



TWEED
SHIRE COUNCIL

Mayor: Cr B Longland

Councillors: M Armstrong (Deputy Mayor)
G Bagnall
C Byrne
K Milne
W Polglase
P Youngblutt

Minutes

Ordinary Council Meeting Thursday 23 January 2014

held at Murwillumbah Cultural and Civic Centre
commencing at 4.45pm

COUNCIL'S CHARTER

Tweed Shire Council's charter comprises a set of principles that are to guide Council in the carrying out of its functions, in accordance with Section 8 of the Local Government Act, 1993.

Tweed Shire Council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
- to exercise community leadership;
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism;
- to promote and to provide and plan for the needs of children;
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- to have regard to the long term and cumulative effects of its decisions;
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government;
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants;
- to keep the local community and the State government (and through it, the wider community) informed about its activities;
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected;
- to be a responsible employer.

The Meeting commenced at 4.49pm.

IN ATTENDANCE

Cr B Longland (Mayor), Cr M Armstrong (Deputy Mayor), Cr G Bagnall, Cr C Byrne, Cr K Milne, Cr W Polglase and Cr P Youngblutt.

Also present were Mr David Oxenham (Acting General Manager), Mr Michael Chorlton (Acting Director Technology and Corporate Services), Mr Patrick Knight (Director Engineering and Operations), Mr Vince Connell (Director Planning and Regulation), Mr Neil Baldwin (Manager Corporate Governance/Public Officer) and Mrs Maree Morgan (Minutes Secretary).

ABORIGINAL STATEMENT

The Mayor acknowledged the Bundjalung Aboriginal Nation with the following statement::

"We wish to recognise the generations of the local Aboriginal people of the Bundjalung Nation who have lived in and derived their physical and spiritual needs from the forests, rivers, lakes and streams of this beautiful valley over many thousands of years as the traditional owners and custodians of these lands."

PRAYER

The meeting opened with a Prayer by Council's Chaplain, Pastor Andrew McCartin from the Church of Christ.

"Father,

We thank you for this day. We thank you for the wonderful weather, thank you for the rain. Your word says that everything good comes from you.

We thank you for this land, and we thank you for this heritage. And we thank you for its people. We pray for the people of the Murwillumbah region, we pray that you might guide us to lead them well. To provide them, and for the land we pray that you might equip us. We pray that you might continually remind us that the people do not exist to provide us with position, but that our positions exist for the people.

We therefore thank you for our positions and pray that you would help us to fill our roles, not just to the best of our ability, but to the best of your ability also Father. Please, as you guide us, lead us away from that which is not of you, and give us the strength to do what is right, what is noble with great integrity.

We pray that the people of this region may be blessed by what we do as leaders and managers in this area.

We ask this in Jesus' name,

Amen."

CONFIRMATION OF MINUTES

1 [CONMIN] Confirmation of the Ordinary and Confidential Council Meetings held Thursday 12 December 2013

1

Cr K Milne
Cr P Youngblutt

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 12 December 2013 be adopted as a true and accurate record of proceedings of that meeting.
- 2 ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (f) matters affecting the security of the council, councillors, council staff or council property.

The Motion was **Carried**

FOR VOTE - Unanimous

2 [CONMIN-EX] Confirmation of the Ordinary and Confidential Minutes of the Extraordinary Council Meeting held Friday 20 December 2013

2

Cr K Milne
Cr P Youngblutt

RESOLVED that:

1. The Ordinary and Confidential minutes of the Extraordinary Council Meeting held Friday 20 December 2013 be adopted as a true and accurate record of proceedings of that meeting.
- 2 ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (f) matters affecting the security of the council, councillors, council staff or council property.

The Motion was **Carried**

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Nil.

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

3

**Cr M Armstrong
Cr K Milne**

RESOLVED that Item 34 [EO-CM] Disposal of Land - 21 Piggabeen Road, Tweed Heads West from Ordinary Agenda be considered in Confidential session due to its Confidential Nature in accordance with 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*

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland
AGAINST VOTE - Cr C Byrne

SCHEDULE OF OUTSTANDING RESOLUTIONS

3 [SOR-CM] Schedule of Outstanding Resolutions

The report on the Schedule of Outstanding Resolutions was received and noted.

MAYORAL MINUTE

4 [MM-CM] Mayoral Minute for the month of December 2013

4

Cr B Longland

RESOLVED that the Mayoral Minute for the month of December 2013 be received and noted with the following highlighted amendments.

INVITATIONS:

Attended by the Mayor

- Ø 4 December - Northern NSW Local Health District Board, Annual Community and Stakeholders Meeting of the Board with the Northern NSW Local Health District Board and Executive - Lismore Workers Sports Club, 202 Oliver Avenue, Goonellabah **(Cr C Byrne also attended)**
- Ø 18 December - Meet and Greet with Chinese Delegation hosted by Don and Lyn Beck - Murwillumbah Civic Centre, Tumbulgum Road, Murwillumbah **(Cr C Byrne also attended).**

The Motion was **Carried**

FOR VOTE - Unanimous

5 [MM-CM] Mayoral Minute - Delegated Authority to the General Manager

5

Cr B Longland

RESOLVED that in accordance with Section 377 of the Local Government Act 1993, the delegated authority granted to General Manager Troy Green effective from 23 December 2013, be approved and confirmed.

The Motion was **Carried**

FOR VOTE - Unanimous

ORDERS OF THE DAY

- 6 [NOR-Crs M Armstrong, G Bagnall and K Milne] Development Application DA13/0124 for Seven Townhouses at Lot 4 DP 801038 No 18-20 Cupania Court, Tweed Heads West**

NOTICE OF RESCISSION:

6

**Cr K Milne
Cr M Armstrong**

PROPOSED that the resolution at Item 30 of Meeting held 12 December 2013 at Minute Number 832 being:

"... that Development Application DA13/0124 for seven townhouses at Lot 4 DP 801038 No. 18-20 Cupania Court, Tweed Heads West be approved subject to the following conditions:

"DEFERRED COMMENCEMENT"

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

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

SCHEDULE "A"

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

1. The '8 semi detached townhouses' plans prepared by Planit Consulting dated September 2013 are to be amended, and provided to Council for endorsement, to incorporate the following changes prior to the consent being operational, namely:
 - (a) Delete all references to proposed Residence 8;
 - (b) Relocate the eastern turn-around car-parking facility to take the position of former Residence 8. The eastern fire truck turning area shall immediately adjoin Residence 7; and
 - (c) The area extending to the eastern boundary from the north-south aligned boundary of Residence 7 and including the area made available from the deletion of Residence 8 and repositioned fire truck turning area shall be described as 'Environmental Covenant Area - A' to be rehabilitated and managed as a natural area for conservation purposes in perpetuity.
2. The applicant shall amend the Geotechnical Report being Report on Slope Stability Analysis & Retention Wall Modelling Rev. 0 dated 10 September 2013 prepared by Douglas Partners as follows:
 - (a) Remove all structures necessary to manage slope stability hazard from the area identified as 'Environmental Covenant Area A' pursuant to deferred layout amendment conditions detailed above; and
 - (b) Provide engineering certification that the amended geotechnical structure design, made necessary to avoid disturbance within 'Environmental Covenant Area A', meets all engineering design standards and requirements.
3. The applicant shall amend the Bushfire Management Plan being Bushfire Assessment Report 100B Rev. A Lot 4 DP801038 dated 13 December 2012 prepared by Peter Thornton as follows:
 - (a) The plan shall contemplate long term restoration of the area described as 'Environmental Covenant Area - A' to re-establish the pre-clearing vegetation community and provide recommendations necessary to ensure bushfire risks are appropriately managed during the long-term operational phase of development without compromising restoration effort nor requiring any vegetation management works to occur within the 'Environmental Covenant Area - A'; and

- (b) *Demonstrate that required landscape planting will not be impacted by measures necessary to manage bushfire during the long-term operational phase of the development.*
4. *The applicant shall amend the Statement of Landscape Intent, Sheets 1 to 4, 18 Cupania Court Tweed Heads West dated February 2013 prepared by Planit Consulting to show a single row of 'Advanced' 45 Litre local rainforest buffer trees installed at a minimum spacing of three metres along the entire length of the northern site boundary.*

SCHEDULE B

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

GENERAL

1. *The development shall be completed in accordance with the Statement of Environmental Effects and Approved Plans under Schedule A of this consent, except where varied by the conditions of this consent.*
[GEN0005]
2. *The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.*
[GEN0115]
3. *Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.*
[GEN0135]
4. *The development is to be carried out in accordance with Councils Development Design and Construction Specifications.*
[GEN0265]
5. *The owner is to ensure that the proposed buildings are constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.*
[GEN0300]
6. *The proposed development is to be undertaken in accordance with the recommendations contained within the approved Bushfire Threat Assessment Report, prepared by a suitably accredited bushfire consultant.*
7. *The development's internal driveway must comply with section 4.1.3.(2) of 'Planning for Bush Fire Protection 2006'. The access is to be adequately sign posted, clearly stating that no parking is permitted within the Reversing Bay.*
[GENNS01]
8. *Earthworks and regrading:*
- (a) *Any regrading or reshaping of the site must comply with Council's Design Specification D6 - Site Regrading.*
- (b) *The southern retaining wall must be located a minimum of 900mm from the southern property boundary and cannot exceed a height of 1.5m at any point.*
- (c) *The development must at no time result in additional runoff or ponding occurring within neighbouring properties.*

- (d) All 'uncontrolled' filling over the site shall be removed and where required for site regrading, the filling will be re-compacted under Level 1 supervision.

[GENNS02]

9. Stormwater Management shall be in general accordance with the Site Based Stormwater Management Plan prepared by Terrane Engineering Civil Consultants dated March 2013, except where varied by the following and the conditions of this consent.
- (a) The cut off drain above the southern retaining wall shall be sized to capture the associated Q100 ARI storm event, generally in accordance Drawing No. 1649-SK31 Rev A, prepared by Terrane Engineering Civil Consultants dated 12.09.13.
- (b) The required On Site Detention (OSD) must include a Discharge Control Pit (DCP) compliant with the standards of the current version of The Upper Parramatta River Catchment Trust "On-Site Stormwater Detention Handbook". Note, Permissible Site Discharge (PSD) and Site Storage Requirements (SSR) as referenced in the handbook are not supported by Tweed Shire Council.
- (c) All roof-water and overflow from rainwater tanks must discharge into the OSD Tank.
- (d) The OSD tank is to be utilised for detention purposes only.
- (e) Where physically achievable, stormwater shall be treated in accordance with Council's Design Specification D7 - Stormwater Quality, prior to discharge into the OSD Tank to minimise the potential for blockages. Stormwater must however be treated prior to discharge into the public realm.

All connecting drainage systems, including guttering, down pipes, rainwater tank overflows and driveway inlet pits, shall be sized to capture and convey the 100 ARI year storm. Details are to be submitted with the S68 stormwater application.

