



TWEED
SHIRE COUNCIL

Mayor: Cr K Milne

Councillors: P Allsop
R Byrnes
C Cherry (Deputy Mayor)
R Cooper
J Owen
W Polglase

Minutes

Ordinary Council Meeting Thursday 15 December 2016

held at **Harvard Room, Tweed Heads Administration Building, Brett Street, Tweed Heads** commencing at 5.00pm

Principles for Local Government

The object of the principles for Tweed Shire Council, as set out in Section 8 of the Local Government Amendment (Governance and Planning) Bill 2016, is to provide guidance to enable council to carry out its functions in a way that facilitates a local community that is strong, healthy and prosperous.

Guiding Principles for Tweed Shire Council

(1) Exercise of functions generally

The following general principles apply to the exercise of functions by Tweed Shire Council:

- (a) Provide strong and effective representation, leadership, planning and decision-making.
- (b) Carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Work with others to secure appropriate services for local community needs.
- (h) Act fairly, ethically and without bias in the interests of the local community.
- (i) Be responsible employers and provide a consultative and supportive working environment for staff.

(2) Decision-making

The following principles apply to decision-making by Tweed Shire Council (subject to any other applicable law):

- (a) Recognise diverse local community needs and interests.
- (b) Consider social justice principles.
- (c) Consider the long term and cumulative effects of actions on future generations.
- (d) Consider the principles of ecologically sustainable development.
- (e) Decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

(3) Community participation

Council should actively engage with the local community, through the use of the integrated planning and reporting framework and other measures.

The Meeting commenced at 5.00pm.

IN ATTENDANCE

Cr Katie Milne (Mayor), Cr Chris Cherry (Deputy Mayor), Cr Pryce Allsop, Cr Reece Byrnes, Cr Ron Cooper, Cr James Owen and Cr Warren Polglase

Also present were Mr Troy Green (General Manager), Ms Liz Collyer (Director Corporate Services), Mr Paul Morgan (Acting Director Engineering), Mr Vince Connell (Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), Mr Shane Davidson (Executive Officer), Mr Andrew Illingworth (Coordinator - Holiday Parks), 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, Murwillumbah Baptist Church.

Let us Pray

Almighty God, Father in heaven whose name is hallowed, in your splendour and greatness you have formed this beautiful world, in your wisdom you always give true direction, guidance and purpose.

We acknowledge the responsibility of leading and governing in this great and most beautiful shire, its people, its community groups and clubs of service and leisure, its businesses schools and medical departments, and the immensely valuable environment. We are needful of your presence and assistance in all we do.

Today we humbly seek your guidance and wisdom among the Shire Councillors and Staff, keep them from offenses against you or each other as they deliberate, and if they stray from proper agenda or what is true, redirect and forgive we pray.

We thank you for the blessing and privilege upon all who serve this community in their various capacities.

May you be honoured in all that is done in this session of Council.

We pray in the name of Jesus Christ your Son, who gave Himself for our sins and you raised from death to give us life.

Amen.

CONFIRMATION OF MINUTES

1 [CONMIN-CM] Confirmation of Minutes of Ordinary and Council Meetings held Thursday 17 November 2016

551

Cr R Cooper
Cr C Cherry

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 17 November 2016 be adopted as a true and accurate record of proceedings of that meeting.
2. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (f) matters affecting the security of the council, councillors, council staff or council property.

The Motion was **Carried**

FOR VOTE - Unanimous

2 [CONMIN-EXT] Confirmation of the Extraordinary Meeting held Thursday 17 November 2016

552

Cr R Cooper
Cr C Cherry

RESOLVED that the Minutes of the Extraordinary Council Meetings held Thursday 17 November 2016 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

FOR VOTE - Unanimous

3 [CONMIN-CM] Confirmation of the Minutes of the Ordinary Council Meeting held Thursday 1 December 2016

553

Cr R Cooper
Cr C Cherry

RESOLVED that the Minutes of the Ordinary Council Meetings held Thursday 1 December 2016 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 C Cherry wishes to declare a perceived pecuniary interest in Item 11. Cr Cherry has received advice from the Office of Local Government regarding public perception on the grounds that she owns a holiday park within a 10 kilometre radius of the property, the subject of Development Application DA15/1064. Cr Cherry will manage the interest by leaving the Chamber, taking no part in the debate or voting on the Item.

