

IN ATTENDANCE

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

Mr Russell Logan (Aboriginal Mentor Program)

Councillors Carroll and Luff were not present at the commencement of the meeting.

Also present were Dr John Griffin (General Manager), Mr Mike Rayner (Director Engineering Services), Mr Garry Smith (Acting Director Development Services), Mr Don Buckley (Director Environment & Community Services) to 4.35pm, Mr Geoff Edwards (Manager Environment & Health) from 4.35pm, Mrs Meredith Smith and Mrs Maree Morgan (Minutes Secretary)

PRAYER

The meeting opened with a Prayer by Council's Chaplain, Bishop John Grindrod.

The first prayer is one of the prayers for the Advent Season which marks the preparation for Christmas, when Christ came to us as a child, and looks towards his final meeting point with us all.

The second prayer, in form, was a prayer for Africa and is adapted for Australia and our leaders:-

*"Merciful God,
you have made us and all things to serve you:
come quickly to save us,
so that wars and violence shall end
and all people may live in peace,
honouring one another with justice and love;
through Jesus Christ, your Son our Lord,
who lives with you in the unity of the Holy Spirit,
one God, now and forever. Amen."*

*"God, bless Australia,
guard her people,
guide her leaders
give her peace. Amen."*

CONFIRMATION OF MINUTES

Minutes of the Ordinary Council Meeting held 19 November 2003

1005 RESOLUTION:

Councillor G Davidson
Councillor M R Boyd

RESOLVED that the Minutes of the Council Meeting held 19 November 2003 be adopted as a true and accurate record of proceedings of that meeting.

Voting - Unanimous

APOLOGIES

Councillor W M Marshall

Councillor W M Marshall has informed the General Manager that her absence is caused by ill health.

1006 RESOLUTION:

Councillor G J Lawrie
Councillor M R Boyd

RESOLVED that the apology of Councillor W M Marshall be accepted.

DELEGATES REPORT - MR RUSSELL LOGAN (ABORIGINAL MENTOR PROGRAM)

Nil.

ATTENDANCE AT MEETING

Councillor B M Luff attended the meeting at 3.06 pm.

DISCLOSURE OF INTEREST

Nil.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

Schedule of Outstanding Resolutions

1007 RESOLUTION:

Councillor G J Lawrie
Councillor M R Boyd

RESOLVED the Schedule of Outstanding Resolutions be received and noted

Voting - Unanimous

MAYORAL MINUTE

Mayoral Minute

Councillors,

1. NRACC Ballina

20 November - attended NRACC Chair's meeting in Ballina.

2. John Anderson Dinner, Hastings Point

20 November – attended dinner for John Anderson – Hastings Point

3. Mount St Patrick's College Year 12 Formal

21 November 2003 – attended Year 12 Formal - Murwillumbah

4. National Assembly of Local Government, Canberra

23 – 28 November – attended National Assembly of Local Government – Canberra ACT.

5. Protest Rally – Tweed Heads

26 NOVEMBER – ATTENDING PROTEST RALLY “AXE THE TAX” FOR CLUBS – TWEED HEADS

6. Tweed Futures Public Meeting, Tweed Heads

1 December - attending Tweed Futures Meeting at the Tweed Heads Auditorium.

7. Banora Point Residents Association Meeting, Tweed Heads

1 December – attending Banora Point Residents Association meeting at Tweed Heads Bowls Club.

8. Tweed Futures Public Meeting, Pottsville

3 December – attending Tweed Futures public meeting – Pottsville School.

INVITATIONS ACCEPTED:

- 18 November – Business Excellence Meeting – Tweed Heads Bowls Club.
 - 20 November - Dinner for John Anderson – Hastings Point
 - 21 November - St Patrick’s College Year 12 Formal - Murwillumbah
 - 23 November – Presentation at National General Assembly of Local Government, Canberra
 - 3 December – Opening of Disability Forum – Tweed Heads
 - 3 December – Blind & Vision Impaired Support Group Christmas Function - Murwillumbah
 - 3 December – Lindisfarne School Presentation Day – West Tweed Heads
-

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

- National Framework for Women in Local Government Forum for Local Councils
27 November 2003 Campbelltown
-

ABSENCES FROM SHIRE BY EXECUTIVE

GM	2 December 2003	Lismore	NOROC Meeting
GM	12 December 2003	Sydney	LGMA Meeting

1008 RESOLUTION:

Councillor W J Polglase

RESOLVED the Mayoral Minute be adopted.

Voting - Unanimous

ITEMS DEFERRED

[ID] Lower Oxley River Bank Stabilisation Project - Water Unit Contribution THIS ITEM IS THE SUBJECT OF A FURTHER REPORT AT ITEM No 11 OF THIS AGENDA)

1009 RESOLUTION:

Councillor M R Boyd
Councillor H James

RESOLVED that this item be dealt with at Item 11 of the Agenda (Minute No 1023 refers).

