



TWEED
SHIRE COUNCIL

Mayor: Cr K Milne

Councillors: G Bagnall (Deputy Mayor)
C Byrne
B Longland
W Polglase
P Youngblutt

Minutes

Ordinary Council Meeting Thursday 10 December 2015

held at Murwillumbah Cultural and Civic Centre
commencing at 5.00pm

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 5.00pm.

IN ATTENDANCE

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

Also present were Mr Troy Green (General Manager), Ms Liz Collyer (Director Corporate Services), Mr David Oxenham (Director Engineering), Mr Lindsay McGavin (Acting Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), Mr Shane Davidson (Executive Officer), Mr Neil Baldwin (Manager Corporate Governance) and Mrs Meredith Smith (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, Reverend Phil Gibbs of the Murwillumbah Baptist Church.

Madam Mayor, Councillors, Council Staff and members of the public

Let us Pray

Almighty God, Father of our Lord Jesus Christ, we come before you at the opening of this new council session and honour You, for You are the sovereign One who provides all good things. We praise You for the Tweed Valley and its environs with all the beauty and grandeur of the mountains, rivers and sea. We praise You for the diversity and dynamic of the many people that make up our community, and we praise You for the gift of leaders and social structure.

We seek Your divine guidance upon the Mayor and Councillors and all who preside in this chamber, asking that all matters be considered with due wisdom in service of the broad community. We pray that Your goodness will be reflected even in the questions and debates, and that You would enable all to be respectful each of the other.

We acknowledge the workings and activities of the Tweed Shire Council often require sacrificial service, and pray the example of our Lord Jesus Christ in how He gave Himself for us, will encourage us in our service for the management and development of this shire.

I pray your blessing on all for this Christmas time and commit this session of Council to You in the Name of Jesus Your Son.

Amen.

CONFIRMATION OF MINUTES

1 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meetings held Thursday 19 November 2015

657

Cr B Longland
Cr C Byrne

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 19 November 2015 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

a1 [CONMIN-CM] Confirmation of Minutes of the Ordinary Council Meeting held Thursday 3 December 2015

658

Cr B Longland
Cr C Byrne

RESOLVED that the Minutes of the Ordinary Council Meeting held Thursday 3 December 2015 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

FOR VOTE - Unanimous

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Cr K Milne declared a Non-Significant, Non-Pecuniary Interest in Item 10 [PR-CM] LEDA Cobaki Special Rate Proposal for Management of Environmental Protection Lands. The nature of the interest is that Cr K Milne has ongoing legal matters in regard to defamation with the Chairman of Leda Holdings, the developer of the Cobaki development. Cr K Milne managed the Interest by staying in the Chair, stating that she will consider only the merits of the matter before her.

Cr C Byrne declared a Non-Significant, Non-Pecuniary Interest in Item 28 [CS-CM] Rotary 9640 District Conference - 7-9 May 2016 and will remain in the Chamber during any debate and the voting.

Cr B Longland declared a Non-Significant, Non-Pecuniary Interest in Item 28 [CS-CM] Rotary 9640 District Conference - 7-9 May 2016 and will remain in the Chamber during any debate and the voting.

Cr W Polglase declared a Non-Significant, Non-Pecuniary Interest in Item 28 [CS-CM] Rotary 9640 District Conference - 7-9 May 2016 and will remain in the Chamber during any debate and the voting.

Mr N Baldwin declared a Non-Significant, Non-Pecuniary Interest in Item 28[CS-CM] Rotary 9640 District Conference - 7-9 May 2016 and will remain in the Chamber during any debate and the voting.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

2 [SOR-CM] Schedule of Outstanding Resolutions

The Schedule of Outstand Resolutions was received and noted.

MAYORAL MINUTE

3 [MM-CM] Mayoral Minute for November 2015

659

Cr K Milne

RESOLVED that the Mayoral Minute for the month of November 2015 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

660

**Cr P Youngblutt
Cr C Byrne**

RESOLVED that Cr B Longland be authorised to attend the Australian Coastal Councils Conference in Rockingham Western Australia to be held 4-6 May 2016.

The Motion was **Carried**

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

a3 [MM-CM] Mayoral Minute - Water Augmentation and Review

661

Cr K Milne

RESOLVED that:

1. Based on the information currently available, Council adopts the raising of the wall of the Clarrie Hall Dam as the preferred option for future water security and proceeds with the planning approval and land acquisitions phase for the project.
2. Concurrently a comprehensive independent review of Council's Water Supply-Demand options is undertaken as a matter of priority, to ascertain further consideration of the most ecologically sustainable, climate change resilient, cost effective and socially acceptable long term water management and augmentation options available. Such a review should include, but not be limited to, a full range of demand management, drought security, and supply options.
3. The community working group that was previously established to consider the water augmentation options be reconvened (with the exception for new Councillor representatives, and any vacancies to be advertised), to recommend the terms of reference for the review, recommend the selection criteria and weightings for selecting a preferred consultant for the review, and as a project reference group for the review.

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

The Motion was Carried on the Casting Vote of the Mayor.

SUSPENSION OF STANDING ORDERS

662

Cr K Milne
Cr B Longland

RESOLVED that Standing Orders be suspended to deal with Orders of the Day-Items 31, 32 and 33 of the Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous

ORDERS OF THE DAY

31 [NOR] Byrrell Creek Dam Site - Moratorium

663

Cr C Byrne
Cr P Youngblutt

PROPOSED that the resolution from the meeting held on 15 May 2012 at Minute No 314 Item No 49 title [NOM-Cr D Holdom] Byrrell Creek Dam Site - Moratorium being:

"that Council places a moratorium on any dam proposal at Byrrell Creek for a period of the next twenty (20) years, effective from 15 May 2012."

be rescinded.

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

The Motion was **Lost** on the Casting Vote of the Mayor.

32 [NOM] Tweed Water Supply Security Beyond 2026

This item was not considered due to the Notice of Rescission, Item 31, being Lost (Minute No 663 refers).

33 [NOM] Dual Reticulation

664

**Cr C Byrne
Cr P Youngblutt**

RESOLVED that Council brings a report to a future council meeting with respect to dual reticulation schemes and other recycle water schemes currently in operation throughout Australia. The report is to give consideration, but not limited to, the success or otherwise of these operations and where possible a cost benefit analysis of the schemes and other matters relevant to recycling schemes.

The Motion was **Carried**

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

665

**Cr K Milne
Cr B Longland**

RESOLVED that Standing Orders be further suspended to deal with Item 11 of the Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous

INDEPENDENT ASSESSMENT OF DEVELOPMENT APPLICATION

11 [PR-CM] Development Application DA15/0160 for the Erection of a Shed for Use as a Pottsville Community Men's Shed at Lot 301 DP 1125090, Black Rocks Sports Field, Overall Drive, Pottsville

Cr K Milne declared a Non-Significant, Non-Pecuniary Interest in Item 10 [PR-CM] LEDA Cobaki Special Rate Proposal for Management of Environmental Protection Lands. The nature of the interest is that Cr K Milne has ongoing legal matters in regard to defamation with the Chairman of Leda Holdings, the developer of the Cobaki development. Cr K Milne managed the Interest by staying in the Chair, stating that she will consider only the merits of the matter before her.