Cr K Milne wishes to declare a non-significant non-pecuniary interest in Item a12. The nature of the interest is due to ongoing legal matters with the Chairman of LEDA Holdings. Cr Milne will manage the interest by remaining in the Chamber during discussion and voting as advised as being appropriate by the Office of Local Government.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

4 [SOR-CM] Schedule of Outstanding Resolutions

The Schedule of Outstanding Resolution was received and noted.

MAYORAL MINUTE

5 [MM-CM] Mayoral Minute for November 2016

554

Cr K Milne

RESOLVED that:

1. The Mayoral Minute for the month of November 2016 be received and noted.
2. The attendance of Councillors at nominated Conferences be authorised.

Councillors Milne, Cherry and Owen indicated an interest in attending the Australian Coastal Councils Conference at Redcliff on 3-5 May 2017.

The Motion was **Carried**

FOR VOTE - Unanimous

a5 [MM-CM] Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy

LATE ITEM

555

Cr J Owen
Cr C Cherry

RESOLVED that Item a5 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

556

Cr K Milne

RESOLVED that:

1. The Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy Version 2.0 be amended to include within Section 4.1.4 – Telecommunications - the provision to each Councillor and the Mayor of a Bluetooth hands-free mobile phone system, cradle including installation, in a nominated vehicle, if requested.
2. In accordance with Section 161(2) of the Local Government Act 1993, as the amendment to the Policy is not substantial the policy be amended without public exhibition.

The Motion was **Carried**

FOR VOTE - Unanimous

SUSPENSION OF STANDING ORDERS

557

Cr K Milne
Cr C Cherry

RESOLVED that Standing Orders be suspended to deal with Item 19 of the Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous

19 [E-CM] RFO2016114 Kingscliff Foreshore Revitalisation Construction Works

558

Cr W Polglase
Cr P Allsop

RESOLVED that in respect to Contract RFO2016114 Kingscliff Foreshore Revitalisation Construction Works:

1. Council awards the contract to SEE Civil Pty Ltd (ABN: 88 115 963 427) for the amount of \$14,096,635.41 (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 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:-
 - (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 C Milne, Cr C Cherry, Cr W Polglase, Cr J Owen, Cr P Allsop,
Cr R Byrnes**
AGAINST VOTE - Cr R Cooper

RESUMPTION OF STANDING ORDERS

559

**Cr C Cherry
Cr K Milne**

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE - Unanimous

RECEIPT OF PETITIONS

6 [ROP-CM] Receipt of Petitions

560

**Cr C Cherry
Cr R Byrnes**

RESOLVED that the following tabled Petition(s) be received and noted:

- **Petition from the residents of Kingscliff containing 19 signatures advising:**

"This submission is long overdue, actually it has been written a couple of times over the years and then been shelved, hoping that Council would address the issue of its own accord."

We and our long suffering neighbours feel neglected and disadvantaged by Council regarding lack of pruning and maintenance of the trees in Shell Street and surrounding the Merv Edwards and Reg Dalton fields in Kingscliff North, particularly the Cadaghi for the last 20 years especially in the last 10. Well over 250 trees surround the fields and there are approximately 100 planted on the south side of the sports fields.

The Northerly winds start around August and continue for several months. During this time there is a continual tide of leaves, bark and branches being blown across the road (Shell Street) into the gutters, footpaths, yards and gardens. They travel down Sand, Eddy, Yao and Kingscliff Streets and at times all the way to Terrace Street.

This complaint is not about the existing Park staff who maintain the sports fields, many of these leaves are on or across the road, in yards, driveways, roofs and guttering before they land.

*We are not anti-tree, however all trees benefit from proper and careful pruning. Of the 100 or so trees in Shell Street, our main concerns relate to the approximately 20 *Corymbia toreliana* (Cadaghi). These trees only seem to occur on Council land as the average householder/gardener would regard them as an undesirable pest or weed.*

We acknowledge that Council has on several occasions pruned the lower branches to dissuade children from climbing but this has resulted in taller, leafier trees. Some specimens are more than 30 metres tall.