[GENNS03]

10. Erosion and Sediment Control shall be designed, installed and maintained in accordance with Tweed Shire Council Development Design Specification D7 - Stormwater Quality and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".
11. In the event of any future subdivision of the proposed development, any external living areas which are within 4 metres of a side boundary are to be suitably screened to the written satisfaction of Councils General Manager or delegate prior to the issue of a subdivision certificate.

[GENNS04]

12. The 'Environmental Covenant Area - A' must be the subject of an ecological restoration program undertaken in accordance with an approved Habitat Restoration Plan and managed as a natural area for conservation purposes in perpetuity.
13. The approved development shall not result in any clearing of native vegetation within the areas identified as 'Environmental Covenant Area - A' as described in this consent, without prior approval from Council's General Manager or delegate.
14. Monitoring of the effectiveness of environmental repair, enhancement and maintenance works must be undertaken by an independent and suitably qualified and experienced bush regenerator at yearly intervals following initiation of the Habitat Restoration Plan (HRP) works. Reports of this monitoring must provide the basis for the person issuing certification for the bond or bank guarantee and must be annually

submitted to Council as evidence. Any supplementary or approved adaptive management works deemed necessary by the independent bush regenerator during the life of the HRP must be undertaken once the need is identified.

[GENNS05]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

15. *The developer shall provide 2 parking spaces per unit plus 2 Visitor Parking Spaces in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code.*

The Visitor Parking Spaces must be appropriately sign-posted and line marked in accordance with Council's Construction Specification C261.

[PCC0065]

16. *In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a Construction Certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid (as applicable). Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.*

[PCC0285]

17. *Where earthworks result in the creation of batters and/or cuttings greater than 1m high and/or slopes within allotments 17^o (1:3.27) or steeper, such slopes shall be densely planted in accordance with a detailed Landscaping Plan endorsed by Council. This Plan shall accompany the Construction Certificate application.*

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

- (a) Contours and terraces where the height exceeds 1m.*
- (b) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.*
- (c) Densely plant with appropriate native species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.*
- (d) 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.*

[PCC0455]

18. *All imported fill material shall be from an approved source. Prior to the issue of a construction certificate details of the source of fill, description of material, proposed use of material, documentary evidence that the fill material is free of any contaminants and haul route shall be submitted to Tweed Shire Council for the approval of the General Manager or his delegate.*

[PCC0465]

19. *The Construction Certificate Application shall include a certificate of adequacy of design in accordance with AS 4678 and Council's Development Design and Construction Specifications, signed by a practising Structural Engineer on all proposed retaining walls in excess of 1.2m in height. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall and be supported by Geotechnical assessment of the founding material.*

Please note timber retaining walls are not permitted.

[PCC0475]

20. *A detailed plan of landscaping containing no noxious or environmental weed species and with a minimum 80% of total plant numbers comprised of local native species is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate.*

[PCC0585]

21. *Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications undertaken in accordance with Councils Development Design and Construction Specifications for the following (but not limited to) required works:*

- *Construction of a Tweed Shire Council compliant access off Cupania Court.*

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

- *Road works/furnishings*
- *Stormwater drainage*
- *Water and sewerage works*
- *Sediment and erosion control plans*
- *Location of all services/conduits*
- *Traffic Control Plan (as applicable)*

[PCC0895]

22. *Permanent stormwater quality treatment shall be provided in accordance with the following:*

- (a) *The Construction Certificate Application shall include a detailed Stormwater Management Plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils Development Design Specification D7 - Stormwater Quality.*
- (b) *Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils Development Design Specification D7 - Stormwater Quality.*
- (c) *It is encouraged that the stormwater and site works incorporate Water Sensitive Design Principles and where practical, integrated water cycle management, as proposed by "Water By Design", an initiative for best practice by the South East Queensland Healthy Waterways Partnership.*
- (d) *Specific Requirements to be detailed within the Construction Certificate application include:*
 - (i) *Shake down area shall be installed within the property, immediately prior to any vehicle entering or exiting the site prior to any site works being undertaken.*
 - (ii) *Runoff from all hardstand areas, (including driveway and hardstand landscaping areas and excluding roof areas) must be treated to remove oils, sediments and gross pollutants prior to discharge to the public realm. All permanent stormwater treatment devices must be sized according to*

Council's Development Design Specification D7 - Stormwater Quality, Section D7.12. Engineering details of the proposed devices, including maintenance schedules, shall be submitted with a s68 Stormwater Application for approval prior to issue of a Construction Certificate.

- (iii) *Roof water does not require treatment, and should be discharged downstream of treatment devices, or the treatment devices must be sized accordingly.*

[PCC1105]

23. *Medium density/integrated developments, including developments containing four or more attached or detached dwellings and having a Building Code classification of 1a, will be required to provide a single bulk water service at the road frontage. Individual metering beyond this point shall be managed by occupants. Application for the bulk metre shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.*

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.

[PCC1185]

24. *Prior to the issue of a Construction Certificate, applications shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for the following works (as applicable, but not limited to);*

- a. *water,*
- *Provision of a Bulk meter. The meter is to be installed by Council at the Developer's expense,*
- b. *sewerage, including;*
- *Provision of a compliant house connection,*
- c. *drainage works, including;*
- *the connection of a private stormwater drain to a public stormwater drain,*
 - *the installation of stormwater quality control devices,*
 - *erosion and sediment control works.*

[PCC1195]

25. *If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.*

The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

[PCC1325]

26. *Prior to the issue of a Construction Certificate, the Applicant must submit to (and receive approval from) the PCA, a detailed report from a suitably qualified Geotechnical/Structural Engineering confirming that the proposed development (including the protective wall along the northern property boundary):*

- (a) *will provide geotechnical stability to the proposed development,*

- (b) will prevent any upslope advancement of any down-slope (off-site) slip failures and detail amelioration measure should a down-slope failure occur (including access requirements),
- (c) will not jeopardise the geotechnical stability or structural integrity of neighbouring property, including the existing Boulder Retaining Wall to the south,
- (d) complies with applicable Australian Standards (AS 4678-2002) and the provisions of Council's Design Specification D6 - Site Regrading.

[PCCNS01]

27. A Habitat Restoration Plan is required to be prepared by a person qualified in Bushland Regeneration or Ecological Restoration and with knowledge and experience in local vegetation community (e.g. rainforest) for the area described as 'Environmental Covenant Area - A' on the approved plans. The restoration plan shall be submitted and approved by Council's General Manager or delegate prior to issue of any construction certificate and shall include:

- (a) An appraisal of the present condition of remnant vegetation;
- (b) A plan overlaying an aerial photograph of the site which divides the area into zones for regeneration and zones for planting, including connections between existing vegetation where appropriate;
- (c) A management strategy for each of the zones, including the approach, methods and techniques to be used for vegetation restoration;
- (d) Schedule of local native plant species to be used for planting (if appropriate);
- (e) Program of works to be undertaken to remove invasive weed species;
- (f) Schedule of timing of proposed works;
- (g) Maintenance, monitoring and reporting schedule with developer commitment for a period not less than five (5) years and;
- (h) An adaptive management statement detailing how potential problems arising may be overcome and requiring approval of the Council's General Manager or delegate for such change.

28. Prior to the issue of a Construction Certificate an ecological report, prepared by a suitably qualified person, is to be submitted for the written approval of Council's General manager or delegate demonstrating that development works proposed as part of this application, including soldier piling geotechnical works, will not impact on any vegetation (including root systems) on adjoining properties.

29. Prior to the issue of a Construction Certificate, amended plans are to be submitted to Council for the written approval of the General Manager or delegate demonstrating visual treatment to the exposed sealed blockwork proposed to the sites western elevation.

[PCCNS02]

PRIOR TO COMMENCEMENT OF WORK

30. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the PCA advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]

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

[PCW0215]

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.*

[PCW0225]

33. *Residential building work:*

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

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

[PCW0235]

34. *A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (15) 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*

[PCW0245]

35. *Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:*

- (a) *showing the name, address and telephone number of the principal certifying authority for the work, and*
(b) *showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and*
(c) *stating that unauthorised entry to the site is prohibited.*

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

[PCW0255]

36. *Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where required. These measures are to be in accordance with the approved erosion and sedimentation control plan and adequately maintained throughout the duration of the development.*

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

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

[PCW0985]

37. *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 a 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.*

[PCW1170]

DURING CONSTRUCTION

38. *All proposed works are to be carried out in accordance with the conditions of development consent, approved Management Plans, approved Construction Certificate, approved Bushfire Threat Assessment Report, drawings and specifications.*
[DUR0005]
39. *Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:*
Monday to Saturday from 7.00am to 6.00pm
No work to be carried out on Sundays or Public Holidays
The proponent is responsible to instruct and control subcontractors regarding hours of work.
[DUR0205]
40. *The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of buildings with direct line of sight to the proposed building.*
[DUR0245]
41. *All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).*
[DUR0375]
42. *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.*
[DUR0395]
43. *The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.*
[DUR0405]
44. *It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Work Health and Safety Regulation 2011.*
[DUR0415]
45. *The finished floor level of the building should finish not less than 225mm above finished ground level.*
[DUR0445]
46. *Proposed earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments".*
The earthworks shall be monitored by a Registered Geotechnical Testing Consultant to a Level 1 standard in accordance with AS 3798. A certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798 shall be submitted to the Principal Certifying Authority upon completion.
[DUR0795]
47. *The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.*
[DUR0815]

48. *All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications, Development Control Plan Part A1 to the satisfaction of the Principal Certifying Authority.*

Please note timber retaining walls are not permitted.

[DUR0835]

49. *The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent.*

[DUR0905]

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

[DUR0985]

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

[DUR0995]

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

- . Noise, water or air pollution.*
- . Dust during filling operations and also from construction vehicles.*
- . Material removed from the site by wind.*

[DUR1005]

53. *The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. Such materials shall either be recycled or disposed of in a manner acceptable to Councils General Manager or his delegate.*

[DUR1015]

54. *Landscaping of the site shall be carried out in accordance with the approved Landscaping Plan.*

[DUR1045]

55. *All operations must comply with the fauna and flora protection measures as outlined in the section titled Vegetation Management Plan in Attachment F - Vegetation Assessment dated 11 September prepared by Planit Consulting and as amended by conditions of this consent. In the event that any threatened species, populations, ecological communities or their habitats not addressed in the report are discovered during operations appropriate Plans of Management for those species must be formulated to the satisfaction of the General Manager or delegate and/or the Department of Environment and Climate Change. No further site clearing will take place until the Plan(s) of Management is/are approved.*

[DUR1215]

56. *Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices).*

The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

[DUR1795]

57. *Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to any use or occupation of the buildings.*

[DUR1875]

58. *Where existing kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.*

[DUR1905]

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

[DUR1925]

59. *No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains, unless approved otherwise by Council.*

[DUR1945]

60. *The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction to ensure no material is capable of being washed or blow from the site.*

[DUR2185]

61. *Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary.*

[DUR2205]

62. *During construction, a "satisfactory inspection report" is required to be issued by Council for all s68h2 permanent stormwater quality control devices, prior to backfilling. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection.*

[DUR2445]

63. *Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:*

- (a) internal drainage, prior to slab preparation;*
- (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;*
- (c) external drainage prior to backfilling.*
- (d) completion of work and prior to occupation of the building.*

[DUR2485]

64. *Plumbing*

- (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 Plumbing Code of Australia and AS/NZS 3500.*

[DUR2495]

65. *An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.*

[DUR2505]

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

[DUR2545]

67. *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:-*

- * *45°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.