666

Cr W Polglase
Cr P Youngblutt

RESOLVED that Development Application DA15/0160 for the erection of a shed for use as Pottsville Community Men's Shed at Lot 301 DP 1125090, Black Rocks Sports Field, Overall Drive, Pottsville be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and:
 - Concept Drawing (Proposed Floor Plan) of P&DMS Shed on Black Rocks Sports Field prepared Pottsville and District Men's Shed Inc. and dated March 2015.
 - Concept Drawing (Proposed Elevations) of P&DMS Shed on Black Rocks Sports Field prepared Pottsville and District Men's Shed Inc. and dated March 2015.
 - Drawing No. CMP1 Issue A (Men's Shed – BlackRocks Preliminary Concept Design) prepared by Tweed Shire Council and dated 13 February 2015.
 - Proposed Management Zones Plan dated March 2015.except where varied by the conditions of this consent. [GEN0005]
2. Additional advertising structures/signs to the building identification sign to be the subject of a separate development application (where statutorily required). [GEN0065]
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 colour of the walls and roof of the shed shall be *Pale Eucalypt* or a similar earthy, muted colour, subject to approval by the General Manager or delegate. [GENNS01]
6. All landscaping work is to be completed in accordance with the approved plans within 3 months of the date of issue of any occupation certificate. [GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. The car parking area is to be maintained by the P&DMS as per the standards and requirements of a maintenance agreement with Council. Car parking is to be returned to its existing standard following cessation of the lease of the site.
8. 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. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided. [PCC0285]

9. 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.
This plan is to include a detailed plant schedule that will suitably screen the entire west and north elevations of the shed. It is also to include a detailed plant schedule to integrate with parking areas. Plantings are to reach a minimum height of 2.6m at maturity.
[PCC0585]
10. At the commencement of building works and in perpetuity the property around the building to a distance of 20 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
11. All buildings works are to comply with the National Construction Code Series, Volume One, Building Code of Australia 2015.
12. All building works shall be designed in accordance with Part B1 of the BCA.
13. The building structure shall be designed to satisfy the requirements of AS 1170.
14. The dimensions of the exit and paths of travel to that exit shall be designed to satisfy Clause D1.6 with an unobstructed height throughout of 2 m except a doorway which may be reduced to 1.98 m, the unobstructed width of the path of travel must be 1 m and the doorway may be reduced to a clear width of 750 mm.
15. In accordance with Clause D2.7 of the BCA, services or equipment (if located within the building) to be enclosed by non-combustible construction or a fire protective covering with doorways suitably smoke sealed.
16. In accordance with Clause D2.20 of the BCA, an exit door to swing in the direction of travel unless it serves a building with a floor area less than 200 m² and it is fitted with a device to hold the door in the open position.
17. In accordance with Clause D2.21 of the BCA, the operation of the latch to the exit doorway to be readily openable without a key from the side that faces a person seeking egress by single handed action located between 900 mm and 1.1 m from the floor.
18. Access to the building must be provided for persons with disabilities in accordance with the requirements of AS 1428.1- 2009 from the front allotment boundary through the principal pedestrian entrance and within the building.
19. A path of travel must be maintained with a clear width of 1 m and doorways must have a clear width of not less than 850 mm in accordance with AS 1428.1. Circulation space must also be provided at each doorway in accordance with Clause 13.3.2 of AS 1428.1.
20. Signage and tactile indicators are to be provided in accordance with Clause D3.6 and D3.8 of the BCA.

21. A hearing augmentation system shall be provided where an inbuilt amplification system has been installed within the building in accordance with Clause D3.7 of the BCA.
22. Portable fire extinguishers shall be provided in accordance with Clause E1.6 of the BCA.
23. The building shall be constructed to satisfy stormwater drainage in accordance with AS/NZS 3500.3, by implementing the following:
 - Roof covering in accordance with AS 1562.1
 - The kitchen sink area shall be water-resistant or waterproof in accordance with AS 3740
 - The provision of a vapour barrier to the slab on ground in accordance with AS 2870.
24. Sanitary facilities including a facility for persons with a disability and for ambulatory disabled persons shall be provided in accordance with Clause F2.3 and Table F2.3 of the BCA.
25. Artificial lighting shall comply with AS/NZS 1680.0.
26. Natural ventilation shall consist of windows or doors with an aggregate opening or openable size not less than 5% of the floor area of the room to be ventilated. Alternatively provide a mechanical ventilation or air conditioning system complying with AS 1668.2.
27. The building shall be designed in accordance with Clause NSW G5.2 Protection of the BCA.
28. The external materials of the proposed building are to be non-combustible.
29. All building materials used below Council's adopted design flood level must not be susceptible to water damage.
30. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
31. Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible, be located above the Design Flood Level. All electrical wiring installed below the Design Flood Level should be suitably treated to withstand continuous submergence in water and provide appropriate earth leakage devices.
32. The footings, floor slab and frame are to be designed by a practising Structural Engineer after consideration of a soil report from a NATA accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0945]
33. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be submitted to and approved by the Principal Certifying Authority PRIOR to the issue of a construction certificate.

The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of.

[PCC1065]

34. Should imported material be required for development, an assessment of imported material should be undertaken to ensure its suitability for community facility from a contamination perspective. Further, any material onsite requiring offsite disposal should be classified as per NSW EPA (2014) *Waste Classification Guidelines, Part 1: Classifying Waste*.
35. Waste classification in accordance with the NSW EPA (2014) *Waste Classification Guidelines, Part 1: Classifying waste* should be undertaken for waste soil and groundwater requiring disposal offsite during construction.
36. A construction environment management plan (CEMP) should be prepared and implemented during construction. It should include an unexpected finds protocol pertaining to contamination.
37. An updated acid sulfate soil management plan should be prepared which calculates the required liming rate calculated in accordance with the requirements of the Acid Sulfate Soil Management Advisory Committee (ASSMAC) Acid sulfate soil manual.
38. Permanent stormwater quality treatment shall be provided in accordance with the following:
 - (a) The Construction Certificate Application shall detail stormwater management for the occupational or use stage of the development 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) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management.
 - (d) Specific Requirements to be detailed within the Construction Certificate application include:
 - (i) Shake down area along the haul route immediately before the intersection with the road reserve.

[PCC1105]

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

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

- a) Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.
- b) Where Council is requested to issue a construction certificate for civil works associated with a subdivision consent, the abovementioned works can be incorporated as part of the construction certificate application, to enable one single approval to be issued. Separate approval under Section 68 of the Local Government Act will then NOT be required. [PCC1145]
40. Erosion and Sediment Control shall be provided in accordance with the following:
- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
- (b) Construction phase erosion and sediment control shall be designed, constructed and operated 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". [PCC1155]
41. An application 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 any water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the issue of a construction certificate. [PCC1195]
42. Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be provided with a list of construction materials for the roof/ceiling, walls, windows and doors including internal walls and doors indicating compliance with the Rw requirements for these materials. [PCCNS01]
43. Gravitational access to the sewer is required for the building. Details are to be submitted to the General Manager or delegate for approval prior to the issue of a construction certificate. [PCCNS02]
44. Final building identification signage detail where statutorily required is to be submitted to the satisfaction of the General Manager or delegate prior to the issue of a construction certificate. [PCCNS04]
- PRIOR TO COMMENCEMENT OF WORK**
45. 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 Principal Certifying Authority 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]
46. 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]

47. 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]

48. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one closet for every 15 persons or part of 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]

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

[PCW0665]

50. 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]

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

[PCW1005]

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

[DUR0005]

53. Detailed plans of associated signage are to be submitted to Council prior to the issue of a construction certificate.

DURING CONSTRUCTION

54. During construction, all works required by other conditions or approved management plans or the like shall be installed and operated in accordance with the approved conditions or plans.

[DUR0015]

55. Construction and/or demolition 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]

56. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

A. Short Term Period - 4 weeks.

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

B. Long term period - the duration.

$L_{Aeq, 15 \text{ min}}$ noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0215]

57. 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]

58. 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]

59. 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]

60. 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]

61. 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]

62. 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]

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

[DUR0445]

64. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Work Health and Safety Regulation 2011.

The proponent shall also observe the guidelines set down under the Department of Environment and Climate Change publication, "A Renovators Guide to the Dangers of Lead" and the Workcover Guidelines on working with asbestos.

[DUR0645]

65. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited. [DUR0815]
66. 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]
67. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate/Occupation Certificate. [DUR0995]
68. 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]
69. 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]
70. Landscaping of the site shall be carried out in accordance with the approved landscaping plans. [DUR1045]
71. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428. [DUR1685]
72. Where access for people with disabilities is required to be provided to a building, sanitary facilities for the use of the disabled must also be provided in accordance with the provisions Part F-2 of the Building Code of Australia. [DUR1705]
73. Pursuant to the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility. [DUR1725]
74. 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]
75. 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 the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
-

[DUR1875]

76. 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/demolition to ensure no material is capable of being washed or blow from the site.

[DUR2185]

77. 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.