Voting - Unanimous

REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

- 1 [DS] Development Application DA03/0512 for the Establishment of a Residential Aged Care Facility at Lot A DP 415245, Lot B DP 415245, No. 194 Byangum Road, Murwillumbah**

1010 RESOLUTION:

Councillor M R Boyd
Councillor L F Beck

RESOLVED that Development Application DA03/0512 for the establishment of a residential aged care facility at Lot A DP 415245, Lot B DP 415245, No. 194 Byangum Road, Murwillumbah be approved subject to the following conditions: -

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plans Nos 1390 DA02 to 1390 DA11 inclusive prepared by MPS Architects lodged with the development application, Landscape Plan SK01 prepared by MPS Architects, proposed pedestrian refuge prepared by Martin Findlater & Associates Pty Ltd and marked, except where varied by these conditions.

[GEN0010]
2. 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.

[GEN0050]
3. No retaining walls or similar structures are to be constructed over Council's sewer main.

[GEN0090]
4. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0120]
5. 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.

[GEN0150]
6. The development is to be only occupied by persons authorised under State Environmental Planning Policy No.5 - Housing for Older People or People with a Disability.

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. Any carparking floodlighting shall not spill beyond the boundaries of the site. A plan of the lighting shall be approved by the Director of Development Services **PRIOR** to the issue of a Construction Certificate.

[PCC0030]

8. 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 to 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.

[PCC0040]

9. Section 94 Contributions

- (i) Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

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

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/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.

STAGE 1

- a. Tweed Road Contribution Plan: \$16,257.00
S94 Plan No. 4 (Version 4.0)
(Sector 9 - Murwillumbah)

Heavy Haulage Component

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

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

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

- | | | |
|----|---|-------------|
| b. | Open Space (Casual):
S94 Plan No. 5 | \$4,172.00 |
| c. | Shirewide Library Facilities:
S94 Plan No. 11 | \$17,406.00 |
| d. | Eviron Cemetery/Crematorium Facilities:
S94 Plan No. 13 | \$2,872.00 |
| e. | Emergency Facilities (Surf Lifesaving)
(REMSHIRE)
S94 Plan No. 16 | \$5,450.00 |
| f. | Extensions to Council Administration Offices
& Technical Support Facilities
S94 Plan No. 18 | \$7,751.60 |
| g. | Cycleways
S94 Plan No. 22 | \$4,060.00 |
| h. | Regional Open Space (Casual)
S94 Plan No. 26 | \$5,521.00 |

STAGE 2

- | | | |
|----|---|-------------|
| a. | Tweed Road Contribution Plan:
S94 Plan No. 4 (Version 4.0)
(Sector 9 - Murwillumbah) | \$12,758.00 |
|----|---|-------------|

Heavy Haulage Component

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

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

where:

$\text{\$Con TRCP - Heavy}$ 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)

$\text{\$Unit}$ 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 (Casual):
S94 Plan No. 5 | \$2,856.00 |
| c. | Shirewide Library Facilities:
S94 Plan No. 11 | \$11,904.00 |
| d. | Eviron Cemetery/Crematorium Facilities:
S94 Plan No. 13 | \$1,980.00 |
| e. | Emergency Facilities (Surf Lifesaving)
(REMSHIRE)
S94 Plan No. 16 | \$3,726.00 |
| f. | Extensions to Council Administration Offices
& Technical Support Facilities
S94 Plan No. 18 | \$5,350.07 |

- g. Cycleways \$2,776.00
S94 Plan No. 22
- h. Regional Open Space (Casual) \$3,779.00
S94 Plan No. 26

[PCC0050/PSC0005]

10. 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 146 of the Environmental Planning and Assessment Regulations, 2000, 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:

STAGE 1

Water: \$88,077.00

Sewer: \$70,505.00

STAGE 2

Water: \$61,034.00

Sewer: \$48,857.00

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.

[PCC0070/PSC0004]

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

[PCC0190]

12. 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*.
- (d) Specific requirements:
 - (a) Stormwater to be Discharged to Tombonda Road
 - (i) Stormwater runoff to be discharged from the site to Tombonda Road must be conveyed by an underground pipe system and connected to Council's existing underground drainage system in Tombonda Road.
 - (ii) Engineering plans of the above connection must be submitted for approval by Council with the Local Government Act s68 Stormwater Application.
 - (b) Stormwater runoff to be discharged to Gully on Lot 3 DP 529148
 - (i) On site stormwater detention and outlet controls must be installed in accordance with and achieve the peak discharge limits proposed by the report accompanying the application titled "Cardno MBK, Murwillumbah Aged Care Facility - Engineering Report - March 2003".