[DUR2555]

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

[DUR2625]

69. *Air conditioning units, heat pump water systems and the like shall be located, installed and operated so as not to be heard in a habitable room of a residence during restricted hours or where it would create offensive noise as defined within the NSW Protection of the Environment Operations (Noise Control) Regulation 2008.*

[DUR2835]

70. *Works are to be undertaken in accordance with the recommendations of the endorsed Geotechnical Engineering's report.*

[DURNS01]

71. *The following activities are not permitted within the area described as 'Environmental Covenant Area - A' on the approved plan/s:*

- (a) *Storage and mixing of materials;*
- (b) *Vehicle parking;*
- (c) *Liquid disposal;*
- (d) *Machinery repairs and /or refuelling;*
- (e) *Construction of site office or shed;*
- (f) *Combustion of any material;*
- (g) *Stockpiling of soil, rubble or debris;*

- (h) Any filling or excavation including trenching, topsoil skimming and/or surface excavation, unless otherwise approved by Council's General Manager or delegate; and
- (i) Unauthorised application of pesticides, herbicides or chemicals.

[DURNS02]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

[POC0005]

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

[POC0205]

74. Prior to the issue of an occupation certificate,

- (a) Certification of termite protection methods performed by the person carrying out the works is to be submitted to the PCA; and
- (b) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (i) the method of protection; and
 - (ii) the date of installation of the system; and
 - (iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (iv) the need to maintain and inspect the system on a regular basis.

[POC0235]

75. A final occupation certificate must be applied for and obtained within 6 months of any Interim Occupation Certificate being issued, and all conditions of this consent must be satisfied at the time of issue of a final occupation certificate (unless otherwise specified herein).

[POC0355]

76. Section 94 Contributions

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

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 94 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

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

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

- (a) *Tweed Road Contribution Plan:*
 20.8 Trips @ \$2937 per Trips \$61090
 (\$2836 base rate + \$101 indexation)
 S94 Plan No. 4
 Sector4_4
- (b) *Open Space (Casual):*
 6 ET @ \$543 per ET \$3258
 (\$502 base rate + \$41 indexation)
 S94 Plan No. 5
- (c) *Open Space (Structured):*
 6 ET @ \$622 per ET \$3732
 (\$575 base rate + \$47 indexation)
 S94 Plan No. 5
- (d) *Shirewide Library Facilities:*
 6 ET @ \$838 per ET \$5028
 (\$792 base rate + \$46 indexation)
 S94 Plan No. 11
- (e) *Bus Shelters:*
 6 ET @ \$64 per ET \$384
 (\$60 base rate + \$4 indexation)
 S94 Plan No. 12
- (f) *Eviron Cemetery:*
 6 ET @ \$123 per ET \$738
 (\$101 base rate + \$22 indexation)
 S94 Plan No. 13
- (g) *Community Facilities (Tweed Coast - North)*
 6 ET @ \$1389 per ET \$8334
 (\$1305.6 base rate + \$83.4 indexation)
 S94 Plan No. 15
- (h) *Extensions to Council Administration Offices
 & Technical Support Facilities*
 6 ET @ \$1860.31 per ET \$11161.86
 (\$1759.9 base rate + \$100.41 indexation)
 S94 Plan No. 18

- (i) Cycleways:
6 ET @ \$473 per ET \$2838
(\$447 base rate + \$26 indexation)
S94 Plan No. 22
- (j) Regional Open Space (Casual)
6 ET @ \$1091 per ET \$6546
(\$1031 base rate + \$60 indexation)
S94 Plan No. 26
- (k) Regional Open Space (Structured):
6 ET @ \$3830 per ET \$22980
(\$3619 base rate + \$211 indexation)
S94 Plan No. 26

[POC0395]

77. *Prior to the issue of a final occupation certificate adequate proof and/or documentation is to be submitted to the Principal Certifying Authority to identify that all commitment on the BASIX "Schedule of Commitments" have been complied with.*

[POC0435]

78. *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.*

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 64 Contributions must have been paid in full and the Certifying Authority must have 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 DSP3:	4.4 ET @ \$12575 per ET	\$55330
Sewer Banora:	6 ET @ \$6042 per ET	\$36252

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

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

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.

[POC0675]

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

[POC0745]

80. *On completion of work a certificate signed by a practising structural engineer is to be submitted to the Principal Certifying Authority to certify the structural adequacy of all retaining structures.*
[POC0805]
81. *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.*
[POC0860]
82. *Prior to the issue of an occupation certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all s68h2 permanent stormwater quality control devices.*
[POC0985]
83. *Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.*
[POC1045]
84. *Prior to the issue of an Occupation Certificate, documentary evidence shall be provided to Council to confirm that a Transferring Grant has been completed to include Tweed Shire Council as the benefiting party to the existing easement to drain sewage 2 wide and variable, over the subject site, which currently only benefits Lot 5 & 6.*
[POCNS01]
85. *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. Certification from a suitably qualified engineer experienced in structures is to be provided to the PCA prior to the issue of an Occupation Certificate.*
[POCNS02]
86. *Prior to the issue of an Occupation Certificate a certificate prepared by a qualified Geotechnical Engineer is to be provided to the PCA confirming that works have been undertaken in accordance with the recommendations of the endorsed Geotechnical Engineering's report and that the development is geotechnically stable and does not jeopardise the geotechnical stability or structural integrity of any neighbouring property.*
[POCNS03]
87. *Environmental restoration works shall be completed to a level specified in the approved Habitat Restoration Plan prior to issue of the occupation certificate and shall be maintained at all times in accordance with the approved Plan.*
88. *The following restrictions as to use of the land under Section 88B of the Conveyancing Act are to be created to Council's satisfaction:*
- a. *Restriction as to user regarding 'Environmental Covenant Area - A' - this area must be subject to an approved ecological restoration program (undertaken in accordance with an approved habitat restoration plan) and managed as a natural area for conservation purposes in perpetuity.*
Burden: Part Lot 4 DP 801038. Benefit: Tweed Shire Council
 - b. *Restriction as to user regarding 'Environmental Covenant Area - A'. The following activities are not permitted within this area.*
 - i. *Clearing, lopping or removal of any native plants, whether existing at the date of this approval or planted pursuant to conditions of this approval;*
 - ii. *Erection of any fixtures or improvements, including buildings or structures;*
-

- iii. *Construction of any trails or paths;*
- iv. *Depositing of any fill, soil, rock, rubbish, ashes, garbage, waste or other material foreign to the protected area;*
- v. *Keeping or permitting the entry of domestic animals or any other animals that are not indigenous to the Covenant Area; and*
- vi. *Performance of any other acts which may have detrimental impact on the values of the Covenant Area. The area must be managed in accordance with the approved habitat restoration plan for the life of the development and the use of the premises.*

Burden: Part Lot 4 DP 801038 Benefit: Tweed Shire Council

89. *A cash bond or bank guarantee to ensure that the approved Habitat Restoration Plan ('HRP') is implemented and completed must be lodged with Council prior to the issue of occupation certificate unless all ecological restoration works have been completed in accordance with the approved HRP to the satisfaction of Council's General Manager or delegate. The amount of such bond will be based on the cost of environmental repair, enhancement and maintenance works to be undertaken in accordance with the approved HRP. In this regard, two (2) written quotes from suitably experienced and qualified bush regenerators (to the satisfaction of Council's General Manager or his delegate) must be submitted to Council which detail the cost of all works associated with the HRP. The amount of the bond will be equivalent to 130% of the estimated cost of works*

The bond or bank guarantee will be released five (5) years after the initiation of works on submission of certification by a suitably experienced and qualified bush regenerator stating that the HRP has been satisfactorily completed, unless otherwise approved by Council's General Manager or delegate.

90. *All approved landscaping requirements must be completed to the satisfaction of the General Manager or his delegate PRIOR to the issue of a final occupation certificate. Landscaping must be maintained at all times to the satisfaction of Council's General Manager or delegate.*

[POCNS04]

USE

91. *The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.*

[USE0125]

92. *All externally mounted air conditioning units, heat pump water systems and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units, heat pump water systems and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.*

[USE0175]

93. *All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required*

so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.

[USE0225]

94. *Air conditioning units, heat pump water systems and the like shall not be operated if it can be heard in a habitable room of a residence during restricted hours or at other times should the noise from the article be deemed to be offensive as defined within the NSW Protection of the Environment Operations (Noise Control) Regulation 2008.*

[USE1510]"

be rescinded.

The Rescission Motion was **Lost**

FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall

AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr B Longland

- 7 **[NOM-Cr K Milne] Development Application DA13/0124 for Seven Townhouses at Lot 4 DP801038 No 18-20 Cupania Court, Tweed Heads West**

NOTICE OF MOTION:

The Notice of Motion was not dealt with due to the related Notice of Rescission being **Lost** (Minute No 6 refers).

- 8 **[NOM-Cr B Longland] Future of Lot 1 DP 1117599 (Lot 490) Kingscliff**

NOTICE OF MOTION:

7

**Cr B Longland
Cr M Armstrong**

RESOLVED that Council:

1. Signifies its preference for the preservation of the area identified as Lot 1 DP1117599 (formerly known as Lot 490, Kingscliff) as a public open space and recreation reserve while preserving its ecological values for the community.
 2. Enquires with Government Property NSW as to the prospects of Tweed Shire Council acquiring the land for that purpose.
-

8

AMENDMENT

**Cr W Polglase
Cr P Youngblutt**

PROPOSED that Council makes no decision on Lot 1 DP 1117599 (Lot 490) Kingscliff until the aboriginal land claim has been determined.

The Amendment was **Lost**

**FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne
AGAINST VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland**

The Motion was **Carried** (Minute No 7 refers)

**FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland
AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne**

9 **[NOM-Cr M Armstrong] Tweed Education Industry Forum (TEIF)**

NOTICE OF MOTION:

9

**Cr M Armstrong
Cr K Milne**

RESOLVED that Council officers be requested to table a report which outlines the core objectives of the Tweed Education Industry Forum (TEIF), its members, how often they meet and the role or tasks assigned to Council to champion.