The leaves block gutters, gutterings, down pipes, pool filters and vacuum cleaners. They cover lawns, patios, paths, gardens and driveways. They collect against garage doors and blow in en masse when doors are being opened. They pile up against walls and particularly in corners, creating a haven for vermin as well as a fire hazard. Branches are constantly falling, creating a hazard for players, spectators and parked vehicles when cricket, hockey, soccer, Austag and training for sports are on.

At times each Shell Street household could spend 3-4 hours per week sweeping, raking, collecting and disposing of these leaves. Just mowing in front of my fence, will half fill my green bin with compressed leaf and bark litter. After finishing the lawns the bin is full and I still have one and a half weeks of leaf collection until the bin is emptied.

We purchased a mulching vacuum, however due to the harsh nature of the leaf, the mulched leaf litter is of no recycled value (if it was it would be worth a fortune).

We recently spent \$1,500 replacing a section of guttering at the rear of our house, the entire gutter was previously replaced and brand new after the storm in 2002, this guttering only lasted 14 years. We have also spent \$200 on gutter guard to try and avoid a recurrence of this problem.

We have several neighbours in their 70s and 80s, these people (as well as us) should not be up on ladders clearing gutterings and down pipes nor should they be raking and sweeping leaves in the sun.

Due to the trees being easily viewed on Google Maps, our house insurance is increased because we are in a likely Bush Fire Zone.

My suggestions for possible options to rectify this problem include:

- *Complete removal of some of the larger trees and replanting with more environmentally and resident friendly substitutes; AND/OR*
- *Pruning back to at least a third of their existing height and regular maintenance; AND/OR*
- *Providing and extra Green Bin at no fee and you could refund a third of the money we have paid to collect your rubbish over the last 20 years; AND/OR*
- *Provide Council labour to collect and dispose of the litter and debris from gutters and footpaths weekly in the windier months; AND/OR*
- *Provide a mechanical street sweeper on a nominated day during the windy months so that we could put most of the leaves out for collection.*

Please address your duty of care to your ratepayers and residents and attend to this matter sooner rather than later before someone gets hit by a branch or there is a fire caused by collected leaf matter and debris from these trees. Unfortunately, as the trees grow unchecked and we grow older, our workload is increasing every year."

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

7 [GM-CM] Destination Tweed Quarterly Report - July to September 2016

561

Cr R Byrnes

Cr J Owen

RESOLVED that Council:

1. Receives and notes the Destination Tweed's Quarterly report for the July to September 2016 quarter & notes the accompanying officer comments within the body of this report.
2. Endorses payment of the quarterly contract instalment in accordance with contract AC2010-073 Provision of Services for Economic Development Tourism Promotion.
3. ATTACHMENTS 2 & 3 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

8 [GM-CM] Telecommunications Infrastructure on Council Land

562

**Cr J Owen
Cr P Allsop**

RESOLVED that Council places the draft Telecommunications Facilities on Council Owned Land Policy on public exhibition for a period of 28 days with submissions to be received for a period of 42 days.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

9 [PR-CM] Development Application DA16/0355 for a 60 Lot Subdivision at Lot 1 DP 779976 No. 26 Tringa Street, Tweed Heads West

563

**Cr W Polglase
Cr J Owen**

PROPOSED that:

1. Council defers determination of this report and requests further information as detailed throughout the report.
2. A report be brought back to the Planning Committee Meeting in July 2017

AMENDMENT

564

Cr K Milne
Cr C Cherry

RESOLVED that:

1. 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.
2. Development Application DA16/0355 for a 60 lot subdivision at Lot 1 DP 779976 No. 26 Tringa Street, Tweed Heads West be refused for the following reasons:
 1. The proposed development conflicts with aim (j) of the Tweed Local Environmental Plan 2014 by failing to provide special protection and suitable habitat for the recovery of the Tweed Coast koala.
 2. The proposed development conflicts with aim (a) of the Tweed Local Environmental Plan 2014 in regards to giving effect to the desired outcomes and actions of Council's adopted Tweed Coast Comprehensive Koala Plan of Management.
 3. The proposed development conflicts with aims (c) of Tweed Local Environmental Plan 2014 in regards to management of Tweed's natural waterways.
 4. The proposal fails to demonstrate how the objectives of Clause 7.9 of the *Tweed Local Environmental Plan 2014* have been satisfied in regards to preventing an increase in the number of people and dwellings subject to aircraft noise.
 5. The application fails to articulate how the objectives and development standards of the following clauses of the *Tweed Local Environmental Plan 2014* have been met:
 - Clause 5.5 Development within the Coastal Zone
 - Clause 7.2 Earthworks
 - Clause 7.6 Stormwater Management
 - Clause 7.10 Essential Services
 6. The applicant has failed to provide sufficient development design details to enable comprehensive assessment of the proposal's compliance with Council's subdivision design specifications with respect to infrastructure provision, flooding and stormwater management.
 7. The proposed development fails to demonstrate compliance with the Tweed Development Control Plan Section A5 Subdivision Manual with respect to the treatment and discharge of stormwater.

8. The proposal fails to satisfy the matters for consideration under State Environmental Planning Policy No. 71 Coastal Protection with respect to the suitability of the site, measures to conserve animals (koalas) and the likely impacts of the development on the water quality of coastal water bodies (Cobaki Broadwater).
9. The proposed development is inconsistent with the Council endorsed Coastal Zone Management Plan for Cobaki and Terranora Broadwater that highlights improving the quality of urban stormwater discharge as a key priority.
10. The proposal is inconsistent with the intentions and directions for appropriate development of the site contained within Council endorsed strategic planning documents including the Tweed Employment Lands Strategy 2009.
11. The proposal has not adequately responded to the site's ecological features or proposed adequate mitigation measures and would thus result in an unacceptable ecological impact.
12. The site is not deemed suitable for residential development due to conflicting surrounding land uses.
13. Residential development on the subject site is deemed unacceptable under Australian Standards 2021-2015.
14. The proposal would result in unacceptable environmental impacts on Cobaki Broadwater due to untreated stormwater discharge.
15. The proposal fails to demonstrate that the site is suitable for residential development with respect to contamination.
16. The proposal fails to articulate how future dwellings could be suitably designed to respond to both indoor sound requirements and acceptable design with respect to solar access, natural ventilation and liveability.
17. Land owners consent has not been provided for works outside the subject site.
18. Approval of the proposed development would set unwarranted precedent for future subdivision and increased population densities within proximity to the Gold Coast Airport which would undermine the Tweed Local Environmental Plan 2014 in regards to Clause 7.9.
19. The proposal is not in the public interest given its failure to demonstrate suitable compliance with Council's plans and policies which would result in an undesirable residential subdivision.

The Amendment was **Carried**

**FOR VOTE - Cr C Milne, Cr C Cherry, Cr J Owen, Cr R Cooper, Cr P Allsop,
Cr R Byrnes**
AGAINST VOTE - Cr W Polglase

The Amendment on becoming the Motion was **Carried** - (Minute No 564 refers)

FOR VOTE - Cr C Milne, Cr C Cherry, Cr J Owen, Cr R Cooper, Cr P Allsop, Cr R Byrnes

AGAINST VOTE - Cr W Polglase

10 [PR-CM] Development Application DA16/0300 for a Mixed Use Development Including Child Care Centre, Medical Centres, Office Premises, Retail Premises, Food and Drink Premises, Gymnasium and Associated Earthworks at Lots 171-172 DP 1208112 No. 478-480 Casua

