease of Proposed Lots 2, 4, 6 and 8 Created by Road Closure Plan at Chinderah Bay Road, Chinderah R1071 Pt2, Chinderah Bay Rd; Road Closure - Cudgen**

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

- (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*

C215

That:-

A. Council:

1. Approves the sale of Lots 1, 3, 5 and 7 created by the registration of the road closure plan to the new purchasers;
 2. Approves the Contract for Sale for Lot 1 to be subject to a plan of consolidation being prepared prior to settlement which will create a Right of Public Access for the whole area of Lot 1;
 3. Approves the Contract for Sale for Lots 3, 5 and 7 being made subject to the applicant adhering to performance criteria regarding the development;
 4. Approves the leasing of Lots 2, 4, 6 and 8 created from the road closure to the new purchasers
- B. All legal and survey costs be borne by Rivercott Pty Ltd and Geographe Pty Ltd and that this liability be transferable to any party with whom Rivercott Pty Ltd and Geographe Pty Ltd sell their interests to;
- C. All necessary documentation be completed under the Common Seal of Council.

Voting - Unanimous

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5. Acquisition of Lot 17 Lakeview Parade, Tweed Heads South

DA2990/430 Pt2

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

- (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*

C216

That Council approves the payment of a GST component in the purchase of Lot 17 Lakeview Parade, Tweed Heads South from GW Grinter in the sum of \$5,500.00.

Voting - Unanimous

6. Compulsory Acquisition by RTA of Lot 4 in DP 412404 being 4 Parkes Drive, Tweed Heads

4140.70 - Land Acquisition - Tugun Bypass

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

- (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*

C217

That Council:-

1. Supports the compulsory acquisition of Lot 4 in DP 412404 by the Roads and Traffic Authority with regard to Council's interest in the property as Charged to recover outstanding rates and interest; and
2. Endorses all necessary documents under the Common Seal of Council

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES IN COMMITTEE

7. Dilapidated Verandah - 47-49 Bawden Street Tumbulgam

PF0460/270

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*

C218

That Council:-

1. Serves a Notice of Intention to issue an Order No 2(c) under Section 121B of the Environmental Planning and Assessment Act 1979 requiring the owner of lots 29/30 Section 2 Deposited Plan 1223 No 47-49 Bawden Street, Tumbulgam to demolish the dilapidated verandah attached to the front of the dwelling within sixty (60) days of the

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issue of the order and that submissions may be made to the Manager Environment and Health Services within 21 day of service of the Notice of Intention;

2. Delegates to the General Manager the authority to issue an order if considered necessary after consideration of any information submitted by the owner;
3. Reviews the other outstanding defects to the dwelling after a period of two (2) years.

Voting - Unanimous

7a. Tweed Valley Art Gallery Foundation Ltd

Art Gallery - General

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

C220

That Council:-

1. Advises the Tweed Valley Art Gallery Foundation Limited that Council is not prepared to support the resolution of 7 August 2002 and considers the resolution to be invalid as the Foundation cannot resolve as to what action "*all members of the Foundation*" may take;
2. Confirms the action in regard to the engagement of a Barrister.

Voting - Unanimous

925

Cr Youngblutt

Cr Lawrie

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

Voting - Unanimous

There being no further business the Meeting terminated at 6.05pm.



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 71 of these Minutes

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Chairman