The Motion was **Carried**

FOR VOTE - Unanimous

10 **[NOM-Cr K Milne] New Year's Sustainable Resolution**

NOTICE OF MOTION:

10

**Cr K Milne
Cr G Bagnall**

PROPOSED that:

1. Council notes the new data on climate change recently reported by the UNSW highlighting that temperatures are on course to rise at least 4 degrees by the end of the century.
2. Council adopts a New Year's resolution to focus with greater commitment than ever to reduce carbon emissions, and to educate the local community, businesses and developers on the imperative of achieving sustainability across all sectors.
3. Council brings forward a report on the potential for retrofitting Council's Civic Centres for sustainability purposes, and the opportunity of making a significant, visible, public demonstration to model and inspire sustainable leadership in the Shire.
4. Council brings forward a report on further investing in solar panels for Council Civic Centres and other Council buildings, including predicted pay back periods, options for levels of investment, and potential funding sources.
5. Council brings forward a report on developing a strategy to counteract the Urban Heat Island effects for the Shire's main towns and villages, including but not limited, to retrofitting stormwater drains to establish open space networks of lush green waterway corridors, maximising shade with tree plantings and covered car parks, green rooves and living walls etc.

11

AMENDMENT 1

**Cr M Armstrong
Cr K Milne**

PROPOSED that:

1. Council notes the new data on climate change recently reported by the UNSW highlighting that temperatures are on course to rise at least 4 degrees by the end of the century.
2. Council adopts a New Year's resolution to focus with greater commitment than ever to reduce carbon emissions, and to educate the local community, businesses and developers on the imperative of achieving sustainability across all sectors.
3. Allocates an amount of not less than \$100,000 for the installation of solar panels on appropriate Council owned buildings from the Revolving Energy Fund.

The Amendment 1 was **Lost**

FOR VOTE - Cr M Armstrong, Cr K Milne, Cr B Longland

AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr G Bagnall

12

AMENDMENT 2

Cr C Byrne
Cr P Youngblutt

RESOLVED to defer this matter until the report relating to Item 13 of Council's Meeting of 18 April 2013 has been brought back to Council.

The Amendment 2 was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr G Bagnall, Cr B Longland
AGAINST VOTE - Cr K Milne, Cr M Armstrong

The Amendment 2 on becoming the Motion was **Carried** - (Minute No 12 refers)

FOR VOTE - Unanimous

11 **[NOM-Cr G Bagnall] Tweed Valley Way/Tweed River Corridor**

NOTICE OF MOTION:

13

Cr G Bagnall
Cr W Polglase

PROPOSED that:

1. Staff prepares an estimate of costs for preparation of the plan of management in (2) below to inform consideration of this item in the 2014/15 budget
2. Council considers the following item in the 2014/15 budget:

"Prepare a Plan of Management for the Tweed Valley Way/Tweed River Corridor. This Plan of Management is to be a guiding document to coordinate activities and ensure consistency for planned and future works along the corridor. Activities to be addressed by the plan will include, but not be limited to: signage, roadside plantings, river bank stabilisation, riverbank plantings and town entry statements."

3. A report be prepared that:
 - (a) Assesses the adequacy of existing town/village entry statements in Tweed Shire in regards to the functions of informing the travelling public, promoting the towns and villages and providing an attractive, culturally and environmentally appropriate village/town entries.
 - (b) Provides a detailed, prioritised and costed works program to upgrade the entry statements to an appropriate current standard over a suitable number of years.
-

14

AMENDMENT 1

Cr C Byrne
Cr M Armstrong

PROPOSED to defer this matter until the Rural Villages Strategy has been brought back to Council.

The Amendment 1 was **Lost**

FOR VOTE - Cr W Polglase, Cr C Byrne

AGAINST VOTE - Cr P Youngblutt, Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland

15

AMENDMENT 2

Cr W Polglase
Cr M Armstrong

RESOLVED that:

1. Staff prepares an estimate of costs for preparation of the plan of management in (2) below to inform consideration of this item in the 2014/15 budget
2. Council considers the following item in the 2014/15 budget:

"Prepare a Plan of Management for the Tweed Valley Way/Tweed River Corridor. This Plan of Management is to be a guiding document to coordinate activities and ensure consistency for planned and future works along the corridor. Activities to be addressed by the plan will include, but not be limited to: signage, roadside plantings, river bank stabilisation, riverbank plantings and town entry statements."

3. A report be prepared that:
 - (a) Assesses the adequacy of existing town/village entry statements in Tweed Shire in regards to the functions of informing the travelling public, promoting the towns and villages and providing an attractive, culturally and environmentally appropriate village/town entries.
 - (b) Provides a detailed, prioritised and costed works program to upgrade the entry statements to an appropriate current standard over a suitable number of years.
 - (c) The Rural Villages Strategy be considered in preparing the Tweed Valley Way/Tweed River Corridor Plan of Management.

The Amendment 2 was **Carried**

FOR VOTE - Unanimous

The Amendment 2 on becoming the Motion was **Carried** - (Minute No 15 refers)

FOR VOTE - Unanimous

12 [NOM-Cr G Bagnall] Review of Planting Guide

NOTICE OF MOTION:

16

**Cr G Bagnall
Cr M Armstrong**

RESOLVED that officers undertake a review of the planting guides that currently govern developments in this Shire, including Tweed Shire Council's own plantings, and a further report be brought back to Council that examines the appropriateness and feasibility of requiring an increased sourcing of local occurring plants.

17

AMENDMENT

**Cr K Milne
Cr G Bagnall**

PROPOSED that officers undertake a review of the planting guides that currently govern developments in this Shire, including Tweed Shire Council's own plantings, and a further report be brought back to Council that examines the appropriateness and feasibility of requiring an increased sourcing of local occurring plants relevant to the climate conditions and eco zones.

Cr C Byrne temporarily left the meeting at 06:11 PM.
Cr C Byrne has returned from temporary absence at 06:14 PM

The Amendment was **Lost**

FOR VOTE - Cr K Milne, Cr G Bagnall

AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr B Longland

The Motion was **Carried** (Minute No 16 refers)

FOR VOTE - Unanimous

13 [NOM-Cr G Bagnall] Budd Park

NOTICE OF MOTION:

18

**Cr G Bagnall
Cr K Milne**

PROPOSED that:

1. Council accepts with thanks the offer of Lifebridge for the supply of a "Liberty" swing and will place a plaque where it is installed, acknowledging Lifebridge's donation of the swing.
2. A report be prepared investigating and recommending the most appropriate setting and location for installation of the "Liberty" swing.

19

AMENDMENT

**Cr B Longland
Cr M Armstrong**

RESOLVED that:

1. Council conveys its appreciation to Lifebridge for this generous offer; and
2. Subject to officer's assessment of the condition of the swing with respect to Australian Standards, this offer from Lifebridge for the supply of a "Liberty" swing be referred to the Equal Access Committee for their advice.

Cr P Youngblutt temporarily left the meeting at 06:27 PM.

Cr K Milne temporarily left the meeting at 06:29 PM.

The Amendment was **Carried**

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

Cr P Youngblutt has returned from temporary absence at 06:29 PM

The Amendment on becoming the Motion was **Carried** - (Minute No 19 refers)

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

Cr K Milne has returned from temporary absence at 06:30 PM

Cr B Longland temporarily left the meeting at 06:33 PM.
Cr B Longland has returned from temporary absence at 06:36 PM

QUESTIONS ON NOTICE

14 [QoN-Cr W Polglase] Sinc Solutions Report

QUESTION ON NOTICE:

Councillor W Polglase asked:

Could the General Manager advise what meetings have been held with Leda and outcomes of those meetings since the adoption of the SINC Report?

The Acting General Manager responded as follows:

Meetings held with Leda since the SINC Solutions report was adopted by Council includes:

Monday 11 November 2013

Meeting between the Acting General Manager, Public Officer and Mr Reg van Rij of Leda. Mr van Rij provided a copy of a letter from LEDA Developments dated 11 November 2013 titled - SINC SOLUTIONS - REVIEW WITH FINDINGS.

Mr van Rij spoke to this letter and highlighted -

- the fact that the SINC Report had made robust criticism of council staff and that policies and procedures of council had not been followed by council staff.
- 'political obstruction' is the core problem
- that LEDA has no issues with the integrity of Mr Green, the then Acting General Manager
- this is part of a new beginning

Mr van Rij provided a copy of the Submission made by LEDA to SINC Solutions dated July 2013, which was being shared with a positive intent with council.

The Acting General Manager made a request of LEDA to consider suitable candidates for consideration as the 'Independent Chair' after council has provided its thoughts on proposed candidates.

Mr van Rij made reference to an article published in the Tweed Daily News of Saturday 9 November 2013 and commented that LEDA would take appropriate action to uncover the source and the reasons behind the contents of the email that had been reprinted in part.

Thursday 5 December 2013

Meeting between the Acting General Manager and Mr Reg van Rij of Leda.

Mr van Rij requested follow up on correspondence sent to Council regarding a part of a chain of emails from Cr Byrne to Cr Longland. The meeting discussed progression of Precincts 1, 2 and 6 at Cobaki and general expectations of Council responses.

LEDA requested amendments to the Sinc Solutions report, in particular sections commenting upon LEDA. The Acting General Manager advised Council was not in a position to amend the report and had confirmed its position with Council's solicitors. Council considered that amending the report in the manner requested by LEDA would also be against the independence of the review..

The Acting General Manager and Mr van Rij discussed potential candidates for the role of Independent Chair and Mr van Rij was provided with candidate CVs. Mr van Rij summarised his intent for the meeting as follows:

1. Precincts 1, 2 and 6 - Precinct 6 close to ready - green space is the issue.
2. Two months for a response on a GIPA application is inadequate customer service.
3. Leda are aggravated by the legal advice that Leda are unable to make changes to the SINC Solutions report as they contend matters stated as fact are incorrect.
4. Leda will be making further GIPA applications.

Wednesday 18 December 2013

Meeting with the Acting General Manager, Director Planning and Regulation, Director Community and Natural Resources and Darryl Anderson regarding Leda Cobaki Application Processes. The following items were discussed:

1. **Funding of the future management of environmental protection areas** - agreed by parties that there are number of issues outstanding that need to be resolved.
2. **Update on Cobaki approvals processes for Precincts 1, 2 and 6** - agreed by parties that there are a number of issues outstanding that need to be resolved.
3. **Timeline for reporting the current section 96 applications to Council** - reporting to Council dates provided to Leda.
4. **Leda's request for Council to determine the Modification Applications** - issues still to be resolved.
5. **DA13/0210 - Telstra Mobile Phone Base Station - 80 Depot Road, Kings Forest** - documents provided by Leda tabled and Mr van Rij was advised and agreed to present at the Community Access meeting prior to 23 January 2014 Council meeting.
6. **General Business** – The Acting General Manager and Mr van Rij discussed the terms of agreement for the Independent Chair process with Mr van Rij advising he would attempt to provide written feedback to Council by Friday 20 December 2013.