565

**Cr J Owen
Cr W Polglase**

RESOLVED that Development Application DA16/0300 for a mixed use development including child care centre, medical centres, office premises, retail premises, food and drink premises, gymnasium and associated earthworks at Lots 171-172 DP 1208112 No. 478-480 Casuarina Way, Casuarina be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan as amended in red:
 - Plan No 03 - Site Plan Rev C prepared by Harley Graham Architects and dated 10 October 2016;
 - Plan No DA2.00 Issue C - Floor Plan prepared by Local Office Architecture and dated 7 October 2016;
 - Plan No DA3.00 Issue A - Elevations prepared by Local Office Architecture and dated 4 April 2016;
 - Plan No 04 - Area and Uses Rev C prepared by Harley Graham Architects and dated 10 October 2016;
 - Plan No 05 - Building 1 Rev C prepared by Harley Graham Architects and dated 10 October 2016;
 - Plan No 07 - Building 1 Elevation Rev A prepared by Harley Graham Architects and dated 6 April 2016;
 - Plan No 08 - Building 2 Rev C prepared by Harley Graham Architects and dated 10 October 2016;
 - Plan No 10 - Building 2 Elevation Rev A prepared by Harley Graham Architects and dated 6 April 2016;
 - Plan No 06 - Building 1 Section Rev A prepared by Harley Graham Architects and dated 6 April 2016;
 - Plan No 09 - Building 2 Section Rev A prepared by Harley Graham Architects and dated 6 April 2016;

except where varied by the conditions of this consent.

[GEN0005]

2. The development is to be staged as follows:

Stage 1 Construction of the child care centre and all civil works associated with the project including construction of the car park, water, sewer and drainage infrastructure.

Stage 2 Construction of the commercial buildings.

Unless specified in each condition, the conditions of this consent apply to both stages.

[GEN0006]

3. The subject site has the following tenancies approved with the following restrictions:

Land use	Restriction
Child care centre	77 places with 11 staff with a GFA of 761m ²
Offices premises	Tenancies 12 & 13 with a combined GFA of 291m ²
Retail premises	Tenancies 4, 5 & 6 with a combined GFA of 184m ²
Food or drink premises	Tenancies 1, 2 & 3 with a combined GFA of 254m ² and 118m ² of outdoor dining
Recreation facility (indoor)	Tenancy 11 with a GFA of 366m ²
Medical Centre	4 separate medical centres with a combined GFA of 306m ² ; <ul style="list-style-type: none"> • Tenancies 7, GFA 165m² with four consulting rooms, three offices and two staff/storage rooms. • Tenancy 8 - GFA 56m² with one consulting room, one office, one staff/storage room. • Tenancy 9 - GFA 42m² with one consulting room, one office, one staff/storage room. • Tenancy 10 - GFA 42m² with one consulting room, one office, one staff/storage room.

The medical centre tenancies are to strictly adhere to the number of approved consulting rooms listed above. The site does not have sufficient car parking to cater for additional consulting rooms to that detailed above. Any changes of use proposed to vary from the above require development approval and will be scrutinised in regards to onsite parking availability.

[GEN0007]

4. Advertising structures/signs to be the subject of a separate development application (where statutorily required).

[GEN0065]

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

[GEN0115]

6. 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]

7. A Sewer manhole is present on this site. This manhole is not to be covered with soil or other material. Should adjustments be required to the sewer manhole, then applications for these works must be submitted on Council's standard Section 68 Application to Alter Councils Water or Sewer Infrastructure application form accompanied by the required attachments and the prescribed fee. 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.
[GEN0155]
8. Any business or premises proposing to discharge wastewater containing pollutants differing from domestic sewage must submit a Liquid Trade Waste Application Form to Council. The application is to be approved by the General Manager or his delegate prior to any discharge to the sewerage system. A Liquid Trade Waste Application fee will be applicable in accordance with Council's adopted Fees and Charges.
[GEN0190]
9. Structures proposed/identified within/over the easements on the land are not approved and are to be located external to the easement. No structures or part thereof may encroach into the easement. This includes (but is not limited to) roofs, awnings or eaves, gutters and any part of the building, fences/ retaining walls and other services.
[GEN0255]
10. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.
[GEN0265]
11. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.
[GEN0300]
12. This consent has approved the use of the tenancies as shown on Plan No 04 - Area and Uses Rev C prepared by Harley Graham Architects and dated 10 October 2016. This consent has levied car parking and developer contributions on this basis.

The kitchen fit out of the nominated food and drink premises is yet to be approved and must be the subject of a separate Development Application or Complying Development Application (as statutorily required) prior to issue of an Occupation Certificate for these tenancies.
[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

13. Section 94 Contributions

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

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

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.