- (ii) "Outlet B" referred to in the above report must be provided with flow dissipation and downstream scour protection to ensure no adverse impacts on the downstream flow path
- (iii) Engineering plans of the devices referred to in (i) and (ii) must be submitted for approval by Council with the Local Government Act s68 Stormwater Application.
- (iv) The Local Government Act s68 stormwater application must be accompanied the written approval of the owner of Lot 3 DP 529148 for discharge of stormwater from the development to their land and the construction on their land of the flow dissipation and scour protection devices.

[PCC0230]

13. 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.

[PCC0240]

14. Three copies of detailed hydraulic plans shall be submitted with all trade waste applications which indicate size, type and location of pre-treatment devices. All plumbing and drainage installations to these devices shall comply with AS3500.

[PCC0300]

15. Erosion and Sediment Control During the Construction Phase of Development

- (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with *the "Tweed Urban Stormwater Quality Management Plan"* (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan *"Tweed Shire Council Aus-Spec D7 - Stormwater Quality"* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond (if required) has been released.

- (b) The Construction Certificate Application must include a detailed erosion and sediment control plan (ESCP) for the construction phase of development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality*. [PCC0320]
16. Prior to the issue of a construction certificate a noise management plan shall be approved by the Director of Environment and Community Services. The noise management plan shall address the above noise related consent conditions.
17. A statement by the Tweed Shire Council Waste Contactor confirming the available of waste services within the required times and accessibility to the site and waste area shall be provided prior to the issue of a construction certificate.
18. Prior to issue of a construction certificate detailed design plans shall be submitted and approved by the Director of Engineering Services for the works within Byangum Road as marked on the stamped plan and required by conditions of this consent including road widening for the full frontage.
19. Prior to issue of a construction certificate an alternative solution to address BCA compliance shall be provided based on liaison with the NSW Fire Brigade and suitably qualified building surveyor to confirm adequacy of design (in particular Brigade intervention, egress to 'open space' and compartmentation). [PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

20. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore required that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design. [PCW0010]
21. All cut or fill on the property is to be battered at an angle not greater than 45⁰ 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. [PCW0040]

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

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

[PCW0050]

23. 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.

[PCW0060]

24. 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.

[PCW0070]

25. 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.

[PCW0090]

26. An application to connect to Council's sewer is to be submitted to and approved by Council prior to the commencement of any works on the site.

[PCW0210]

27. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.

[PCW0230]

28. Trade Waste application fee will be applicable as per Councils Fees and Charges.

[PCW0240]

DURING CONSTRUCTION

29. 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).

[DUR0010]

30. 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.

[DUR0080]

31. 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.

[DUR0130]

32. 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. completion of work

[DUR0170]

33. 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.

[DUR0200]

34. All fire service connections are to be compatible with those of the NSW Fire Brigade.

[DUR0250]

35. Access to the building for disabled persons shall be provided and constructed in accordance with the requirements of Part D3 of the Building Code of Australia and Australian Standard AS 1428.1. [DUR0260]
36. If access for the disabled is required under Part D3 of the Building Code of Australia, facilities for the use of the disabled shall be provided as specified in Part F2.4 of the Building Code of Australia and shall be constructed to the requirements of Australian Standard AS1428.1. [DUR0280]
37. Tactile ground surface indicators for orientation of people with vision impairment are to be provided in accordance with Australian Standard AS1428.4 [DUR0290]
38. 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. [DUR0430]
39. The concrete driveway across the footpath is to be constructed in accordance with the approved plan and be a minimum of 150 millimetres thick reinforced with F82 mesh. [DUR0440]
40. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the Director, Engineering Services. Twenty four (24) hours notice is to be given to Council's Engineering Services Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction. Paving bricks are not acceptable unless laid on a 100mm thick concrete base. [DUR0470]
41. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties. [DUR0850]
42. 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. [DUR0870]
43. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles. [DUR0880]

44. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays. [DUR0900]
45. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited. [DUR0920]
46. 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. [DUR0930]
47. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development. [DUR0980]
48. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- a. internal drainage, prior to slab preparation;
 - b. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - c. external drainage prior to backfilling.
 - d. completion of work. [DUR1020]
49. 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. [DUR1030]
50. 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. [DUR1110]
51. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-

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

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

[DUR1160]

52. A hose tap shall be provided adjacent to a grease arrester for cleaning purposes and shall be fitted with a RPZD for the purpose of back flow prevention.

[DUR1180]

53. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:

- i. All required erosion and sedimentation control devices have been installed and are operational.
- ii. Required toilet facilities have been provided on the site.
- iii. A sign has been erected on the site identifying:
 - Lot number
 - Builder
 - Phone number of builder or person responsible for site.
- iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
- v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.