Meetings with relevant Council Project officers and Leda have also taken place in a positive spirit concerning both Cobaki and Kings Forest.

In relation to outcomes to date from the Recommendations of the Sinc Solutions Report since it was adopted by Council the following is advised:

Council adopted the nineteen recommendations of the Sinc Solutions Report at the Council meeting of 17 October 2013. Since that time the following recommendations have been actioned and completed as per the report recommendations:

Recommendation 1: Council resolved to receive and note the report (Review of Documents with Findings) at the 17 October 2013 Council meeting.

Recommendation 2: Leda were formally advised by written correspondence dated 18 October 2013 that the SINC Solutions Final Report was considered by Council at its 17 October meeting. A copy of the Council Report was attached to the correspondence and

Leda were provided a Confidential Extract of the SINC Solutions Final Report and the Complaint Summary.

Recommendation 3: Leda were formally advised by written correspondence dated 22 October 2013 that any future complaints received by Council about Councillors relating to alleged inappropriate conduct that has occurred since the date of the Sinc Solutions Final Report should be submitted in accordance with the Tweed Shire Council Procedures for the Administration of the Model Code of Conduct and completed in accordance with those Procedural requirements.

Copies of the current Model Code of Conduct Version 1.9 and the Administration of the Model Code of Conduct Procedure March 2013 adopted by Council on 21 March 2013 were also provided to Leda.

Their attention was drawn to Parts 4 and 12 of the Administration of the Model Code of Conduct Procedure March 2013 which outlines - How may Code of Conduct Complaints be made? It was noted in the letter to them, as highlighted within Recommendations 3 and 4 of the Sinc Solutions Report, it is this accepted method for lodging perceived Code of Conduct Complaints that is to be followed in the future. Part 12 deals with the confidentiality and non public disclosure of the complaints.

Leda were then advised that complaints submitted in accordance with this Procedure will then be managed by Council in accordance with Parts 5 - 12 where applicable, of the Procedure.

Recommendation 4: In the same letter of 22 October 2013 dealing with Recommendation 3, Leda were advised that any future complaints received by Council about Council staff relating to alleged inappropriate conduct that has occurred since the date of the Sinc Solutions Final Report should be submitted in accordance with the Tweed Shire Council Procedures for the Administration of the Model Code of Conduct and completed in accordance with the relevant Local Government Award provisions and best practice requirements for the conduct of staff investigations.

They were also advised that complaints submitted in accordance with this Procedure will then be managed by Council in accordance with Parts 5 - 12 where applicable, of the Procedure.

Recommendation 5: Agreed and has also been adopted by management to be utilised where appropriate when a third party continues to raise an issue / issues that they claim Council officers have not assessed objectively or fairly.

Recommendation 7: A new section of Council's Electronic Communications Devices (Use of) Protocol was adopted by Council's Executive Management Team on 4 December 2013 and communicated to staff via a Staff Notice on 7 January 2014. The new section provides additional clarification about the use of Council's e-mail and other electronic systems for personal use. In particular it provides guidance on how to avoid any perception of a conflict of interest between personal and business use. Specifically its states:

"Whenever Council's IT systems are used for personal tasks, staff should be aware of the requirements of the Code of Conduct and must ensure that there can be no confusion as to whether the use is for personal or for council business. For example: Staff should not use their Council e-mail address to lodge personal submissions regarding development applications as this could cause confusion as to whether they were submitting in their personal or professional capacity.

.....

The above considerations would also apply whenever the staff person was operating in a personal capacity – i.e. making a submission to council under the Compliments and Complaints Policy, or joining an on-line petition using their Council e-mail address and user-id.

Staff should remember that their Council e-mail address and signature block identifies them as a Council representative and should not send e-mails for personal purposes where there is any possibility that the entity receiving the e-mail or seeing that e-mail address could believe that the staff member is acting in their professional capacity. This could lead to either a liability to Council or a violation of the code of conduct (staff must not use their council position for personal advantage). For example – sending e-mails on behalf of a sporting, community or political group; purchasing goods online where the seller may provide them with "preferred pricing" because of their Council address; or making personal posts on electronic bulletin boards or social media"

Recommendation 10: Council has resolved to meet as a Planning Committee on the first Thursday of the month and then to conduct a normal Council meeting on the third Thursday of the month commencing 6 February 2014.

Recommendation 11: As per the report recommendations an in depth planning review is not being undertaken of Council's assessment of any of LEDA's submissions. It should be noted however that Council received a letter from Leda dated 11 November 2013 which stated the following in relation to this recommendation:

".... This stance, reflected in Recommendation 11 to the effect that an in-depth planning review not be undertaken of Council's assessments of Leda's submissions, suggests to us that perhaps Council and Sinc reached the decisions that the Review had gone far enough, possibly having time and budgetary considerations in mind."

The then Acting General Manager responded to this aspect of the letter in a response dated 28 November 2013 and stated the following:

"On Page 5 of your letter of 11 November 2013 you reflect on Recommendation 11 and suggest that perhaps Council and SINC had discussions in relation to this item. To the contrary, it was the Director Planning and Regulation's submission to the SINC review that a planning review would be beneficial. So despite the Executive's initial position that a planning review would be of benefit, we have conceded to Finding 107 and to Recommendation 11 and do not intend to alter that position."

Recommendation 15: Leda were formally advised by written correspondence dated 25 October 2013 that Council will apply the provisions of the following Policies and Strategies in future dealings with their organisation:

- Business Ethics Policy Version 1.2

- Community Engagement Strategy Version 1.1
- Compliments and Complaints Handling Policy Version 1.4
- Correspondence - Response to Policy Version 1.4
- Customer service Charter Policy Version 1.2
- Dealing with Difficult People Policy Version 1.1
- Community Strategic Plan 2013/2023
- Code of Meeting Practice

A copy of each was enclosed for their information.

In particular, with respect to Council's *Correspondence - Response to Policy Version 1.4*, the need to utilise Council's corporate email address when official correspondence requiring a response is sent was highlighted to ensure the correspondence is appropriately registered within Council's record management system, tasked and actioned accordingly.

Further, Leda were advised that there have been instances where their office have emailed the General Manager directly with information that they wished to be tabled with Councillors prior to consideration of a business paper agenda item. In these instances it was suggested that in addition to emailing the corporate email address, that they also copy Councillors. This is appropriate given that the matter is to be considered by Councillors and the item is on the business paper agenda.

Leda were also reminded of the timeframes associated with the availability of Council Meeting Business Papers.

Recommendation 16: Leda were formally advised by written correspondence dated 7 November 2013 of the core staff allocated to the Cobaki and Kings Forest projects and advised of the methods of communication to be undertaken relating to the Cobaki and Kings Forest projects.

Recommendation 17: With respect to the internal referral process and development of Service Level Agreements an initial focus meeting of internal referees was conducted on 24 October 2013. Further meetings were held on 31 October and 7 November 2013. A report recommending a range of actions was endorsed by the Executive Management Team on 4 December 2013. The Director Planning and Regulation will oversee implementation of the endorsed action.

Recommendation 18: Relevant staff will be invited to major pre-DA meetings where appropriate.

Recommendation 19: With respect to the alleged Code of Conduct breaches that may have been alleged up to the date of the Sinc Solutions report, a response was provided to Leda on 30 October 2013 in accordance with the Sinc Solutions Recommendation. A further subsequent letter was provided to Leda on 5 November following advice received from the Division which said ".....the Division has completed its assessment of the matter and has determined that no action was warranted under the Council's Code of Conduct or the misconduct provisions of the Local Government Act 1993 in relation to the matters raised by Leda"..

An update on action taken to date on those recommendations commenced but not yet finalised is as follows:

Recommendation 9: Arrangements are being finalised with Prevention Partners to develop and provide training sessions with key staff on dealing with Councillors, dealing with conflict of interests (including activities as a member of the public including activist groups or making submissions on developments); GIPA applications and dealing with difficult persons. It is hoped that once developed and undertaken in the first instance by an external party at arm's length to Council, that refresher training could be provided internally by Council's HR Training unit.

Recommendations 12, 13 and 14: These deal with the appointment of an experienced and highly skilled Independent Chair to facilitate regular scheduled meetings between Leda representatives and Council staff, seeking of independent legal advice from a third party where Council and Leda have opposing advice, and arrangements for the first meeting with the Independent Chair.

Actions to date on progressing these recommendations include:

- A letter to Leda dated 18 October 2013, seeking their concurrence to an experienced and highly skilled Independent Chair being engaged to facilitate regular scheduled meetings-between LEDA representatives and Council staff.
- A letter from Leda dated 25 October 2013, acknowledging Council letters of 18, 22 and 23 October and noting that Council will seek legal advice on Recommendation 12. They also advised that Leda would do likewise as well as seeking advice on other matters relating to the Review.
- On 29 October a telephone conversation took place between Council's then Acting General Manager, Mr Troy Green and Mr Reg van Rij of Leda. Mr Green advised that Council is working on parameters of the Independent Chair. Leda advised they were more interested in Code of Conduct matters raised which were with the Division of Local Government.
- Mid October to mid November 2013, Council staff commenced drafting a TSC Major Development Liaison Agreement between Leda and Council to form the basis of the role and functions of the Independent Chair.
- A letter to Leda dated 15 November which was further to Council's letter of 18 October revisiting Recommendation 12. The letter enclosed a copy of the Draft TSC Major Development Liaison Agreement between Leda and Council as well as a suggested list of names who Council consider suitable to seek expression of interest from to undertake the role of Independent Chair. The letter sought Leda's concurrence or suggestion to the Draft Agreement and of other suitable names to the names provided.
- Response letter from Leda dated 20 November acknowledging Council's letter of 15 November. The letter advised that until Leda has a clear understanding of how Council's Executive has received and interprets the Sinc Solutions findings, that they were not inclined to discuss the role of the Independent Chair. Leda also stated that there are some additional matters which also need to be resolved before momentum can be given to Recommendation 12 including an application under the GIPA Act to obtain a full copy of the Sinc Solutions report and Cr Longland's Notice of Motion re banning of domestic dogs in Kings Forest.
- On 25 November, letters seeking Expression of Interest for the role of Independent Chair were sent to six (6) prospective experienced and qualified individuals suitable to undertake the role.

- A letter to Leda dated 28 November in response to their letter of 20 November advising Council Executive's evaluation of the SINC Solutions report is that it is a frank, at times deserved, critical assessment of some of Council's and Leda's past processes. To that extent the Executive view and consider the findings and recommendations an opportunity to respond in a positive way so that benefits will be derived by Leda, Council and other party's dealing with Council. The letter also advised that with respect to Recommendation 12 - Council has sent an Expression of Interest (EOI) letter (with a copy attached for Leda's reference) to the parties previously advised to Leda with the Draft Agreement between Tweed Shire Council and Leda for Meetings with Independent Chair.