[DUR2205]

78. 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]

79. 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]

80. 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]

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

[DUR2505]

82. 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]

83. 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]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

84. 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]

85. 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]

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

[POC0225]

87. 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:

7 Trips @ \$844 per Trips (\$815 base rate + \$29 indexation) S94 Plan No. 4 Sector1_4	\$5908
---	--------

(b) Extensions to Council Administration Offices
& Technical Support Facilities

0.2166 ET @ \$1860.31 per ET (\$1759.9 base rate + \$100.41 indexation) S94 Plan No. 18	\$402.94
---	----------

[POC0395]

88. 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 DSP4:	0.1 ET @ \$12575 per ET	\$1257.50
Sewer Banora:	0.15 ET @ \$6042 per ET	\$906.30

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]

89. 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]

90. 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]

91. A flood evacuation plan shall be submitted to Council to the satisfaction of the General Manager or his delegate prior to the commencement of operations. The plan submitted shall have prior approval of the State Emergency Service.

92. Prior to the issue of a final occupation certificate, all conditions of consent are to be met.

[POC1055]

USE

93. 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]

94. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

[USE0145]

95. The hours of operation of the facility are to be restricted to Monday to Sunday 07:30am to 5:30pm with meetings and social activities on Sunday only (no workshop activities). All deliveries and pickups relating to the facility are to occur within the approved hours. [USE0185]
96. 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]
97. The use of power tools outside of the building are to be limited to within 5 metres of the building and restricted to operating hours.
98. All commercial/industrial/residential wastes shall be collected, stored and disposed of in accordance with any approved Waste Management Plan or to the satisfaction of the General Manager or his delegate. [USE0875]
99. The kitchen facilities and the premises in general are not to be used for the handling or preparation of food for sale as defined under the provisions of the NSW Food Act 2003. [USENS02]
100. Activities at the premise shall be supervised by suitably qualified staff at all times. [USENS03]
101. No residential accommodation shall be provided to clients at the premise. [USENS04]
102. Adequate provision for the flood free storage for goods and equipment susceptible to water damage should be provided.
103. The P&DMS must ensure that the operation of the Men's Shed does not disturb the Eastern Osprey nest during the active breeding season (July-September) by restricting access within 100m of the nest.
104. Ensure sufficient area is provided for access to the facility by emergency vehicles at all times.

AMENDMENT 1

667

**Cr K Milne
Cr G Bagnall**

PROPOSED that this item be deferred until the Noise Impact Study by Dr S Phillips is available.

Amendment 1 was **Lost**

FOR VOTE - Cr K Milne, Cr G Bagnall

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

AMENDMENT 2

668

Cr K Milne
Cr G Bagnall

PROPOSED that Development Application DA15/0160 for the erection of a shed for use as Pottsville Community Men's Shed at Lot 301 DP 1125090, Black Rocks Sports Field, Overall Drive, Pottsville be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and:

- Concept Drawing (Proposed Floor Plan) of P&DMS Shed on Black Rocks Sports Field prepared Pottsville and District Men's Shed Inc. and dated March 2015.
- Concept Drawing (Proposed Elevations) of P&DMS Shed on Black Rocks Sports Field prepared Pottsville and District Men's Shed Inc. and dated March 2015.
- Drawing No. CMP1 Issue A (Men's Shed – BlackRocks Preliminary Concept Design) prepared by Tweed Shire Council and dated 13 February 2015.
- Proposed Management Zones Plan dated March 2015.

except where varied by the conditions of this consent.

[GEN0005]

2. Additional advertising structures/signs to the building identification sign to be the subject of a separate development application (where statutorily required).

[GEN0065]

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 colour of the walls and roof of the shed shall be *Pale Eucalypt* or a similar earthy, muted colour, subject to approval by the General Manager or delegate.

[GENNS01]

6. All landscaping work is to be completed in accordance with the approved plans within 3 months of the date of issue of any occupation certificate.

[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. The car parking area is to be maintained by the P&DMS as per the standards and requirements of a maintenance agreement with Council. Car parking is to be returned to its existing standard following cessation of the lease of the site.

8. 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. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

9. 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.
This plan is to include a detailed plant schedule that will suitably screen the entire west and north elevations of the shed. It is also to include a detailed plant schedule to integrate with parking areas. Plantings are to reach a minimum height of 2.6m at maturity.
[PCC0585]
10. At the commencement of building works and in perpetuity the property around the building to a distance of 20 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
11. All buildings works are to comply with the National Construction Code Series, Volume One, Building Code of Australia 2015.
12. All building works shall be designed in accordance with Part B1 of the BCA.
13. The building structure shall be designed to satisfy the requirements of AS 1170.
14. The dimensions of the exit and paths of travel to that exit shall be designed to satisfy Clause D1.6 with an unobstructed height throughout of 2 m except a doorway which may be reduced to 1.98 m, the unobstructed width of the path of travel must be 1 m and the doorway may be reduced to a clear width of 750 mm.
15. In accordance with Clause D2.7 of the BCA, services or equipment (if located within the building) to be enclosed by non-combustible construction or a fire protective covering with doorways suitably smoke sealed.
16. In accordance with Clause D2.20 of the BCA, an exit door to swing in the direction of travel unless it serves a building with a floor area less than 200 m² and it is fitted with a device to hold the door in the open position.
17. In accordance with Clause D2.21 of the BCA, the operation of the latch to the exit doorway to be readily openable without a key from the side that faces a person seeking egress by single handed action located between 900 mm and 1.1 m from the floor.
18. Access to the building must be provided for persons with disabilities in accordance with the requirements of AS 1428.1- 2009 from the front allotment boundary through the principal pedestrian entrance and within the building.
19. A path of travel must be maintained with a clear width of 1 m and doorways must have a clear width of not less than 850 mm in accordance with AS 1428.1. Circulation space must also be provided at each doorway in accordance with Clause 13.3.2 of AS 1428.1.
20. Signage and tactile indicators are to be provided in accordance with Clause D3.6 and D3.8 of the BCA.

21. A hearing augmentation system shall be provided where an inbuilt amplification system has been installed within the building in accordance with Clause D3.7 of the BCA.
22. Portable fire extinguishers shall be provided in accordance with Clause E1.6 of the BCA.
23. The building shall be constructed to satisfy stormwater drainage in accordance with AS/NZS 3500.3, by implementing the following:
 - Roof covering in accordance with AS 1562.1
 - The kitchen sink area shall be water-resistant or waterproof in accordance with AS 3740
 - The provision of a vapour barrier to the slab on ground in accordance with AS 2870.
24. Sanitary facilities including a facility for persons with a disability and for ambulatory disabled persons shall be provided in accordance with Clause F2.3 and Table F2.3 of the BCA.
25. Artificial lighting shall comply with AS/NZS 1680.0.
26. Natural ventilation shall consist of windows or doors with an aggregate opening or openable size not less than 5% of the floor area of the room to be ventilated. Alternatively provide a mechanical ventilation or air conditioning system complying with AS 1668.2.
27. The building shall be designed in accordance with Clause NSW G5.2 Protection of the BCA.
28. The external materials of the proposed building are to be non-combustible.
29. All building materials used below Council's adopted design flood level must not be susceptible to water damage.
30. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
31. Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible, be located above the Design Flood Level. All electrical wiring installed below the Design Flood Level should be suitably treated to withstand continuous submergence in water and provide appropriate earth leakage devices.
32. The footings, floor slab and frame are to be designed by a practising Structural Engineer after consideration of a soil report from a NATA accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0945]
33. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with a Waste Management Plan which shall be submitted to and approved by the Principal Certifying Authority PRIOR to the issue of a construction certificate.

The Plan shall specify how the waste is to be treated and/or where the waste is to be disposed of.