[DUR1200]

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

[DUR1210]

55. The development is to be provided in accordance with the requirements of Clause 13A of State Environmental Planning Policy No. 5 - Housing for Older People or People with a Disability.

56. Discharge to Council's Sewer shall comply with the current Trade Waste Policy.

57. During construction the noise levels produced by the development shall not exceed 10dB(A) above the background noise level (L90) at the boundary of any affected residence from 7.00am to 7.00pm Monday to Saturday.
58. During construction the noise levels produced by the development shall not exceed the background noise level (L90) at the boundary of any affected residence from 7.00pm to 7.00am Monday to Saturday and Sundays and public holidays.
59. The premises and equipment must comply with the requirements of the Australian Food Standards Code as called into force by the Food Regulation 2001. Details of food preparation areas, fittings and equipment are to be submitted to Council prior to the issue of a construction certificate.
60. Any lighting shall not spill beyond the boundary of the property.
61. Road widening and vertical faced kerb and gutter is to be constructed for the full frontage to Byangum Road. The kerb alignment is to be 6.0 metres from the existing painted centrelines.
62. The existing sewer main on RTA site should have easement minimum 3m wide over it.
[DURNS01]
63. The provision of 21 off street car parking spaces including disabled spaces and ambulance bay. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.
[DUR0050]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

64. 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.
[POC0020]
65. 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).
[POC0030]
66. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.

[POC0050]

67. Roadworks must be completed prior to occupation of the development.
68. A 3m wide easement should be created over the existing sewer line located on the Aged Care facility property.

[POCNS01]

USE

69. All trade materials, product and plant to be kept within confines of the building at all times.
69. All loading/unloading to take place within the boundary of the subject property.
70. A person must not commence a change of building use for the whole or any part of an existing building unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).
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. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997.
73. A backflow containment device will be installed adjacent to Council's water meter installation at the property boundary in accordance with AS3500. The device is to be maintained in accordance with the provisions of AS3500 by the owner of the property at the owners expense.
74. Owners of buildings servicing any 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.
75. All deliveries to the premises are to occur only within the hours of 7.00am to 6.00pm Monday to Saturday and within the hours of 8.00am to 5.00pm on Sundays, unless otherwise approved by Council's Director Environment and Community Services. Urgent or medical related deliveries excepted.
76. The noise levels produced by the development shall not exceed the Intrusiveness Criteria as defined by the New South Wales Environment Protection Authority Industrial Noise Policy at the boundary of any affected

- residence from 7.00am to 10.00pm Monday to Saturday and 8.00am to 10.00pm on Sundays and public holidays.
77. The noise levels produced by the development shall not be audible within any habitable room in any residential premises between the hours 10.00pm and 7.00am Monday to Saturday or 10.00pm and 8.00am on Sundays and public holidays.
78. The premises is to be operated in accordance with the requirements of the Australian Food Standards Code as called into force by the Food Regulation 2001.
79. Service vehicles access and vehicle unloading and loading is restricted to between 7.00am to 7.00pm Monday to Saturday and 8.00am to 7.00pm on Sundays and public holidays, unless varied in writing by the Director of Environment and Community Services.
80. Non-emergency and non-staff vehicle access to the site is restricted to between 7.00am to 7.00pm Monday to Saturday and 8.00am to 7.00pm on Sundays and public holidays, unless varied in writing by the Director of Environment and Community Services.

[USENS01]

Voting - Unanimous

ATTENDANCE AT MEETING

Councillor B J Carroll attended the meeting at 3.25 pm.

2 [DS] Development Application DA03/0962 for the Erection of a Mixed Commercial/Retail and Residential Building at Lot 24 DP 31208 No. 47 Tweed Coast Road, Bogangar

Councillor H James
Councillor M R Boyd

PROPOSED that Development Application DA03/0962 for the erection of a mixed commercial/retail and residential building at Lot 24 DP 31208, No. 47 Tweed Coast Road, Bogangar be refused for the following reasons: -

1. The proposed variation to the height limitation as provided by Clause 16 of the Tweed Local Environmental Plan 2000 is not supported.
2. The proposed variation to the on site car parking requirements of development Control Plan No.2 - Access and Car Parking is not supported.

3. The height and scale of the proposed development is not considered appropriate resulting in impacts to the amenity of the rear laneway and adjoining property.
4. The proposed development does not achieve an adequate standard of security and amenity in the design.
5. The proposed development would result in a precedent in the locality that is considered unacceptable.
6. The SEPP1 application has not demonstrated why the 3 storey height limit is unreasonable or unnecessary.
7. The development is not considered to be in the public interest due to the number and magnitude of variations to Council's standards that are proposed.
8. The proposal is an overdevelopment of the site given the significant non-compliances with Council's height, car parking and setback requirements.