With respect to Mayor Cr Longland's Notice of Motion #4 Tweed Coast Koala's and Cr Milne's Notice of Motion #12 Kings Forest EPBC Submission No Dogs Policy to the Council meeting of 21 November, it was advised an email was sent to all Councillors prior to the meeting advising of Leda's position.

- Five (5) experienced and qualified individuals had expressed an interest and willingness to undertake the role of Independent Chair by close of business on the due date. In alphabetical order they are:
 - Hon. David J. Bartlett – former Premier Tasmania. Chaired the first ever multi party Cabinet in Australian democratic history, he established the Tasmanian Forestry Roundtable bringing together highly disparate interests from the forest industry and conservation sector that formed the highly durable forestry 'peace deal' now in effect in Tasmania. He held the portfolios of Minister for Local Government and Minister for Planning in the Tasmanian Government negotiating water and sewerage statewide reforms and a new statewide planning system. As Premier he presided over the development of a comprehensive 10-Year Infrastructure Plan for Tasmania and developed and implemented a 10-point integrity plan for Tasmanian Government including the establishment of the Tasmanian Integrity Commission and a comprehensive reform of freedom of information and whistleblower legislation. He is currently the independent Chairman of a high growth Australian technology company that has recently raised private capital investment and expanded operations into the US.
 - Richard Colley – current Chair of the Local Govt Grants Commission; and current Chair of the Local Infrastructure Renewal Scheme.

Former General Manager of Bankstown City Council, the 4th largest in metro Sydney. He headed the Commission of Inquiry into Shellharbour City Council. He was also appointed as one of the Administrators at the Wollongong City Council, during their period under administration and has served on several NSW, Council Code of Conduct panels. Richard's career experience also extends to the private sector with national and international companies including The Coca-Cola, Tooheys Breweries and National Foods.

- Sarah Hill - Director of Hill PDA. 15 years of international planning experience, Sarah is also the firm's Principal Planner, specialising in the relationship between planning, economics and society. Sarah is the immediate past President of the NSW Division of the Planning Institute of Australia and a member of the Australian Institute of Company Directors. She has also been appointed as a member of: The NSW Affordable Housing Taskforce; The NSW Building Professionals Board; The NSW Department of Planning and Infrastructure Culture Change Working Group; and The University of Sydney Planning Research Centre. Related industry roles include: Independent Chair of

Ministerial Review of Redfern Waterloo Redevelopment, Head of Major Projects for a Council in East London, Appointed as a board member by the Minister for Planning and Infrastructure Building Professionals Board in June 2013, Expert Advisor to the Minister for Planning and Infrastructure on Planning Reform White Paper 2012 / 2013, Member of the Westconnex Governance Working Group. Sarah has been the recipient of numerous awards including the Mayor of London's Award for Planning Excellence (2005), the 2005 Royal Town Planning Institute Award for Planning (2005) and the UDIA NSW and Stockland Women in Development Leadership Award (2012).

- Kerry Nash – Director KR Nash & Associates, Strategic and Town Planning, Local Government and Information Systems. Relevant past experience includes: worked on the Campbelltown-Camden new City Project at the State Planning Authority of New South Wales, now the Department of Planning, Appointed Senior Research Planner with Strategic Planning Branch, Planning and Building Department City of Sydney. Vice-President AURISA (Australian Urban & Regional Information System Association) 1981, President Aurisa 1982, Appointed Director of CA 4, Information Systems Department 1984, Manager Corporate Services Division 1991. Assistant General Manager of CA 111, Corporate and Business Services until 24 February 1995; and
- Sean O'Toole – Managing Director Landcom (2002 – 2013), Chief General Manager Landcom (1996 – 2001), Assistant Director General NSW Department of Planning 1989 – 1996, Planning Administrator Leichardt Municipal Council 1990 – 1991, Director, Asthma Foundation of NSW 2008 – present, Member, UWS Strategy & Planning Committee 2010 – 2012. Sean has been the recipient of numerous relevant awards including Planner of the Year Planning Institute of Australia - NSW Division, Life Member Urban Development Institute of Australia, 2013 President's Prize Australian Institute of Architects – NSW Chapter.
- On 5 December a meeting with Mr Reg van Rij of Leda and the Acting General Manager took place. They discussed potential candidates for the role of Independent Chair and Mr van Rij was provided with a copy of candidate CVs. Mr Green asked Mr van Rij if he had yet reviewed the draft Major Development Liaison Agreement to which Mr van Rij advised that he still had not.
- On 27 December an email was received by the General Manager from Mr van Rij van Rij of Leda apologising for not having responded before then to the request made that Leda give some response to the proposed role of the Independent Chair. It was advised that year end circumstances had meant that an opportunity to discuss this and the suggested candidates with Mr Eil had not occurred. The following comments in summary form were also provided: Council should first seek legal advice as to the powers that can be delegated to the Chair before the purpose and definition of the role can be properly considered, Consideration to the appointment being initially for 6 months, Membership of the Committee to include Leda's Project Managers for Cobaki and Kings Forest, Frequency of meetings be determined by the issues from time to time, Chairs authority to make decisions must not affect the normal statutory Appeals procedures. The email also stated that the way forward and the Chairs role in it are not helped by Council's reluctance to provide Leda a complete copy of the Sinc Solutions report nor by Council's rejection of their request that errors of fact in the report be rectified.

- On 6 January 2014, a letter seeking advice from Lindsay Taylor Lawyers as to the powers of delegation that could be applied to the Independent Chair and requesting input into the Draft Agreement was sent. Advice is yet to be finalised.
- On 7 January a written response was provided to Leda responding to the email of 27 December, in particular thanking them for the comments in relation to the Independent Chair and responding to each item as follows (abridged): That whilst it was Council's preference to have an agreement with Leda on a Draft prior to seeking legal advice, Council had sought legal advice as requested and that once the advice was received further contact would be made with Leda concerning these matters; Given the longevity of the Cobaki and Kings Forest Projects and the need to secure a high quality candidate for the Independent Chair role, that it was Council's opinion that a 12 month appointment was not excessive and therefore suggests a 12 month appointment with a six month review; Suggested membership of the committee was agreed and advice was also provided that Leda's consultant would also be welcome at meetings when required; It is Council's preference that regular set meetings of three weekly or monthly intervals occur as it would be highly problematic to secure a suitable Chair on an at call basis; It was agreed that the Chairs authority to make decision must not affect the normal statutory Appeals process.

With respect to Council's decision not to provide Leda a complete copy of the Sinc Solutions report Leda were advised the following events determined what would be released to them: On Thursday 5 September 2013 (prior to the completion of the SINC Solutions report) in a meeting held with the Acting General Manager with Greg Cornish and Mr Reg van Rij of Leda and Mick Denny of Council in attendance, Leda stated that completion of the Sinc Solutions report would be the start of the process. (The Acting General Manager noted that this was a clear movement from Leda's prior assertions that the Independent Review was needed to bring finality to matters). Leda further stated that they intend to take legal action for damages, hold Council to account for actions to be implemented from the report and would pursue political measures at a local and state level and also to the Division of Local Government. Failing these measures they would advocate to 'the court of public opinion'.

In a meeting in the Acting General Manager's office on 5 December Leda expressed disappointment that they had not received a copy of the Sinc Solutions full report. On a without prejudice basis, they were reminded, that they had met with the Acting General Manager prior to the report being completed (referring to 5 September meeting) at which time Leda advised of their position of intending to go through the court system and media. Leda were advised that once they had made that statement, Council was obligated to report this intent to Council's insurers. Council from that time has acted on advice and in anticipation of the threatened legal proceedings.

With respect to Leda's request that errors of fact in the report (including any that might be raised by Council officers) be rectified, it was noted and previously responded to on behalf of Council by DLA Piper through Gadens Lawyers on 4 December 2013. The Review and final report was done independent of Council, based on the documentary evidence and interviews conducted by Sinc Solutions. Council has no intention to request amendments or review the Review further. It is committed to implementing the Recommendations of the Report, learning from the Findings and moving forward with a positive working relationship.

Those recommendations where action is yet to commence are as follows:

Recommendation 6: Development of a Communication Strategy between Council and Leda.

Recommendation 8: Development of a Media Strategy to respond, when required, to issues raised in the media by Leda.

In addition to the meetings and actions taken to date in relation to the Recommendations of the Report, several other items of correspondence have also occurred since the adoption of the Report by Council and include:

- Letters from Leda stating that they were disappointed with some of the content of Council's media release of 15 October and requesting Council request corrections to media in the Echonetdaily.
- Letters from Leda's lawyers regarding Procedural Fairness and other matters in the Report and response by Council lawyers.

Whilst it is clear that on some matters there is still some ground to be made between Council and Leda, on many of the issues there is a mutual understanding and respect between the parties. The relationship is cordial and professional and of late the meetings and conversations have moved from the Review Findings and associated documents to focussing on progressing the developments at Cobaki and Kings Forest. This is pleasing and will hopefully enable both Council and Leda to move forward in a positive and cooperative manner to deliver good outcomes for both parties and the future residents of these suburbs.

RESIGNATION OF DIRECTOR ENGINEERING AND OPERATIONS

The Mayor and Councillors expressed their thanks to Mr Patrick Knight for his expertise and contribution to the Council and the Shire during the last 16 years, of which 8 years were as Director and wished him well in his future endeavours.

ADJOURNMENT OF MEETING

Adjournment for dinner at 7.00 pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.45pm

RECEIPT OF PETITIONS

15 [ROP] Receipt of Petitions

There were no petitions tabled.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

a15 [GM-CM] Revision of Festivals and Events Policy Version 1.1

LATE ITEM

20

**Cr P Youngblutt
Cr M Armstrong**

RESOLVED that Item a15 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

FOR VOTE - Unanimous

21

**Cr P Youngblutt
Cr M Armstrong**

RESOLVED that the Festivals and Events Policy Version 1.1 be adopted.

22

AMENDMENT

**Cr K Milne
Cr G Bagnall**

PROPOSED that this item be deferred for a Workshop.

The Amendment was **Lost**

FOR VOTE - Cr K Milne, Cr G Bagnall

***AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong,
Cr B Longland***

The Motion was **Carried** (Minute No 20 refers)

***FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong,
Cr G Bagnall, Cr B Longland***
AGAINST VOTE - Cr K Milne

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

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

23

**Cr K Milne
Cr W Polglase**

RESOLVED that Council notes the December 2013 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

FOR VOTE - Unanimous

17 [PR-CM] Development Application DA13/0175 for an 83 Lot Residential Subdivision in Four Stages Comprising 79 Residential Lots with Dedication of Two Lots as Drainage Reserves, One Lot as Public Reserve and One Lot as Sewer Pump Station Site at Lot 332 DP

24

**Cr M Armstrong
Cr K Milne**

PROPOSED that Development Application DA13/0175 for an 83 lot residential subdivision in four stages with dedication of two lots as drainage reserves, one lot as public reserve and one lot as sewer pump station site at Lot 332 DP 1158142 Silkpod Avenue, Murwillumbah be refused for the following reasons:

1. Pursuant to Section 5 Objects of the Environmental Planning & Assessment Act 1979 (as amended), the proposed development cannot be determined to satisfy sub section (a)(i), the orderly and economic use and development of the land.