[PCC1065]

34. Should imported material be required for development, an assessment of imported material should be undertaken to ensure its suitability for community facility from a contamination perspective. Further, any material onsite requiring offsite disposal should be classified as per NSW EPA (2014) *Waste Classification Guidelines, Part 1: Classifying Waste*.
35. Waste classification in accordance with the NSW EPA (2014) *Waste Classification Guidelines, Part 1: Classifying waste* should be undertaken for waste soil and groundwater requiring disposal offsite during construction.
36. A construction environment management plan (CEMP) should be prepared and implemented during construction. It should include an unexpected finds protocol pertaining to contamination.
37. An updated acid sulfate soil management plan should be prepared which calculates the required liming rate calculated in accordance with the requirements of the Acid Sulfate Soil Management Advisory Committee (ASSMAC) Acid sulfate soil manual.
38. Permanent stormwater quality treatment shall be provided in accordance with the following:
 - (a) The Construction Certificate Application shall detail stormwater management for the occupational or use stage of the development 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) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management.
 - (d) Specific Requirements to be detailed within the Construction Certificate application include:
 - (i) Shake down area along the haul route immediately before the intersection with the road reserve.
39. A construction certificate application for works that involve any of the following:
 - connection of a private stormwater drain to a public stormwater drain
 - installation of stormwater quality control devices
 - erosion and sediment control works

[PCC1105]

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

- a) Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.
- b) Where Council is requested to issue a construction certificate for civil works associated with a subdivision consent, the abovementioned works can be incorporated as part of the construction certificate application, to enable one single approval to be issued. Separate approval under Section 68 of the Local Government Act will then NOT be required.

[PCC1145]

40. Erosion and Sediment Control shall be provided in accordance with the following:

- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
- (b) Construction phase erosion and sediment control shall be designed, constructed and operated 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".

[PCC1155]

41. An application 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 any water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the issue of a construction certificate.

[PCC1195]

42. Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be provided with a list of construction materials for the roof/ceiling, walls, windows and doors including internal walls and doors indicating compliance with the Rw requirements for these materials.

[PCCNS01]

43. Gravitational access to the sewer is required for the building. Details are to be submitted to the General Manager or delegate for approval prior to the issue of a construction certificate.

[PCCNS02]

44. Final building identification signage detail where statutorily required is to be submitted to the satisfaction of the General Manager or delegate prior to the issue of a construction certificate.

[PCCNS04]

PRIOR TO COMMENCEMENT OF WORK

45. 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 Principal Certifying Authority 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]

46. 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]
47. 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]
48. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one closet for every 15 persons or part of 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]

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

[PCW0665]

50. 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]

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

[PCW1005]

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

[DUR0005]

53. Detailed plans of associated signage are to be submitted to Council prior to the issue of a construction certificate.

DURING CONSTRUCTION

54. During construction, all works required by other conditions or approved management plans or the like shall be installed and operated in accordance with the approved conditions or plans.

[DUR0015]

55. Construction and/or demolition 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]

56. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

A. Short Term Period - 4 weeks.

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

B. Long term period - the duration.

$L_{Aeq, 15 \text{ min}}$ noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0215]

57. 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]

58. 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]

59. 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]

60. 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]

61. 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]

62. 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]

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

[DUR0445]

64. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Work Health and Safety Regulation 2011.

The proponent shall also observe the guidelines set down under the Department of Environment and Climate Change publication, "A Renovators Guide to the Dangers of Lead" and the Workcover Guidelines on working with asbestos.

[DUR0645]

65. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited. [DUR0815]
66. 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]
67. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate/Occupation Certificate. [DUR0995]
68. 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]
69. 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]
70. Landscaping of the site shall be carried out in accordance with the approved landscaping plans. [DUR1045]
71. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428. [DUR1685]
72. Where access for people with disabilities is required to be provided to a building, sanitary facilities for the use of the disabled must also be provided in accordance with the provisions Part F-2 of the Building Code of Australia. [DUR1705]
73. Pursuant to the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility. [DUR1725]
74. 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]
75. 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 the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1875]

76. 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/demolition to ensure no material is capable of being washed or blow from the site.

[DUR2185]

77. 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.

[DUR2205]

78. 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]

79. 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]

80. 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]

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

[DUR2505]

82. 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]

83. 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]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

84. 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]

85. 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]

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

[POC0225]

87. 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:

7 Trips @ \$844 per Trips (\$815 base rate + \$29 indexation) S94 Plan No. 4 Sector1_4	\$5908
---	--------

(b) Extensions to Council Administration Offices
& Technical Support Facilities

0.2166 ET @ \$1860.31 per ET (\$1759.9 base rate + \$100.41 indexation) S94 Plan No. 18	\$402.94
---	----------

[POC0395]

88. 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 DSP4:	0.1 ET @ \$12575 per ET	\$1257.50
Sewer Banora:	0.15 ET @ \$6042 per ET	\$906.30

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]

89. 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]

90. 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]

91. A flood evacuation plan shall be submitted to Council to the satisfaction of the General Manager or his delegate prior to the commencement of operations. The plan submitted shall have prior approval of the State Emergency Service.

92. Prior to the issue of a final occupation certificate, all conditions of consent are to be met.

[POC1055]

USE

93. 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]

94. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

[USE0145]

95. The hours of operation of the facility are to be restricted to Monday to Sunday 07:30am to 5:30pm with meetings and social activities on Sunday only (no workshop activities). All deliveries and pickups relating to the facility are to occur within the approved hours. [USE0185]
96. 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]
97. The use of power tools outside of the building are to be limited to within 5 metres of the building and restricted to operating hours.
98. All commercial/industrial/residential wastes shall be collected, stored and disposed of in accordance with any approved Waste Management Plan or to the satisfaction of the General Manager or his delegate. [USE0875]
99. The kitchen facilities and the premises in general are not to be used for the handling or preparation of food for sale as defined under the provisions of the NSW Food Act 2003. [USENS02]
100. Activities at the premise shall be supervised by suitably qualified staff at all times. [USENS03]
101. No residential accommodation shall be provided to clients at the premise. [USENS04]
102. Adequate provision for the flood free storage for goods and equipment susceptible to water damage should be provided.
103. The P&DMS must ensure that the operation of the Men's Shed does not disturb the Eastern Osprey nest during the active breeding season (July-September) by restricting access within 100m of the nest.
104. Ensure sufficient area is provided for access to the facility by emergency vehicles at all times.
105. Prior to use of the shed a standard operating procedure is to be prepared by the operators of the men's shed and approved by the General Manager or delegate for the operation of equipment that is capable of creating a spark.

Amendment 2 was **Lost**

FOR VOTE - Cr K Milne, Cr G Bagnall

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

The Motion was **Carried** (Minute No 666 refers)

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

AGAINST VOTE - Cr K Milne, Cr G Bagnall

RESUMPTION OF STANDING ORDERS

669

Cr K Milne
Cr C Byrne

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE - Unanimous

PROCEDURAL MOTIONS

670

Cr G Bagnall
Cr P Youngblutt

RESOLVED that Items 4 to 10, with the exception of Item 6, be considered in block.

The Motion was **Carried**

FOR VOTE - Unanimous

671

Cr G Bagnall
Cr P Youngblutt

RESOLVED that Items 4 to 10, with the exception of Item 6, be moved in block.

The Motion was **Carried**

FOR VOTE - Unanimous

RECEIPT OF PETITIONS

4 **[ROP-CM] Receipt of Petitions**

Mr N Baldwin advised the meeting that no Petitions had been received.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

5 [GM-CM] Crown Lands Legislation Review

672

Cr G Bagnall
Cr P Youngblutt

RESOLVED that Council receives and notes this report on the Crown Lands Legislation Review.

The Motion was **Carried**

FOR VOTE - Unanimous

6 [GM-CM] Private Use - Murwillumbah Airfield

673

Cr W Polglase
Cr P Youngblutt

RESOLVED that Council approves Granada Productions use of the Murwillumbah Airfield on 14 January 2016 as detailed in the body of this report.