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

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Lawrie
Cr Luff

Voting Against

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Davidson
Cr Youngblutt

1011 RESOLUTION:

Councillor L F Beck
Councillor G Davidson

RESOLVED that Council supports in principle Development Application DA03/0962 for the erection of a mixed commercial/retail and residential building at Lot 24 DP 31208 No 47 Tweed Coast Road and brings forward conditions for consideration of Council at the next meeting.

PROCEDURAL MOTION

1012 RESOLUTION:

Councillor G Davidson

RESOLVED that the Motion be put.

Voting For	Voting Against
Cr Polglase	Cr Boyd
Cr Beck	Cr Carroll
Cr Brinsmead	Cr James
Cr Davidson	Cr Luff
Cr Lawrie	
Cr Youngblutt	

The Motion was **Carried** on the casting vote of the Mayor

Voting For	Voting Against
Cr Polglase	Cr Boyd
Cr Beck	Cr Carroll
Cr Brinsmead	Cr James
Cr Davidson	Cr Lawrie
Cr Youngblutt	Cr Luff

3 [DS] National Parks & Wildlife Act 1974 - Interim Protection Order, Kings Forest

1013 RESOLUTION:

Councillor B M Luff
Councillor G Davidson

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER

4 [OGM] 2003/04 Fees & Charges - New Fee to Operate a Surf School

1014 RESOLUTION:

Councillor M R Boyd
Councillor B M Luff

RESOLVED that the weekly fee of \$40.00 for operation of a surf school on Tweed Shire beaches be exhibited publicly for 28 days.

Voting - Unanimous

5 [OGM] Rate Pensioner Concessions and Cost to Council

1015 RESOLUTION:

Councillor M R Boyd
Councillor B M Luff

RESOLVED that this report be received and noted.

Voting - Unanimous

LATE ITEM

1016 RESOLUTION:

Councillor G Davidson
Councillor B M Luff

RESOLVED that Item 5a being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

Voting - Unanimous

A5 [GM] Federal Government House Economics Committee - Inquiry into Cost Shifting onto Local Government

1017 RESOLUTION:

Councillor B M Luff
Councillor M R Boyd

RESOLVED that this report be received and noted.

Voting - Unanimous

REPORTS FROM DIRECTOR ENGINEERING SERVICES

6 [ES] Application to Close Council Public Road - Double View Road, Farrants Hill

1018 RESOLUTION:

Councillor M R Boyd
Councillor G Davidson

RESOLVED that:-

1. Council approves the closure of part of the road reserve of Double View Road, Farrants Hill;
2. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by the State Valuation Office;
3. The title of the closed road be consolidated with the adjacent land;
4. Easements be created over public authority reticulation services, if any; and
5. All necessary documentation be executed under Common Seal of Council.

Voting - Unanimous

7 [ES] Cranneys Road Right of Carriageway

1019 RESOLUTION:

Councillor P C P Youngblutt
Councillor M R Boyd

RESOLVED that Council proceeds to complete the survey to allow the dedication of the right-of-carriageway on Lot 11 DP 778734 Cranneys Road as public road.

Voting - Unanimous

8 [ES] Tweed Valley Way - Burringbar Range Slope Stability

1020 RESOLUTION:

Councillor M R Boyd
Councillor B M Luff

RESOLVED that Council proceeds with the Option 4 treatment recommended by the Roads & Traffic Authority for the Burringbar Range slope.

Voting - Unanimous

9 [ES] Naming of Crown Road Transferred to Council Located off Depot Road, Kings Forest

1021 RESOLUTION:

Councillor B M Luff
Councillor H James

RESOLVED that:-

1. Council adopts the naming of the public road as *Secret Lane*.
2. The naming of the public road be gazetted under the provisions of the Roads (General) Regulation, 1994 and the Roads Act, 1993.

Voting - Unanimous

10 [ES] North East Weight of Loads Group - Deed of Agreement

1022 RESOLUTION:

Councillor B M Luff
Councillor M R Boyd

RESOLVED that the NEWLOG Deed of Agreement be executed under the Common Seal of Council.

Voting - Unanimous

11 [ES] Lower Oxley River Bank Stabilisation Project - Water Unit Contribution

1023 RESOLUTION:

Councillor H James
Councillor M R Boyd

RESOLVED that Council approves the allocation of \$30,000 from the Water Budget towards the Lower Oxley River Riparian Rehabilitation project.

Voting - Unanimous

REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

12 [EC] NSW Ministry for the Arts 2004 Infrastructure Grants

1024 RESOLUTION:

Councillor G Davidson
Councillor B M Luff

RESOLVED that Council accepts the grant and votes the expenditure.