It is Council's view that the proposal has the ability to impact negatively upon the subject site and adjacent land; accordingly the proposal is not identified as satisfying the Objects of the Environmental Planning & Assessment Act 1979.

2. Pursuant to Section 5 Objects of the Environmental Planning & Assessment Act 1979 (as amended), the proposed development cannot be determined to satisfy sub section (a)(vi), the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats.

It is Council's view that the proposal has the ability to impact upon the protection and conservation of native animals and plants; accordingly the proposal is not identified as satisfying the Objects of the Environmental Planning & Assessment Act 1979.

3. In accordance with Section 79C(1)(a)(i) of the Environmental Planning & Assessment Act 1979 (as amended) the proposed development is not considered to be compliant with Environmental Planning Instruments.

It is Council's view that the proposed development is inconsistent with the aims of:
State Environmental Planning Policies:

- North Coast Regional Environmental Plan: Clauses 15 and 43

It is Council's view that the proposed development does not satisfy the provisions contained within:

The Tweed Local Environmental Plan 2000:

- Clause 4: Aims of this plan
- Clause 5: Ecologically sustainable development
- Clause 8(1): Consent Considerations
- Clause 31: Development adjoining waterbodies

5. Pursuant to Section 79C (1) (c) of the Environmental Planning & Assessment Act 1979 (as amended) the proposed site is not considered suitable for the proposed development.

It is Council's view that the design and proximity of the residential development to Frangella Park is considered unacceptable due to its impact upon the habitat of a threatened species, in particular that of the grey headed flying fox.

6. In accordance with Section 79C (1) (e) of the Environmental Planning & Assessment Act 1979 (as amended) the proposed development is not considered to be in the public interest.

It is Council's view that it is in the broader general public interest to enforce the standards contained within the Tweed Local Environmental Plan 2000 specifically as it relates to the aims of the plan, unacceptable cumulative impact and the ongoing economic burden on the Shire as a whole.

25

AMENDMENT

Cr G Bagnall

Cr M Armstrong

RESOLVED that the Development Application DA13/0175 for an 83 lot residential subdivision in four stages with dedication of two lots as drainage reserves, one lot as public reserve and one lot as sewer pump station site at Lot 332 DP 1158142 Silkpod Avenue, Murwillumbah be deferred for a Workshop.

The Amendment was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr G Bagnall

AGAINST VOTE - Cr K Milne, Cr B Longland

The Amendment on becoming the Motion was **Carried** - (Minute No 25 refers)

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr G Bagnall

AGAINST VOTE - Cr K Milne, Cr B Longland

18 [PR-CM] Development Application DA13/0201 for a Telecommunications Facility at Lot 1 DP 397082 No. 80 Depot Road, Kings Forest

DECLARATION OF INTEREST

Cr Milne declared a Non-Significant, Non-Pecuniary Interest in Item 18 [PR-CM] Development Application DA13/0201 for a Telecommunications Facility at Lt 1 DP 39702 No 80 Depot Road, Kings Forest. The nature of the interest is that Cr K Milne is involved in a defamation legal matter with the neighbouring property owner, Mr Bob Ell of LEDA Developments.

Cr K Milne advised she will remain in the Chambers during discussion and voting on this matter.

26

Cr G Bagnall

Cr C Byrne

RESOLVED that Development Application DA13/0201 for a telecommunications facility at Lot 1 DP 397082 No. 80 Depot Road, Kings Forest be refused for the following reasons:

1. The development application is contrary to Clause 4 of the Tweed Local Environmental Plan 2000, in that the proposed development does not meet the aims of the plan.
2. The development application is contrary to Clause 8(1) of the Tweed Local Environmental Plan 2000, in that the proposed development will have an unacceptable cumulative impact on the Kings Forest locality.
3. The development application is not consistent with and is not supported by Department of Education and Communities policy regarding the installation of mobile telecommunication facilities within proximity to education facility sites.
4. Accordingly, the development application is not considered to be in the public interest.

The Motion was **Carried**

FOR VOTE - Unanimous

19 [PR-CM] Development Application DA13/0385 for a Three Lot Subdivision and Single Dwelling with Attached Secondary Dwelling at Lot 63 DP 804148 No. 3-6 Trutes Terrace, Terranora

27

**Cr K Milne
Cr M Armstrong**

RESOLVED that Development Application DA13/0385 for a three lot subdivision and single dwelling with attached secondary dwelling at Lot 63 DP 804148 No. 3-6 Trutes Terrace, Terranora, due to the constraints of the site the matter be deferred to 6 March 2014 Planning Committee Meeting. The Director Planning and Regulation to include in the report consideration of the following matters:

1. Allow the proponents the opportunity to consider consolidating proposed Lots 1 and 2 into one single lot.
2. Allow the proponents and Council to agree to the terms of a voluntary planning agreement that ensures that each allotment created is ultimately serviced by connection to the Council sewerage network, if on site effluent management results are deemed to be unsatisfactory in the long term, and that all other relevant infrastructure costs and environmental provisions (associated with Area E development) are paid.
3. Allow the proponents to submit an updated On Site Effluent Management Report that seeks to commit to high level treatment of effluent management (including nutrient reduction and potential composting toilets), and that all land application areas are minimised to result in minimal to no removal of existing native vegetation and to maximise the revegetation of native vegetation where possible.
4. The proponent to be responsible for the costs of preparing this Voluntary Planning Agreement (VPA), including the costs to Council.

The Motion was **Carried**

FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland

AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne

20 [PR-CM] Reforming the Aboriginal Cultural Heritage System in NSW

28

**Cr P Youngblutt
Cr W Polglase**

PROPOSED that Council endorses and forwards the submission on "*Reforming the Aboriginal Cultural Heritage System in NSW*" to the NSW State Department: Office of Environment and Heritage.

29

AMENDMENT

Cr K Milne
Cr M Armstrong

RESOLVED that this item be deferred to enable the Aboriginal Advisory Committee to provide further advice on Council's submission.

The Amendment was **Carried**

FOR VOTE - Cr W Polglase, Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland
AGAINST VOTE - Cr P Youngblutt, Cr C Byrne

The Amendment on becoming the Motion was **Carried** - (Minute No 29 refers)

FOR VOTE - Cr W Polglase, Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland
AGAINST VOTE - Cr P Youngblutt, Cr C Byrne

Cr M Armstrong temporarily left the meeting at 08:54 PM.

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

21 **[CNR-CM] Chinderah Pontoon - Independent Advice**

30

Cr B Longland
Cr K Milne

RESOLVED that:

1. External environmental consultants be engaged and funded through the Tweed River Estuaries Management Program to produce a report on the ecological impacts of the Chinderah pontoon, particularly on the Lillie's Island and other seagrass beds in that vicinity. The report is to identify baseline conditions and include recommendations for the management of these ecological impacts.
2. This report is to form part of the Review of Environmental Effects (REF) and Part V application for the proposed Chinderah pontoon which is to be completed internally.

Cr M Armstrong has returned from temporary absence at 08:55 PM

The Motion was **Carried**

FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland
AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne

Cr W Polglase temporarily left the meeting at 09:01 PM.

31

Cr K Milne
Cr M Armstrong

RESOLVED that Item 22 to Item a32, with the exception of Item 25 be moved en globo

Cr W Polglase has returned from temporary absence at 09:04 PM

The Motion was **Carried**

FOR VOTE - Unanimous

22 [CNR-CM] Revolving Energy Fund Investment Repayments

32

Cr K Milne
Cr M Armstrong

RESOLVED that Council improves the effectiveness of the Revolving Energy Fund by reintroducing a 'sunset clause' to limit the contribution of energy cost savings from energy efficiency projects on Council facilities to 75% of savings for four years following the full repayment of the initial capital.

The Motion was **Carried**

FOR VOTE - Unanimous

23 [CNR-CM] North Coast Energy Forum 2014

33

Cr K Milne
Cr M Armstrong

RESOLVED that:

1. Council hosts the 2014 North Coast Energy Forum including sponsorship to a maximum of \$5,000 funded through the Natural Resource Management Program.
2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2)(c) of the Local Government Act 1993, because it contains:-
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The Motion was **Carried**

FOR VOTE - Unanimous

24 [CNR-CM] Tweed Regional Museum and Tweed Regional Gallery Deductible Gift Recipient (DGR) Fund Policies

34

**Cr K Milne
Cr M Armstrong**

RESOLVED that:

1. The Tweed Regional Museum Deductible Gift Recipient (DGR) Fund Policy Version 1.0 be adopted.
2. The Tweed Regional Gallery Deductible Gift Recipient (DGR) Fund Policy Version 1.0 be adopted.

The Motion was **Carried**

FOR VOTE - Unanimous

25 [CNR-CM] Preliminary Ecological Assessment of Environmental Zoned Land Adjacent to the Proposed Motocross Track - Lundberg Drive South Murwillumbah

35

**Cr G Bagnall
Cr K Milne**

RESOLVED that Council:

1. Receives and notes the report regarding the Preliminary Ecological Assessment of Environmentally Zoned Land Adjacent to the Proposed Motocross Track - Lundberg Drive, South Murwillumbah; and

2. Provides a copy of the report to the proponent of the proposed motocross track.

The Motion was **Carried**

FOR VOTE - Unanimous

a25 [CNR-CM] EC2013-215 Manufacture Supply and Delivery of DN 375mm Diameter Pressure Pipe : Alternate Supplier

LATE ITEM

36

**Cr K Milne
Cr M Armstrong**

RESOLVED that Item a25 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

FOR VOTE - Unanimous

37

**Cr K Milne
Cr M Armstrong**

RESOLVED that:

1. Council terminates its arrangement with Iplex Pipelines Pty Ltd for Contract EC2013-215 Manufacture Supply and Delivery of DN 375mm Diameter Pressure Pipe in the amount of \$262,977.27 (exclusive of GST) as resolved at its meeting of 12 December 2013.
2. An alternate supply arrangement for Contract EC2013-215 Manufacture Supply and Delivery of DN 375mm Diameter Pressure Pipe in the amount of \$280,000 (exclusive of GST) be awarded to Vinidex Pty Ltd.
3. The General Manager is given delegated authority to approve variations up to 10% of the initial contract sum to a maximum of \$150,000 and those variations be reported to Council following completion of the tendered works/services.
4. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

26 [EO-CM] Easement over Council Land - Lot 6 DP237093 - Holden Street, Tweed Heads South

38

**Cr K Milne
Cr M Armstrong**

RESOLVED that:

1. Council approves the granting of an Easement for Underground Powerlines 10 wide within Lot 6 DP 237093;
2. Council accepts the compensation offered by Essential Energy as detailed in the body of the report; and
3. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

27 [EO-CM] Crown Reserve 89237 - Licence from Crown for SES Facility at Banora Point

39

**Cr K Milne
Cr M Armstrong**

RESOLVED that Council:

1. Approves entering into a licence agreement with the Crown, pursuant to Section 34A of the Crown Lands Act 1989 for Part of Crown Reserve 89237 being Lot 682 in DP 41192 at Banora Point for a term of five (5) years; and
2. Executes all documentation under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

28 [EO-CM] Road Naming - Barneys Point Road, Banora Point

40

Cr K Milne

Cr M Armstrong

RESOLVED that:

1. Council adopts the name of Barneys Point Road for the road running south from the Noarlunga Street intersection under the Pacific Highway then north to the Pacific Highway's Barneys Point exit at Banora Point, and
2. The naming of the public road be Gazetted under the provisions of the Roads (General) Regulation, 2008 and the Roads Act, 1993.