The Motion was **Carried**

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

7 [GM-CM] Destination Tweed Quarterly Report July to September 2015

674

Cr G Bagnall
Cr P Youngblutt

RESOLVED that Council:

1. Receives and notes the Destination Tweed's Quarterly report for the quarter July to September 2015.
-

2. Requests the submission of the annual work program for the 2015/2016 year prior to the submission of the October to December Quarterly report.
3. Endorses payment of the quarterly contract instalment for the October to December 2015 quarter in accordance with contract AC2010-073 Provision of Services for Economic Development Tourism Promotion.
4. 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 - Unanimous

8 [GM-CM] Destination Tweed - Audited Financial Statements 2014/15

675

**Cr G Bagnall
Cr P Youngblutt**

RESOLVED that:

1. Council receives and notes the 2014/2015 Audited Financial Statements from Destination Tweed.
2. 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 ACTING DIRECTOR PLANNING AND REGULATION

9 [PR-CM] Future Use of Former Australian Volunteer Coast Guard Association, Kingscliff Flotilla, Training and Boat Storage Facility

676

Cr G Bagnall
Cr P Youngblutt

RESOLVED that Council:

1. Kingscliff Training and Boat Storage Facilities at Ed Parker Rotary Park located within Lot 287 DP 542598 Kingscliff
 1. Delegates approval to the Director of Planning and Regulation to further negotiate to agreed lease terms with Surf Life Saving Far North Coast Branch.
 2. Advises Marine Rescue NSW that Council is not able to renew their interim 12 month lease, however the training facility will be available for use by Marine Rescue Pt Danger.
 3. Advises St John's Ambulance that the training facility will be available for use by St John's Ambulance, as stipulated within their submission.
 4. Advises the food business operator that at this time the facility is unable to accommodate their requirements, as the floor is subject to tidal inundation.
2. Kingscliff Flotilla Communications Tower, Faulks Park, located within Lot 2 DP 112062, Crown Reserve 10001008 Kingscliff
 1. With concurrence of the Tweed Coast Reserve Trust, delegates approval to the Director of Planning and Regulation to further negotiate to agreed licence terms with Marine Rescue NSW for the use and maintenance of the Tower.

The Motion was **Carried**

FOR VOTE - Unanimous

10 [PR-CM] LEDA Cobaki Special Rate Proposal for Management of Environmental Protection Lands

Cr K Milne declared a Non-Significant, Non-Pecuniary Interest in Item 10 [PR-CM] LEDA Cobaki Special Rate Proposal for Management of Environmental Protection Lands. The nature of the interest is that Cr K Milne has ongoing legal matters in regard to defamation with the Chairman of Leda Holdings, the developer of the Cobaki development. Cr K Milne managed the Interest by staying in the Chair, stating that she will consider only the merits of the matter before her.

677

**Cr G Bagnall
Cr P Youngblutt**

RESOLVED that, in respect of the proposal to apply for a Special Rate Variation application to the Independent Pricing and Regulatory Tribunal (IPART) to fund the long term maintenance and management of environmental protection lands within LEDA's Cobaki development:

1. Council endorses the Special Rate of \$100 average per 450m² lot as proposed by LEDA in a letter submitted to Council dated 16 November, 2015, and that an application be submitted to IPART to advance this proposal;
2. Council adopts the ad valorem rating method for the raising of the special rate on the Cobaki development; and
3. Council and LEDA hold further discussions to address the future funding arrangements for the proposal, and how best to advance a legal agreement to enable the relevant conditions of development approval to be satisfied, and thereby allow the commencement of civil construction works for the initial precincts of the Cobaki development. The outcomes of these discussions shall be reported back to Council in early 2016
4. In conjunction with 3 above a report for Council's consideration be prepared in early 2016 identifying the nexus between the ongoing works funded by Council's general rates and the public benefit to the broader community
5. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

The Motion was **Carried**

FOR VOTE - Unanimous

a10 [PR-CM] Planning Proposal PP15/0004 - Water Extraction and Bottling Facilities in Certain Rural Zones

LATE ITEM

678

**Cr C Byrne
Cr P Youngblutt**

RESOLVED that Item a10 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 - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr G Bagnall, Cr B Longland
AGAINST VOTE - Cr K Milne**

679

**Cr C Byrne
Cr W Polglase**

PROPOSED that Planning Proposal PP15/0004 (version 3), being *Tweed Local Environmental Plan 2014 Amendment No. 16*, to enable 'water extraction and bottling facilities' in the RU1 Primary Production and RU2 Rural Landscape zones be forwarded to NSW Planning and Environment requesting the making of the Plan under s.59 of the *Environmental Planning and Assessment Act 1979*.

AMENDMENT 1

680

**Cr K Milne
Cr G Bagnall**

RESOLVED that:

1. Planning Proposal PP15/0004 (version 3), being *Tweed Local Environmental Plan 2014 Amendment No. 16*, to enable 'water extraction and bottling facilities' in the RU1 Primary Production and RU2 Rural Landscape zones be forwarded to NSW Planning and Environment requesting the making of the Plan under s.59 of the *Environmental Planning and Assessment Act 1979*.
2. The Planning Proposal PP15/0004 (version 3) be amended to exclude it from State and Regionally Significant and biophysically strategic agricultural land areas.

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

Amendment 1 was **Carried** on the Casting Vote of the Mayor.

Amendment 1 on becoming the Motion was **Carried** - (Minute No **680** refers)

FOR VOTE - Cr C Byrne, Cr K Milne, Cr G Bagnall, Cr B Longland

AGAINST VOTE - Cr P Youngblutt, Cr W Polglase

b10 [PR-CM] Approval to Operate Market - Recreation Reserve, Tweed Heads

LATE ITEM

681

Cr P Youngblutt

Cr C Byrne

RESOLVED that Item b10 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

682

Cr W Polglase

Cr C Byrne

RESOLVED that:

1. Council approves operation of the Recreation Ground Tweed Heads Market by the Tweed Heads Community Men's Shed Inc.
2. The term of this temporary approval is for the interim period up until the Events Strategy is completed, expressions of interest for management of all markets are called and a new three year approval to operate the Recreation Ground Tweed Heads Market is issued.
3. The approval is subject to review of insurances to ensure Council is indemnified for this activity and the submission of a market management plan to the satisfaction of the Director Planning and Regulation.
4. The Section 68 market approval application fee be waived due to the short term approval proposed and relevant conditions are applied to the approvals as determined by the Director Planning and Regulation or his delegate.

The Motion was **Carried**

FOR VOTE - Unanimous

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.34pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.30pm

INDEPENDENT ASSESSMENT OF DEVELOPMENT APPLICATION

11 [PR-CM] Development Application DA15/0160 for the Erection of a Shed for Use as a Pottsville Community Men's Shed at Lot 301 DP 1125090, Black Rocks Sports Field, Overall Drive, Pottsville

This item was dealt with earlier in the meeting (Minute No **666** refers).

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

12 [CNR-CM] Council Aquatic Facilities

Cr G Bagnall temporarily left the meeting at 07:32 PM.

683

Cr C Byrne
Cr P Youngblutt

RESOLVED that:

1. Council notes the options presented in this report and endorses their inclusion in the development of an Aquatic Facilities Business Plan in 2016.
2. The Aquatic Facilities Business Plan 2016 be prepared for a future Council meeting.

The Motion was **Carried**

FOR VOTE - Voting - Unanimous
ABSENT. DID NOT VOTE - Cr G Bagnall

PROCEDURAL MOTIONS

684

Cr K Milne
Cr P Youngblutt

RESOLVED that Items 13 to a30, with the exception of Items 15, a15 and a27, be considered in block.

Cr G Bagnall has returned from temporary absence at 07:34 PM

The Motion was **Carried**

FOR VOTE - Unanimous

685

**Cr K Milne
Cr G Bagnall**

RESOLVED that Items 13 to a30, with the exception of Items 15, a15 and a27, be moved in block.

The Motion was **Carried**

FOR VOTE - Unanimous

13 [CNR-CM] Concept Plans and Estimates - South Murwillumbah

686

**Cr K Milne
Cr G Bagnall**

RESOLVED that:

1. Council receives and notes this report on the Concept Plans and Estimates - South Murwillumbah.
2. The stakeholders affected by the three options contained within this report to be consulted through the community engagement process for "Tweed - the Future is Ours".
3. A further report be prepared on the outcome of the consultation process.

The Motion was **Carried**

FOR VOTE - Unanimous

14 [CNR-CM] Decorative Lighting

687

**Cr K Milne
Cr G Bagnall**

RESOLVED that where Council receives proposals for the installation of decorative lighting on Council assets, the following shall apply:

- The suitability of installation is to be assessed in terms of environmental and social impacts.
- Where assessed as appropriate, Council will allow lights to be installed on Council assets at the cost of the proponent.
- Where installations are using electricity from a supply that is Council's responsibility, Council will pay the electricity costs.
- Council will not accept ownership, maintenance responsibility or responsibility for replacement of the lights.