Voting For	Voting Against
Cr Polglase	Cr Beck
Cr Boyd	Cr Youngblutt
Cr Brinsmead	
Cr Carroll	
Cr Davidson	
Cr James	
Cr Lawrie	
Cr Luff	

13 [EC] NSW Ministry for the Arts 2004 Grant

1025 RESOLUTION:

Councillor B M Luff
Councillor B J Carroll

RESOLVED that Council accepts the votes the expenditure.

Voting For

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

Voting Against

Cr Youngblutt

14 [EC] Development Application DA03/1180 for a Workshop/Garage at Lot 9 DP 263200 No 15 Carrington Court, Terranora

1026 RESOLUTION:

Councillor P C P Youngblutt
Councillor M R Boyd

RESOLVED that Development Application DA03/1180 for a workshop/garage at Lot 9 DP 263200, No. 15 Carrington Court Terranora be approved subject to the following conditions: -

1. 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.

[GEN0150]

GENERAL

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

[GEN0020]

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

[GEN0120]

4. A 1.80m high timber fence shall be erected along the western side of the workshop so that the windows and door in the western wall of the workshop and the vehicular entry to the workshop are obscured from the area of the swimming pool on the adjoining property.

[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

[PCC0160]

6. 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:

(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.

[PCC0310]

PRIOR TO COMMENCEMENT OF WORK

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

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

[PCW0050]

8. 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.

[PCW0090]

9. Prior to the commencement of works on the site all required erosion and sedimentation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.

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

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

[PCW0280]

DURING CONSTRUCTION

10. 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).

[DUR0010]
11. 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.

[DUR0080]
12. 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.

[DUR0130]
13. 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
14. 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.

[DUR0870]
15. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays or public holidays.

[DUR0900]
16. The roof cladding is to have low reflectivity where it would otherwise cause nuisance to the occupants of the buildings with direct line of sight to the proposed building.

[DUR0960]

17. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
- a. internal drainage, prior to slab preparation;
 - b. water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - c. external drainage prior to backfilling.
 - d. completion of work. [DUR1020]
18. 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. [DUR1030]
19. 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. [DUR1130]
20. The finished floor level of the building should finish not less than 225mm above finished ground level. [DUR1150]
21. 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. [DUR1160]
22. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
- i. All required erosion and sedimentation control devices have been installed and are operational.
 - ii. Required toilet facilities have been provided on the site.
-

- iii. A sign has been erected on the site identifying:
- Lot number
 - Builder
 - Phone number of builder or person responsible for site
- iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
- v. That the licensee has complied with the provisions of Section 98(1)(b) of the Environmental Planning and Assessment Amendment Regulations 2000.
- [DUR1200]
23. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
- [DUR1210]
24. Overflow stormwater from the proposed rainwater tanks shall be disposed of into rubble pits so that no nuisance is caused to adjoining property owners .

Details of the rubble pits shall be submitted to and approved by the Principal Certifying Authority prior to commencement of works on that part.

[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

25. 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.

[POC0020]

USE

26. The building is not to be used for any habitable commercial or industrial purpose.

[USE0060]

S68 WASTE TREATMENT DEVICE

27. The on site sewage management system proposed for the above site is approved subject to the following additional special conditions.

- i. All sanitary plumbing and drainage work is done in accordance with the requirements of the local sewage authority or the Local Government (Water, Sewerage and Drainage) Regulation 1993. No alterations or additions are permitted without the express approval of Council.
- ii. A minimum landscaped area should be provided in accordance with the recommendations contained in the On site Waste Management Report number 2003.19 prepared by HMC Environmental Services and dated April 2003 for the specific purpose of receiving the effluent from the aerated septic tank.
- iii. An aerated waste treatment system must not be installed in such a way that it can contaminate any domestic water supply.
- iv. All distribution lines of the irrigation system must be buried to a minimum depth of 100mm below finished ground level.
- v. All irrigation equipment must be installed in such a way that it will not be readily subject to damage.
- vi. All irrigation pipework and fittings must comply with AS 2698 *Plastic pipes and fittings for irrigation and rural applications*; and
 - a. standard household hose fittings may not be used.
 - b. the irrigation system may not be capable of being connected to the mains water supply.
- vii. Effluent from aerated waste treatment system must be managed by the use of one or more of the irrigation techniques specified in AS 1547.
- viii. The land application area must not be used to grow vegetables or fruit for human consumption.
- ix. The land application area may be divided into two or more areas.
- x. Additional land application areas may be used only with the written prior approval of Council.
- xi. Soaker hoses and standard household sprinklers and attachments must not be used for the irrigation of aerated waste treatment systems effluent.
- xii. The irrigation system must be operated in such a way as to prevent any run-off of effluent from the land application area.