The Motion was **Carried**

FOR VOTE - Unanimous

29 [EO-CM] Release of Easement for Rising Main - Darlington Drive, Banora Point

41

Cr K Milne

Cr M Armstrong

RESOLVED that Council:

1. Consents to the extinguishment of the Easement for Rising Main 5 wide shown in DP610609 and created by Resumption Application S5398382 at the full cost to the applicant; and
2. All relevant documents be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

30 [EO-CM] Murwillumbah Community Centre Lease - Knox Park, Murwillumbah

42

**Cr K Milne
Cr M Armstrong**

RESOLVED that:

1. Council enters into a Lease agreement with NSW Trade and Investment, Crown Lands Division for the Murwillumbah Community Centre, Knox Park, Murwillumbah contained within Lots 7317 and 7318 DP1168115, Lots 1-32 Section 14 DP2087 and Lot 1 DP1162740 and shown as Lot 1 in the proposed plan of subdivision for leasehold purposes contained within the body of the report for a period of 20 years; and
2. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

31 [EO-CM] EQ2013-229 Greenvale Court Steel Culverts Relining

43

**Cr K Milne
Cr M Armstrong**

RESOLVED that:

1. The tender from Bothar Boring & Tunnelling be accepted to the value of \$136,670.00 exclusive of GST for tender EQ2013-229 Greenvale Court Steel Culverts Relining.
2. The General Manager be given delegated authority to approve variations up to 10% of the initial contract sum to a maximum of \$150,000 and those variations be reported to Council following completion of the tendered works/services.
3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

The Motion was **Carried**

FOR VOTE - Unanimous

32 [EO-CM] EC2013-224 South Tweed Heads Swimming Pool Heat Pump and Ventilation

44

Cr K Milne

Cr M Armstrong

RESOLVED that this report be dealt with in conjunction with the late report, EC2013-224 South Tweed Heads Swimming Pool Heat Pump and Ventilation.

The Motion was **Carried**

FOR VOTE - Unanimous

a32 [EO-CM] EC2013-224 South Tweed Heads Swimming Pool Heat Pump and Ventilation

45

Cr K Milne

Cr M Armstrong

RESOLVED that:

1. Council awards Contract EC2013-224 to QIS Energy Conservation Systems Pty Ltd (Offer 2) for the lump sum amount of \$244,116.36 (exclusive of GST).
2. The General Manager is given delegated authority to approve variations up to 10% of the initial contract sum to a maximum of \$150,000 and those variations be reported to Council following completion of the tendered works/services.
3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

The Motion was **Carried**

FOR VOTE - Unanimous

33 [EO-CM] Seabreeze Entry

46

**Cr G Bagnall
Cr K Milne**

RESOLVED that Council:

1. Removes the Fig trees in the Seabreeze eastern entry statement and replace them with advanced Brush Box trees, which Council will irrigate until established.
2. Proceeds with works to redirect localised stormwater into the Seabreeze eastern entry statement pond and urgently investigates the feasibility of other alternatives for recharging the pond with non-potable water, and should it be determined that it is not feasible, provide a report outlining the reasons to a future Council meeting.
3. Re-installs and maintains equipment to recycle pond water via the bed of the artificial stream, as was included in the original development application and as approved by Council.

The Motion was **Carried**

FOR VOTE - Unanimous

RETIREMENT FROM MEETING

Cr K Milne retired from the meeting at 09:26 PM.

34. [EO-CM] Disposal of Land - 21 Piggabeen Road, Tweed Heads West

This item was dealt with in Confidential Session (Minute No C2 refers)

REPORTS FROM THE ACTING DIRECTOR TECHNOLOGY AND CORPORATE SERVICES

35 [TCS-CM] Monthly Investment Report for Period Ending 31 December 2013

This item was dealt with in conjunction with Item a35 - Minute No 48 refers.

a35 [TCS-CM] Monthly Investment and Section 94 Developer Contributions Report for the Period Ending 31 December 2013

LATE ITEM

47

**Cr M Armstrong
Cr P Youngblutt**

RESOLVED that Item a35 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

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

48

**Cr M Armstrong
Cr P Youngblutt**

RESOLVED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 31 December 2013 totalling \$168,154,011 be received and noted.

The Motion was **Carried**

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

b35 [TCS-CM] Environmental Levy 2015/2016

LATE ITEM

49

**Cr P Youngblutt
Cr W Polglase**

RESOLVED that Item b35 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

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

50

Cr P Youngblutt
Cr W Polglase

RESOLVED that Council:

1. Proceeds to include information on a proposed 2015/2016 Environmental Levy in the 2014/2015 Integrated Planning and Reporting process based on the Tweed River Bank Management Project, funded by an ordinary rate increase of 1% for a period of 10 years.
2. Consults with the community on the alternatives as detailed within this report.

51

AMENDMENT

Cr M Armstrong
Cr G Bagnall

PROPOSED that this item be deferred to enable community consultation as to the projects and programs to be included with a view to the introduction of an environmental levy in 2016/2017.

The Amendment was **Lost**

FOR VOTE - Cr M Armstrong

AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr G Bagnall, Cr B Longland

ABSENT. DID NOT VOTE - Cr K Milne

The Motion was **Carried** (Minute No 50 refers)

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr G Bagnall

AGAINST VOTE - Cr B Longland

ABSENT. DID NOT VOTE - Cr K Milne

<p>A NOTICE OF RESCISSION HAS BEEN RECEIVED ON THIS ITEM FROM COUNCILLORS W POLGLASE, G BAGNALL AND C BYRNE.</p>

DELEGATE REPORTS

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

36 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 20 September 2013

52

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that Minutes of the Aboriginal Advisory Committee Meeting held Friday 20 September 2013 be received and noted.

The Motion was **Carried**

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

37 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 November 2013

53

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that:

1. The Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 November 2013 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

A4. Eviron Road Quarry and Landfill project - David Hannah (Tweed Shire Council) and Mick Donohoe (Public Works)

That Council notes that the Aboriginal Advisory Committee provides in-principle support for the Heritage Management Plan for Eviron Road Quarry and Landfill prepared by Council and dated October 2013 to be submitted to OEH.

The Motion was **Carried**

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

38 [SUB-TCKAG] Minutes of the Tweed Coast Koala Advisory Group Committee Meeting held Tuesday 19 November 2013

54

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that the Minutes of the Tweed Coast Koala Advisory Group Meeting held Tuesday 19 November 2013 be received and noted.

The Motion was **Carried**

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

39 [SUB-TRAG] Minutes of the Art Gallery Advisory Committee Meeting held Wednesday 4 December 2013

55

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that the Minutes of the Art Gallery Advisory Committee Meeting held Wednesday 4 December 2013 be received and noted.

The Motion was **Carried**

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

40 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 5 December 2013

56

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that:

1. The Minutes of the Local Traffic Committee Meeting held on Thursday 5 December 2013 be received and noted; and
 2. The Executive Management Team's recommendations be adopted as follows:
-

A1. [LTC] Marine Parade, Kingscliff

That the "No Parking Buses Excepted" signage applying to the off road space adjacent to the Kingscliff Community Centre be removed.

A2. [LTC] Tweed Valley Way, Murwillumbah

That a convex safety mirror be installed on Tweed Valley Way to assist drivers exiting the shared driveway from numbers 425/425A subject to associated installation and maintenance costs being borne by the applicant.

A3. [LTC] Tweed River High School, Heffron Street, Tweed Heads

That:

1. *The existing bus zone signs west of the pedestrian refuge on Heffron Street be altered to read "No Parking" during morning school hours 8.00-9.30am and bus zone 2.30-4.00pm". This represents a distance of approximately 80 metres.*
2. *The School be encouraged to pursue funding for suitable on-site facilities to cater for parents and/or buses.*

The Motion was **Carried**

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

41 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held Monday 9 December 2013

57

Cr W Polglase
Cr P Youngblutt

RESOLVED that:

1. The Minutes of the Sports Advisory Committee Meeting held Monday 9 December 2013 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:
 1. **Business Plan - Tweed Academy of Sport (TAS)**

That, in its 2014/2015 budget, Council consider providing a financial contribution of \$40,000 per annum for a 3 year period to the Tweed Academy of Sport.

4. Black Rocks Sports Fields

That the Sports Advisory Committee wishes Council to note the Committee's concern with the limitations being placed on the use of Black Rocks Sports Fields.

The Motion was **Carried**

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

42 [SUB-EAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 18 December 2013

58

Cr W Polglase
Cr P Youngblutt

RESOLVED that:

1. The Minutes of the Equal Access Advisory Committee Meeting held Wednesday 18 December 2013 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:
 10. **Request for funding from Murwillumbah Rotary for Dream Cricket event 2014**

That Council approves up to \$2,000 to be paid on submission of receipts from Murwillumbah Rotary Club for the Dream Cricket day to be held at Murwillumbah Cricket Club in 2014 (date to be confirmed) to be funded from the Access program.

The Motion was **Carried**

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

CONFIDENTIAL COMMITTEE

59

Cr B Longland
Cr M Armstrong

RESOLVED that Council resolves itself into a Confidential Committee in accordance with Section 10A(2) of the Local Government Act 1993 (as amended) and that the press and

public be excluded from the whole of the Committee Meeting, because, in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest, by reasons of the confidential nature of the business to be transacted.

The Motion was **Carried**

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

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

34 [EO-CM] Disposal of Land - 21 Piggabeen Road, Tweed Heads West

REASON FOR CONFIDENTIALITY:

Local Government Act

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

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

C 2

That:

1. Council accepts the final offer (offer number 8) as detailed in the confidential attachment for the sale of 21 Piggabeen Road, Tweed Heads West comprised in Lot 1 DP 1179345; and
2. All documentation be executed under the Common Seal of Council.
3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The Motion was **Carried**

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

60

Cr C Byrne
Cr W Polglase

RESOLVED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

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

There being no further business the Meeting terminated at 9.49PM

↑ Ó

Minutes of Meeting Confirmed by Council
at the Council Meeting held on
xxx

Chairman

THIS PAGE IS BLANK