The Motion was **Carried**

FOR VOTE - Unanimous

15 [CNR-CM] RFP2015-129 Murwillumbah Library Pond Upgrade

688

Cr B Longland

Cr C Byrne

RESOLVED that:

1. Council declines to accept any of the Tenders received for RFP2015-129 Murwillumbah Library Pond Upgrade, as no tender offer represents value for money.
2. Council enters into direct negotiations, in accordance with Local Government Regulation 2005 Clause 178(4) and the Independent Commission Against Corruption (ICAC) Guidelines, with the lowest tenderer, D'Bah Enterprises Pty Ltd, for the work including the potential efficiencies of Council redesigning some components of the project and subcontracting other components to other entities to ensure project timeframes are met and to provide best value for money within the available budget.
3. ATTACHMENTS 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 - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr K Milne, Cr B Longland
AGAINST VOTE - Cr G Bagnall

a15 [CNR-CM] Update to RFP2015-129 Murwillumbah Library Pond Upgrade
LATE ITEM

689

Cr C Byrne
Cr P Youngblutt

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 - Voting - Unanimous

690

Cr C Byrne
Cr P Youngblutt

RESOLVED that, in respect to Contract RFP2015-129 Murwillumbah Library Pond Upgrade:

1. Council enters a contract with D'Bah Enterprises (ABN 61 850 361 870) for the amount of \$171,387.27 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at mid contract and finalisation of the contract.
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

The Motion was **Carried**

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

16 [CNR-CM] Refugee Welcome Zone

691

**Cr K Milne
Cr G Bagnall**

RESOLVED that Council notes the contents of this report and confirms its support for the event on 7 February 2016.

The Motion was **Carried**

FOR VOTE - Unanimous

17 [CNR-CM] Tweed Regional Museum Service Agreement 2016-2017 and related Licences

692

**Cr K Milne
Cr G Bagnall**

RESOLVED that Council notes that:

1. The Museum Service Agreement 2016-2017 between Council and the historical societies of Murwillumbah, Tweed Heads and Uki & South Arm has been signed.
2. A licence between Council and the Murwillumbah Historical Society for use of premises within the Tweed Regional Museum Murwillumbah has been signed.
3. Negotiations regarding a licence with Tweed Heads Historical Society for premises at Kennedy Drive, Tweed Heads West are ongoing.

The Motion was **Carried**

FOR VOTE - Unanimous

18 [CNR-CM] Access and Inclusion Plan 2014-2015 Progress Report One

693

**Cr K Milne
Cr G Bagnall**

RESOLVED that Council receives and notes the Access and Inclusion Plan 2014-2015 Progress Report One.

The Motion was **Carried**

FOR VOTE - Unanimous

19 [CNR-CM] Tweed Coast Koala Study 2015

694

**Cr K Milne
Cr G Bagnall**

RESOLVED that Council receives and notes the Tweed Coast Koala Study 2015.

The Motion was **Carried**

FOR VOTE - Unanimous

20 [CNR-CM] Black Rocks Sports Field

695

**Cr K Milne
Cr G Bagnall**

RESOLVED that Council installs additional bollards between the speed hump and existing bollard fence at the Black Rocks Sports Field.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING

21 [E-CM] Lease to Tweed Community Support Inc T/as Meals on Wheels, Kingscliff - Part Lot 4 in DP1179360 at Kingscliff

696

**Cr K Milne
Cr G Bagnall**

RESOLVED that Council;

1. Enters into a lease agreement with Tweed Community Support Inc. over the premises known as the Kingscliff Meals on Wheels Kitchen located on Lot 4 in DP1179360 at Turnock Street, Kingscliff for a term of one (1) year with three one (1) year options;
2. All necessary documents be signed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

22 [E-CM] Alteration of Locality Boundary between Duroby and North Tumbulgum

697

**Cr K Milne
Cr G Bagnall**

RESOLVED that Council makes application to the Geographical Names Board to alter the Locality Boundary between Duroby and North Tumbulgum as shown in Diagram 3 in the body of this report.

The Motion was **Carried**

FOR VOTE - Unanimous

23 [E-CM] RFO2015126 Provision of Manual Traffic Control Teams for Council Works

698

**Cr K Milne
Cr G Bagnall**

RESOLVED that in respect to Contract RFO2015126 Provision of Manual Traffic Control Teams for Council Works:

1. Council awards the contract to JHA Recruitment & Staff @ Work Pty Ltd, (ABN 77 100 120 474) for the Provision of Manual Traffic Control Teams for Council Works for a twelve month period commencing 1 January 2016 with a possible two (2) by twelve (12) month extension option.
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council six monthly and at finalisation of the contract.

3. ATTACHMENTS 1 and 2 are 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 - Unanimous

24 [E-CM] RFO2015116 Banora Point Reservoir Rehabilitation

699

Cr K Milne
Cr G Bagnall

RESOLVED that in respect to RFO2015116 Banora Point Reservoir Rehabilitation:

1. Council awards the contract to Engineering Applications Pty Ltd (ABN 93 135 980 111) for the amount of \$783,887.27 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.
3. ATTACHMENTS 1 and 2 are 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.
 - (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

25 [E-CM] RFO2015143 Supply and Delivery of Road Pavement Material for Kyogle Road Tweed Shire between Jack Hall Bridge and Kunghur

700

**Cr K Milne
Cr G Bagnall**

RESOLVED that in respect to Contract RFO2015143 Supply and Delivery of Road Pavement Materials for Kyogle Road Tweed Shire between Jack Hall Bridge and Kunghur

1. Council awards the contract to Boral Resources (Qld) Pty Ltd (ABN 46 009 671 809) for the schedule of rates amount of \$33.60 per tonne (extended sum \$174,720.00 exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.
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.
 - (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

26 [E-CM] Variation to Contract No. EQ2014-159 Tweed Heads Library & Precinct Upgrade Project

701

**Cr K Milne
Cr G Bagnall**

RESOLVED that Council:

1. Approves the engagement of Complete Urban as the Project Architect to complete the Architectural Design as detailed in this report for the Tweed Heads Library and Precinct upgrade under Section 55 (3)(i) of the Local Government Act 1993 due to extenuating circumstances being that the Consultant holds intrinsic knowledge of the design and a satisfactory result would not be achieved by reinviting tenders for these works.

2. Approves the lump sum Variation to Contract EQ2014-159 to the value of \$70,740 (exclusive of GST).
3. Grant delegated authority to the General Manager to approve appropriately deemed variations to this contract and those variations be reported to Council at the end of this Contract.
4. 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 - Unanimous

27 [E-CM] Tweed Coastal Creeks Floodplain Risk Management Study and Plan

702

**Cr K Milne
Cr G Bagnall**

RESOLVED that Council adopts the Tweed Coastal Creeks Floodplain Risk Management Study and Plan.

The Motion was **Carried**

FOR VOTE - Unanimous

a27 [E-CM] Water Supply Augmentation - Stakeholder Workshops

This item was not considered due to a Notice of Rescission, being tabled at the meeting.

REPORTS FROM THE DIRECTOR CORPORATE SERVICES

28 [CS-CM] Rotary 9640 District Conference - 7-9 May 2016

Cr C Byrne declared a Non-Significant, Non-Pecuniary Interest in Item 28 [CS-CM] Rotary 9640 District Conference - 7-9 May 2016 and will remain in the Chamber during any debate and the voting.

Cr B Longland declared a Non-Significant, Non-Pecuniary Interest in Item 28 [CS-CM] Rotary 9640 District Conference - 7-9 May 2016 and will remain in the Chamber during any debate and the voting.

Cr W Polglase declared a Non-Significant, Non-Pecuniary Interest in Item 28 [CS-CM] Rotary 9640 District Conference - 7-9 May 2016 and will remain in the Chamber during any debate and the voting.

Mr N Baldwin declared a Non-Significant, Non-Pecuniary Interest in Item 28[CS-CM] Rotary 9640 District Conference - 7-9 May 2016 and will remain in the Chamber during any debate and the voting.