Stage 1

- (a) Tweed Road Contribution Plan:
- | | |
|---|--------------|
| 278.4 Trips @ \$1395 per Trips | \$233,020.80 |
| (\$1,145 base rate + \$250 indexation) | |
| (\$155,347.20 subtracted from total for commercial job creating developments) | |
| S94 Plan No. 4 | |
| Sector7_4 | |
- LCA4 - Casuarina:
- | | |
|---|------------|
| 278.4 trips at \$188 per trip | \$31,403.4 |
| (\$168.00 base rate + \$20.00 indexation) | |
| (\$20,935.60 has been subtracted from this total as this is deemed a commercial job creating development) | |

Stage 2

- (a) Tweed Road Contribution Plan:
- | | |
|---|--------------|
| 448.587 Trips @ \$1395 per Trips | \$375,467.40 |
| (\$1,145 base rate + \$250 indexation) | |
| (\$250,311.60 subtracted from total for commercial job creating developments) | |
| S94 Plan No. 4 | |
| Sector7_4 | |
- LCA4 - Casuarina:
- | | |
|---|-------------|
| 448.587 trips at \$188 per trip | \$50,600.40 |
| (\$168.00 base rate + \$20.00 indexation) | |
| (\$33,733.60 has been subtracted from this total as this is deemed a commercial job creating development) | |
- (b) Extensions to Council Administration Offices & Technical Support Facilities
- | | |
|--|------------|
| 2.0324 ET @ \$1909.57 per ET | \$3,881.01 |
| (\$1,759.90 base rate + \$149.67 indexation) | |
| S94 Plan No. 18 | |

[PCC0215]

14. Section 94 Contributions

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

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

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

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

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 5 prior to the issue of a construction certificate. The contribution shall be based on the following formula:-

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

where:

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

and:

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

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

$\text{\$Unit}$ the unit cost attributed to maintaining a road as set out in Section 7.2
(currently 5.4c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.6

[PCC0225]

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

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid for the relevant Stage of development and the Certifying Authority has sighted Council's "Certificate of Compliance" signed by an authorised officer of Council.

BELOW IS ADVICE ONLY

Stage 1:

Water:	4.28 ET @ \$13,386	\$57,292.08
South Kingscliff Water Levy:	4.28 ET @ \$338	\$1,446.64
Sewer:	7.8 ET @ \$6,431	\$50,161.80

Stage 2:

Water:	13.9 ET @ \$13,386	\$186,065.40
South Kingscliff Water Levy:	13.9 ET @ \$338	\$4,698.20
Sewer:	12.22 ET @ \$6,431	\$78,586.82

[PCC0265]

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

[PCC0465]

17. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided. The construction of any retaining wall or cut/fill batter must at no time result in additional ponding occurring within neighbouring properties.

All earthworks shall be contained wholly within the subject land. Detailed engineering plans of cut/fill levels and perimeter drainage shall be submitted with a S68 stormwater application for Council approval.

[PCC0485]

18. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all retaining walls/footings/structures etc taking into consideration the zone of influence on the sewer main or other underground infrastructure and include a certificate of sufficiency of design prior to the determination of a construction certificate.

[PCC0935]

19. 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.

[PCC1105]

20. Disposal of stormwater by means of infiltration devices shall be carried out in accordance with Section D7.9 of Tweed Shire Councils Development Design and Construction Specification - Stormwater Quality.

[PCC1125]

21. Stormwater

(a) Details of the proposed roof water disposal, including surcharge overland flow paths are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. These details shall include likely landscaping within the overland flow paths.

(b) All roof water shall be discharged to infiltration pits located wholly within the subject allotment.

(c) The infiltration rate for sizing infiltration devices shall be 3m per day:

* As a minimum requirement, infiltration devices are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) over a range of storm durations from 5 minutes to 24 hours and infiltrate this storm within a 24 hour period, before surcharging occurs.

(d) Surcharge overflow from the infiltration area to the street gutter, inter-allotment or public drainage system must occur by visible surface flow, not piped.

(e) Runoff other than roof water must be treated to remove contaminants prior to entry into the infiltration areas (to maximise life of infiltration areas between major cleaning/maintenance overhauls).

(f) If the site is under strata or community title, the community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).

(g) All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.

(h) All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.