- xiii. The land application area should be landscaped by terracing and filling or retaining and filling so as to provide a relatively level area to the satisfaction of Council.
 - xiv. All effluent land application areas must be completely prepared or landscaped to the satisfaction of Council before:
 - a. in the case of a new dwelling, occupation of the dwelling
 - b. in any case, commissioning of the aerated waste treatment system.
 - xv. Within the effluent irrigation area there must be at least two warning signs that comply with AS1319 and have:
 - a. a green background
 - b. 20 millimetre high capital lettering in black or white, and
 - c. the words "RECLAIMED EFFLUENT - NOT FOR DRINKING - AVOID CONTACT"
 - xvi. The aerated waste treatment system unit shall be maintained by a service agent approved by Council.
- [SEP0010]*
28. The septic system shall be designed and installed in accordance with the recommendations contained in the On site Waste Management Design Report number 2003.19 prepared by HMC Environmental Services and dated April 2003
- [SEPNS01]*

Voting - Unanimous

LATE ITEM

1027 RESOLUTION:

Councillor B M Luff
Councillor G J Lawrie

RESOLVED that Item A14 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

Voting - Unanimous

A14 [EC] Service Level Agreement with New South Wales Rural Fire Service

1028 RESOLUTION:

Councillor M R Boyd
Councillor P C P Youngblutt

RESOLVED that Council affixes the Common Seal of Council to the Rural Fire District Agreement with the Commissioner of the New South Wales Rural Fire Service.

Voting - Unanimous

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

1 Minutes of the Tweed Dune Care Advisory Committee Meeting held Thursday 13 November 2003

1029 RESOLUTION:

Councillor H James
Councillor P C P Youngblutt

RESOLVED that the Minutes of the Tweed Dune Care Advisory Committee be adopted with the exception of those items which were considered individually.

Voting - Unanimous

6. Cabarita Beach Dune Care Representative

1030 RESOLUTION:

Councillor H James
Councillor M R Boyd

RESOLVED that Janette Davison be replaced by Ron Butler as presentative for the Cabarita Beach Dune Care Group.

Voting - Unanimous

2 Minutes of the Local Traffic Committee Meeting held Thursday 20 November 2003

1031 RESOLUTION:

Councillor M R Boyd
Councillor B M Luff

RESOLVED that the Minutes of the Local Traffic Committee be adopted with the exception of those items which were considered individually.

Voting - Unanimous

9. Smith Street, Murwillumbah

R5090 Pt1; DW968206; Traffic - School Zones

1032 RESOLUTION:

Councillor M R Boyd
Councillor B M Luff

RESOLVED that the school bus zone signage be changed on Smith Street, Murwillumbah to include the afternoon times from 2.30pm to 4.00pm.

Voting - Unanimous

DELEGATES REPORTS

Nil.

OUTSTANDING INSPECTIONS

Nil.

ITEMS OF INFORMATION AND INTEREST

Nil.

ORDERS OF THE DAY

1 [NOM] Honorary Rangers

1033 RESOLUTION:

Councillor W J Polglase
Councillor G Davidson

RESOLVED that a report be prepared by Council on the feasibility of appointing honorary rangers to observe destruction/vandalism of dunal vegetation in the Casuarina Beach Precinct.

PROCEDURAL MOTION

Councillor B M Luff

PROPOSED that the Motion be put.

Voting For

Cr Boyd
Cr Carroll
Cr James
Cr Luff

Voting Against

Cr Polglase
Cr Beck
Cr Brinsmead
Cr Davidson
Cr Lawrie
Cr Youngblutt

The Motion was **Carried**

Voting For

Cr Polglase
Cr Boyd
Cr Carroll
Cr Davidson
Cr Lawrie
Cr Youngblutt

Voting Against

Cr Beck
Cr Brinsmead
Cr James
Cr Luff

WORKSHOPS

Nil.

QUESTION TIME

Pathways at Seagulls Shores Development

Councillor B M Luff

Asked why were pathways not built near Seagulls on the foreshore in the vicinity of the Seagulls Shore development, when contributions were collected (though later returned).

The General Manager advised that this matter was taken on notice with the Director Engineering Services to provide a response to Councillors.

Twin Towns Junior Rugby League

Councillor B M Luff

Asked is the sign for Twin Towns Junior Rugby League going to be permanently located in a position which is contrary to Austroads standards and endangering motorists in the vicinity.

The General Manager advised that the matter be taken on notice with the Director Engineering Services to provide a response to Councillors.