703

Cr K Milne
Cr G Bagnall

RESOLVED that Council:

1. Hires the Tweed River Aquatic Centre (TRAC) facilities at the 2015/2016 outdoor pool hire fee of \$325.00 plus additional staff cost to Rotary District 9640 for their District Conference Welcome function on Friday evening 6 May 2016 and suspends the operation of the Alcohol Free Zone in accordance with the provisions of Section 645 of the Local Government Act 1993.
2. Approves the use of the Tweed River Aquatic Centre (TRAC) toilets on Saturday evening 7 May 2016 for Conference dinner attendees, with the cost of the use to be determined in negotiation with the conference organisers based on recovering any cost that may be incurred by Council.
3. Approves the use of the second (centre) level of the multi-storey car park for the Rotary District 9640 Conference dinner on Saturday evening 7 May 2016 and suspends the operation of the Alcohol Free Zone in accordance with the provisions of Section 645 of the Local Government Act 1993.
4. Notes in addition to the hire of the Murwillumbah Auditorium, the use of the Murwillumbah Civic Centre building car park for up to 20 exhibition booths, subject to available power access.

The Motion was **Carried**

FOR VOTE - Unanimous

29 [CS-CM] Draft Events Strategy 2016-2020

704

Cr K Milne
Cr G Bagnall

RESOLVED that Council places:

- a. The Draft Tweed Shire Council Events Strategy 2016-2020; and
- b. The Draft Markets Policy Version 1.0

on public exhibition for 28 days, commencing 15 December 2015, with receipt of submissions accepted for 42 days from the commencement date of exhibition.

The Motion was **Carried**

FOR VOTE - Unanimous

30 [CS-CM] Monthly Investment and Section 94 Developer Contribution Report for Period Ending 30 November 2015

This report was dealt in conjunction with Addendum Item a30 (Minute No 705 refers).

a30 [CS-CM] Monthly Investment and Section 94 Developer Contribution Report for Period Ending 30 November 2015

LATE ITEM

705

**Cr K Milne
Cr G Bagnall**

RESOLVED that Item a30 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

706

**Cr K Milne
Cr G Bagnall**

RESOLVED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 30 November 2015 totalling \$239,460,401 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

b30 [CS-CM] Councillors - Payment of Expenses - Dispute Resolution

This item was not considered as it was ruled as not of *great urgency* by the Chair, Cr K Milne.

Crs P Youngblutt, W Polglase and C Byrne left the meeting at 7.40pm leaving no quorum to continue the meeting.

ADJOURNMENT OF MEETING

The Council meeting stood adjourned at 7.40pm.

Crs P Youngblutt, W Polglase and C Byrne returned to the meeting at 8.13pm after agreeing to the following arrangement:

- request to schedule an Extraordinary Meeting on Thursday 17 December 2015 to consider Item b30 [CS-CM] Councillors - Payment of Expenses - Dispute Resolution.
- request to reconvene the Ordinary Council meeting to consider the remaining items on the Ordinary Agenda, at 9.00am on Thursday, 17 December 2015.
- request to immediately consider the items on the Confidential Council Agenda of 10 December 2015.

The meeting resumed at 8.13pm.

Cr G Bagnall was not present at the resumption of the meeting.

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

707

Cr C Byrne

Cr P Youngblutt

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 - Unanimous

ABSENT. DID NOT VOTE - Cr G Bagnall

Cr G Bagnall resumed the meeting at 8.15pm.

708

Cr P Youngblutt

Cr C Byrne

RESOLVED that the Committee resumes in Open Council.

The Motion was **Carried**

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

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

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE GENERAL MANAGER IN COMMITTEE

C1 [GM-CM] Estate of the late Adrian Smith

REASON FOR CONFIDENTIALITY:

This report discusses a commercial agreement that requires Council to maintain commercial in confidence consideration.

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 45

That:

1. Council accepts the gift of the gemstone collection from the Estate of the late Adrian Bruce Smith; and
2. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

ORDERS OF THE DAY IN COMMITTEE

C2 [NOR] Sale of Lot 5 DP 1178620 Kyogle Road, Terragon

REASON FOR CONFIDENTIALITY:

This report deals with the management and disposal of Council land that may have commercial implications

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: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

C 46

That the resolution from the meeting held on Thursday 11 December 2014 at Minute No C51 Item No C1 titled [E-CM] Council Land Review being:

".. that Council adopts Option 1 as set out in the report."

In particular, Option 1.4 dealing with Lot 5 DP 1178620 Kyogle Road, Terragon.

be rescinded.

The Motion was **Lost**

FOR VOTE - Cr K Milne, Cr G Bagnall

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

709

Cr P Youngblutt

Cr C Byrne

RESOLVED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr K Milne, Cr B Longland

AGAINST VOTE - Cr G Bagnall

ADJOURNMENT OF MEETING

The meeting was adjourned at 8.23pm to be resumed for consideration of the remaining agenda items at 9.00am on Thursday 17 December 2015.

A REQUEST WAS RECEIVED FROM CRS W POLGLASE AND B LONGLAND FOR AN EXTRAORDINARY MEETING TO BE SCHEDULED ON THURSDAY 17 DECEMBER 2015 TO CONSIDER ITEM b30 [CS-CM] COUNCILLORS - PAYMENT OF EXPENSES.

RESUMPTION OF THE MEETING ADJOURNED FROM THURSDAY 10 DECEMBER 2015

The Meeting resumed at 9.00am on Thursday 17 December 2015.

IN ATTENDANCE

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

Also present were Mr Troy Green (General Manager), Ms Liz Collyer (Director Corporate Services), Mr David Oxenham (Director Engineering), Mr Lindsay McGavin (Acting Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), Mr Shane Davidson (Executive Officer), Mr Neil Baldwin (Manager Corporate Governance) and Mrs Meredith Smith (Minutes Secretary).

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Cr K Milne declared a Non-Significant, Non-Pecuniary Interest in Item a47 [CS-CM] Cobaki LEDA Manorstead Special Rate. The nature of the interest is that Cr K Milne has ongoing legal matters in regard to defamation with the Chairman of Leda Holdings, the developer of the Cobaki development. Cr K Milne managed the Interest by staying in the Chair, stating that she will consider only the merits of the matter before her.

34 [NOR] Councillor Numbers

710

Cr K Milne
Cr G Bagnall

PROPOSED that the resolution from the meeting held on Thursday 20 August 2015 at Minute No 454 Item No 25 titled [CS-CM] Councillor Numbers being:

"that:

...

- 2. A Constitutional Referendum be conducted in conjunction with the 2016 Ordinary Election to determine approval for an increase to nine (9) Councillors to then be effective for the term commencing in September 2020."*

be rescinded.

The Motion was **Lost**

FOR VOTE - Cr K Milne, Cr G Bagnall

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

35 [NOM] Murwillumbah Mural and Graffiti Walk and Riverbank Restoration

711

Cr G Bagnall

Cr K Milne

RESOLVED that Council:

1. Approaches key stakeholder groups that may be interested in advancing the restoration of the remaining degraded vegetation of western riverbank from the Coolamon Centre south to the Commercial Road, Murwillumbah boat ramp, to provide a key visitor experience for Murwillumbah and enhance the entrance to the town as well as showcase the magnificent mural and graffiti walk.
2. Advises the result of those discussions to a future meeting.

The Motion was **Carried**

FOR VOTE - Unanimous

36 [NOM] Australia Day Awards

712

Cr K Milne

Cr G Bagnall

PROPOSED that Council endorses the commemoration of our citizens for Australia Day 2017 with the following additional award 'A Peace and Unity' Award.

The Motion was **Lost**

FOR VOTE - Cr K Milne, Cr G Bagnall

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

37 [NOM] Mayors for Peace

713

**Cr K Milne
Cr G Bagnall**

PROPOSED that Council becomes a signatory to the International Mayors for Peace and brings forward a report on developing a Tweed Shire Peace Toolkit.

The Motion was **Lost**

FOR VOTE - Cr K Milne, Cr G Bagnall

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

38 [NOM] Ethical Policy

714

**Cr K Milne
Cr G Bagnall**

PROPOSED that Council develops a policy to further promote ethical practices throughout the organisation.