(i) All infiltration devices are to be designed to withstand loading from vehicles during construction and operation of the development.

(j) All infiltration devices are to be located clear of stormwater or sewer easements.

[PCC1135]

22. 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 subdivision works associated with this 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]

23. 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]

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

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act, 2000 to be certified by an Accredited Certifier.

[PCC1185]

25. 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]

26. Pursuant to Section 68 of the Local Government Act, 1993 an approved pre-treatment device (eg. grease arrestor, oil separator, basket traps) must be installed in accordance with Tweed Shire Council's Policy - Discharge of Liquid Trade Waste to Council's Sewerage System. Submission of detailed hydraulic plans and specifications indicating the size, type and location of pre-treatment devices and full details of drainage installations in accordance with AS 3500 shall be submitted to Council for approval along with a Liquid Trade Waste Application Form and all required information required therein. [PCC1265]
27. Three copies of detailed hydraulic plans shall be submitted with all Liquid Trade Waste Applications indicating the size, type and location of pre-treatment devices. All plumbing and drainage installations to these devices must comply with AS3500. [PCC1275]
28. If the development is likely to disturb or impact upon water or sewer infrastructure (eg: extending, relocating or lowering of pipeline), written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first. Applications for these works must be submitted on Council's standard Section 68 Application to Alter Councils Water or Sewer Infrastructure application form accompanied by the required attachments and the prescribed fee. The arrangements and costs associated with any adjustment to water and wastewater infrastructure shall be borne in full by the applicant/developer. [PCC1310]
29. Prior to a construction certificate for Stage 2 being issued, a noise impact assessment undertaken by a qualified and practicing acoustic consultant shall be prepared and submitted to Council for the approval of the General Manager or his delegate. Such report shall include assessment and identification of noise impacts from the operation of the gymnasium, and recommend measures to mitigate those impacts on surrounding commercial and residential tenants. The recommendations of the report are to be carried out accordingly and addressed within the Construction Certificate drawings. [PCCNS01]
30. Prior to the construction certificate being issued, plans drawn to a scale of 1:50 detailing the following with regards to all food related areas shall be provided to Council's Environmental Health Officers for assessment and approval:
- a. Floor plan and sectional elevations in two directions
 - b. Layout of kitchens showing all equipment
 - c. All internal finish details including benches and work surfaces, floors, wall, ceiling and lighting
 - d. Hydraulic design in particular method of disposal of trade waste
 - e. Mechanical exhaust ventilation as per the requirements of AS1668 Pts 1 & 2 where required
 - f. Servery areas including counters etc. [PCCNS01]

31. The proposed design of mechanical plant and equipment shall be reviewed by an acoustic consultant during the design phase to ensure that all required treatments as specified within the Environmental Noise Impact Report for Lot 171 DP 1208112 Casuarina Way and Grand Parade, Casuarina prepared by CRG Acoustics Pty Ltd dated 24 March 2016 (crgref: 16035 report and letter dated 30 June 2016) have been incorporated into the design. Written confirmation of compliance from the acoustic consultant shall be submitted to the satisfaction of Council's General Manager or delegate prior to the Construction Certificate being issued.

[PCCNS02]

32. The development shall be carried out in accordance with a Construction Noise Management Plan prepared in accordance with the recommendations of the Environmental Noise Impact Report for Lot 171 DP 1208112 Casuarina Way and Grand Parade, Casuarina prepared by CRG Acoustics Pty Ltd dated 24 March 2016 (crgref: 16035 report and letter dated 30 June 2016) and to the satisfaction of Council's General Manager or delegate.

[PCCNS03]

33. Prior to issue of a Construction Certificate for Stage 1 the applicant is to demonstrate that there has been the creation of a right of carriageway under Section 88B of the Conveyancing Act as follows:

- (a) Creation of a Right Of Carriageway over Lot 172 benefitting Lot 171 and burdening Lot 172 for the purposes of vehicular and pedestrian access to enable Lot 171 to use 172 for access purposes.

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway shall make provision for maintenance of the right of carriageway by the owners.