2003 Tweed River Festival

Councillor M R Boyd

Asked:-

1. Could Councillors be supplied with all relevant details of the tenders received for the organisation and staging of the 2003 Tweed River Festival including the names of those who tendered, the amounts and the details relating to the person or company that was chosen for the job?
- 2, What was the budgeted amount for this work and did the amount paid exceed the budget?

Director Engineering Services responded that no fee was paid to the successful tenderer who was granted catering rights to the stall holders.

The General Manager advised that the Director Engineering Services would prepare a response on this matter.

COMMITTEE OF THE WHOLE

1034 RESOLUTION:

Councillor B M Luff
Councillor G Davidson

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

Voting - Unanimous

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

CONFIRMATION OF MINUTES

Minutes of the Confidential Council Meeting held 19 November 2003

C 213 RESOLUTION:

That the Minutes of the Confidential Council Meeting held 19 November 2003 be adopted as a true and accurate record of proceedings of that meeting.

Voting - Unanimous

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM DIRECTOR ENGINEERING SERVICES IN COMMITTEE

1 [ES] Hastings Point STP Augmentation - Design & Construction of Tertiary Filters

REASON FOR CONFIDENTIALITY:

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

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

C 214 RESOLUTION:

That:-

1. Contract EC2003-147 be awarded to Veolia Water Systems for the lump sum price of \$258,837 exclusive of GST.

2. The Director Engineering Services be given delegated authority to approve variations up to 25% of the contract sum.
3. A variation approved for Contract EC2003-107 for the amount of \$109,633 excluding GST for construction of associated civil work by Brian Bradshaw Constructions.
4. A contingency sum for Contract EC2003-107 of \$90,000 be made available for electrical work and other minor civil works not yet identified.
5. The Director Engineering Services be given delegated authority to approve expenditure of the contingency sum for electrical works following finalisation of detailed design and pricing.
6. All documentation be completed under the Common Seal of Council.
7. Council votes the expenditure.

Voting - Unanimous

2 [ES] Tender EC2003-185 Pile Driving - Byangum Bridge

REASON FOR CONFIDENTIALITY:

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

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

C 215 RESOLUTION:

That:-

1. Contract EC2003-185 be awarded to Avopiling Pty Ltd of Sydney, for the lump sum price of \$569,300 exclusive of GST.
2. All documentation be completed under the Common Seal of Council.
3. The Director Engineering Services be given delegated authority to approve variations up to 20% of the initial contract price.
4. Council votes the expenditure.

Voting - Unanimous

3 [ES] Tender EC2003-186 Supply & Delivery of Prestressed Concrete Bridge Planks - Byangum Bridge

REASON FOR CONFIDENTIALITY:

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

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

C 216 RESOLUTION:

That:-

1. Contract EC2003-186 be awarded to Con-Tec Pty Ltd of Brisbane, for the lump sum price of \$441,341 exclusive of GST.
2. All documentation be completed under the Common Seal of Council.
3. The Director Engineering Services be given delegated authority to approve variations up to 20% of the initial contract price.
4. Council votes the expenditure.

Voting - Unanimous

4 [ES] Telstra Relocations for Fraser Drive Upgrade

REASON FOR CONFIDENTIALITY:

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

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

C 217 RESOLUTION:

That:-

1. The Telstra relocation works for the Fraser Drive upgrade be awarded to STCJV for the lump sum price of \$184,767 exclusive of GST.
2. All documentation be completed under the Common Seal of Council.
3. The Director Engineering Services be given delegated authority to approve variations up to 20% of the initial contract price.
4. Council votes the expenditure.

Voting - Unanimous

5 [ES] EQ2003-101 Quotation for Licence to Operate Commercial Sight Seeing Charters on Clarrie Hall Dam

REASON FOR CONFIDENTIALITY:

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

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

C 218 RESOLUTION:

That Licence to Operate Commercial Sight Seeing Charters on Clarrie Hall Dam be awarded to Jeff McCullum, Inter-Action Experiential Learning Pty Ltd and Midginbil Hill Country Resort. The licence period will operate until the 30 June 2006.

Voting - Unanimous

6 [ES] EQ2003-100 Licence to Operate Commercial Fishing Charters on Clarrie Hall Dam

REASON FOR CONFIDENTIALITY:

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

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

C 219 RESOLUTION:

That Licence to Operate Commercial Fishing Charters on Clarrie Hall Dam be awarded to Gary Prerost and Bradley Smith. The licence period will operate until 30 June 2006.

Voting - Unanimous

1035 RESOLUTION:

Councillor M R Boyd
Councillor B M Luff

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 5.05pm



Minutes of Meeting Confirmed by Council

at Meeting held 17 December 2003

**I hereby certify that I have authorised the affixing of my
electronic signature to the previous pages numbered 1 to 44 of these Minutes**

Chairman