AMENDMENT 1

715

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that the elected body of Council acknowledges the ethics and the expertise within the organisation and the commitment it has to our community.

Amendment 1 was **Carried**

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

AGAINST VOTE - Cr K Milne, Cr G Bagnall

Amendment 1 on becoming the Motion was **Carried** - (Minute No 715 refers)

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr K Milne, Cr B Longland

AGAINST VOTE - Cr G Bagnall

Cr W Polglase temporarily left the meeting at 09:44 AM.

QUESTIONS ON NOTICE

39 [QON] Fluoridation Levels

QUESTION ON NOTICE:

Councillor K Milne asked:

Has there been any malfunctions or other incidents that may have caused any increased levels of fluoridation, and if so, what are the nature of these incidents and when did they occur?

The Director Engineering responded that there have been no malfunctions or incidents of increased levels of fluoridation above the prescribed limit.

40 [QON] Fluoridation of Water Supply

QUESTION ON NOTICE:

Councillor K Milne asked:

How many kilograms of fluoride were added to the Tweed water supply in the year 2014/2015 and how much did it cost?

The Director Engineering responded The Tweed Water Supply has a background level of fluoride of approximately 0.15mg/L. This is raised to approximately 1mg/L through dosing. Based on both water production and use of chemical the number of kilograms of fluoride added to the Tweed Water Supply in 2014/15 is approximately 7,472Kg.

The cost of the fluoride used in the 14/15 year was approximately \$44,275 which represents 0.2% of the Water Supply Annual Operating Expenditure.

41 [QON] Fluoridation Plant and Equipment

QUESTION ON NOTICE:

Councillor K Milne asked:

How much did it cost during 2014/2015 to operate and maintain the fluoride plant and equipment?

The Director Engineering responded that the recorded costs for the operation and maintenance of the fluoride plant in 14/15 was \$650. There were no repairs or maintenance to the plant in the period.

Cr W Polglase has returned from temporary absence at 09:46 AM

42 [QON] Fluoridation Risk Reporting

QUESTION ON NOTICE:

Councillor K Milne asked:

Does Council have a policy or procedure in place detailing an appropriate response and reporting requirements to Council should any incidents of risk of increased levels of fluoridation occur?

The Director Engineering responded that Council's Drinking Water Management System refers to the NSW Code of Practice for Fluoridation of Public Drinking Water Supplies. The Code of Practice details how incidents are to be managed as well as addressing quality assurance, reporting, record keeping, operator training, occupational health and safety and environmental safety.

The fluoridation of Tweed Water Supply is managed under the Fluoridation of Public Water Supplies Act.

43 [QON] Fluoridation Risks

QUESTION ON NOTICE:

Councillor K Milne asked:

Has Council considered the potential risk of fluoride in regard to breastfeeding and what is Council's position in regard to this?

The Director Engineering responded that Council adds fluoride to its water supply on behalf of NSW Health and relies on their expert opinion as to its health impacts. The advice from NSW Health is that there is no reason to believe that there is any risk to breast fed babies from mother's consuming fluoridated drinking water.

DELEGATE REPORTS

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

44 [SUB-TRMAC] Minutes of the Tweed Regional Museum Advisory Committee Meeting held Tuesday 10 November 2015

716

**Cr B Longland
Cr P Youngblutt**

RESOLVED that the Minutes of the Tweed Regional Museum Advisory Committee Meeting held Tuesday 10 November 2015 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

45 [SUB-TRAG] Minutes of the Tweed Regional Art Gallery Advisory Committee Meeting held Wednesday 11 November 2015

717

**Cr P Youngblutt
Cr W Polglase**

RESOLVED that the Minutes of the Tweed Regional Art Gallery Advisory Committee Meeting held Wednesday 11 November 2015 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

46 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 19 November 2015

718

**Cr B Longland
Cr P Youngblutt**

RESOLVED that:

1. The Minutes of the Local Traffic Committee Meeting held Thursday 19 November 2015 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

A2 Falls Festival 2015/2016 at North Byron Parklands, Yelgun NSW

That:

- 1. The temporary "No Stopping" zone, for the duration of the Falls Festival event from 31 December 2015 to 2 January 2016, on Tweed Valley Way from the Link Road to Wooyung Road is supported, subject to satisfactory arrangements on how the zone will be managed.*
- 2. The proposed "No Stopping" zone for Wooyung Road is not supported and the event organisers, if considered an issue, manage the site to limit trespass on private property.*

A7. Minnows Road and Fernvale Road, Fernvale (Moved from Item B2)

That the existing "Give Way" sign and linemarking on Minnows Road at the intersection with Fernvale Road be replaced with a "Stop" sign and associated linemarking.

A3. Tweed Coast Enduro - 5 March 2016

That Council supports the conduct of the event and associated road closures, subject to the following conditions:

- 1. NSW Police approval being obtained.*
- 2. Endorsement of the event by Triathlon Australia.*
- 3. Conformance with a Traffic Management Plan and associated Traffic Control Plans installed and controlled by approved persons.*
- 4. Community and affected business consultation.*
- 5. The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.*
- 6. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.*
- 7. Adequate public liability insurance being held by the event organiser.*
- 8. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event. All signage erected in accordance with NSW Guidelines for Bicycle Road Races.*
- 9. Consultation with emergency services.*
- 10. Arrangements made for private property access and egress affected by the event.*
- 11. At the completion of the event a formal report to be submitted to Council summarising compliance with the above conditions.*
- 12. A letter box drop to local residents be conducted a minimum of two weeks prior to the event.*

A4. Lakes Drive, Tweed Heads West

That additional "No Parking" signs be installed in Lakes Drive at the boat ramp to enable vehicles with trailers to undertake U-turns.

A5. Kingscliff Triathlon Multi Fun Weekend March 2016

That Council supports the conduct of the event and associated road closures, subject to the following conditions:

- 1. NSW Police approval being obtained.*
- 2. Endorsement of the event by Triathlon Australia.*
- 3. Conformance with a Traffic Management Plan and associated Traffic Control Plans installed and controlled by approved persons.*
- 4. Community and affected business consultation.*
- 5. The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.*
- 6. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.*
- 7. Adequate public liability insurance being held by the event organiser.*
- 8. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event. All signage erected in accordance with NSW Guidelines for Bicycle Road Races.*
- 9. Consultation with emergency services particularly Kingscliff Police, Kingscliff Fire brigade and Kingscliff Ambulance.*
- 10. Arrangements made for private property access and egress affected by the event.*
- 11. Application made to RMS for Road Occupancy Licence. Traffic Control Plan to be included with application outlining any impacts to Pacific Motorway.*
- 12. That the organiser provides a report to the Committee on the conduct of the November triathlon and compliance with previous Council conditions.*
- 13. At the completion of the event a formal report to be submitted to Council summarising compliance with the above conditions.*

The Motion was **Carried**

FOR VOTE - Unanimous

LATE ITEM

a47 [CS-CM] Cobaki LEDA Manorstead Special Rate

Cr K Milne declared a Non-Significant, Non-Pecuniary Interest in Item a47 [CS-CM] Cobaki LEDA Manorstead Special Rate. The nature of the interest is that Cr K Milne has ongoing legal matters in regard to defamation with the Chairman of Leda Holdings, the developer of the Cobaki development. Cr K Milne managed the Interest by staying in the Chair, stating that she will consider only the merits of the matter before her.

LATE ITEM

719

**Cr P Youngblutt
Cr B Longland**

RESOLVED that Item a47 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

720

**Cr B Longland
Cr K Milne**

RESOLVED that:

1. Council adopts the amended Resourcing Strategy (including the Long Term Financial Plan) Supporting the 2013/2023 Community Strategic Plan;
2. Council adopts the amended Delivery Program 2013/2017 - Operational Plan 2015/2016; and
3. Council places these amended documents on public display until the close of business on 29 January 2016.

The Motion was **Carried**

FOR VOTE - Unanimous

CONFIDENTIAL

Confidential items C1 and C2 were dealt with during the meeting of 10 December 2016 (Minute Nos **C45 and C46** respectively refer).

There being no further business the meeting terminated at 9.53am.



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

Chairman

THIS PAGE IS BLANK