[PCCNS04]

34. (A) Prior to issue of a Construction Certificate for Stage 1 the applicant is to submit to Council for approval by Council's General Manager or his delegate, a complete set of revised plans that are consistent throughout (including accurate levels and cross referencing between plans) and demonstrate changes to the approved plans nominated in Condition 1 showing the following amendments. These plans are then to be submitted with any Construction Certificate as the approved plans.

1. Earthworks and Drainage Easement

Any civil works or landscaping must not compromise the drainage purpose of the easement along the northwest of the site. Additionally, no planting is permitted within the drainage easement at the southwest of the site. Revised driveway plans are required showing levels from the eastern to the western boundary in addition to showing level changes to the drainage easement.

2. Access to Child Care Centre Waste Room.

The floor plan, elevations and proposed levels must be consistent.

3. Privacy screening along the northern windows of Building 1 (Tenancy 11) are to be proposed that mitigates overlooking into adjoining residences.
4. Landscaping Plans:
 - a. No landscaping works for the development must be proposed for within the road reserve. Plans must include the location of all proposed landscaping including ramps, steps, hand rails, retaining walls, planter boxes and all tactical indicators required under AS1428.1 which must be wholly within private property.
 - b. The plan must outline proposed planting containing no noxious or environmental weed species and with a minimum 80% of total plant numbers comprised of local native species.
 - c. No retaining walls or proposed planting are to impede the drainage easement function. No trees or retaining in the drainage easement in the southwest corner of the site.
 - d. Any existing turf or infrastructure disturbed or damaged during construction must be rectified or replaced. Details with regard to compensatory works are required. The two trees to be removed for the driveway crossing will be replaced with 45L *Cupaniopsis Anacardiodes* along Grand Parade road reserve where no other trees exist. Details should include but not be limited to proposed plant types and species, plant size, extent of turfing, general landscape notes and maintenance requirements.
 - e. Any existing trees that are to remain must be clearly shown on the landscape plan with notes added about their protection during construction.

(B) The Construction Certificate application is to include the revised plans required by Part A of this Condition.

[PCCNS05]

PRIOR TO COMMENCEMENT OF WORK

35. 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]
36. The construction works 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]
37. 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]
38. 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]
39. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.
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Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0255]

40. 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]

41. 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]

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

[PCW1170]

DURING CONSTRUCTION

43. All proposed works are to be carried out in accordance with the conditions of development consent, approved management plans, approved construction certificate, drawings and specifications.

[DUR0005]

44. 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]

45. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
- A. Short Term Period - 4 weeks.
 $L_{Aeq, 15 \text{ min}}$ 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]
46. 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]
47. 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]
48. 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]
49. 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]
50. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited. [DUR0815]
51. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of an Occupation Certificate. [DUR0995]
52. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:
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- Noise, water or air pollution.
- Dust during filling operations and also from construction vehicles.
- Material removed from the site by wind.

[DUR1005]

53. All walls in the food preparation and storage areas shall be of solid construction. For this purpose walls in such areas may be of masonry or stud wall construction. If stud wall construction is used then the wall shall be lined as a minimum with 9mm thick high impact resistant material eg. Villaboard or Versilux lining or other suitable material(s) approved by Council's Environmental Health Officer and tiled to a height of at least 2 meters.

Masonry walls where not tiled may be cement rendered to provide a smooth faced impervious finish up to the underside of the ceiling.

Metal stud wall framing in lieu of timber framing shall be used in areas where the walls and floor surfaces will be subjected to high levels of moisture or alternatively as directed by Council's Environmental Health Officer.

All penetrations of the wall surface in food preparation areas shall be effectively sealed to the satisfaction of Council's Environmental Health officer.

[DUR1495]

54. All flooring materials in the food preparation and storage areas are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation. Where tiling is to be used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices.

[DUR1505]

55. Windows and doors opening into food handling, preparation and storage areas shall be pest proofed in accordance with the provisions of Food Safety Standard 3.2.3.

[DUR1515]

56. Separate hand washing facilities must be provided with warm water and located in a position where it can be easily accessed by food handlers and be of a size that allows easy and effective hand washing to the satisfaction of the General Manager or his delegate.

[DUR1545]

57. A floor waste connected to the drainage system shall be provided within 1.5 metres of the opening of the cool room.

[DUR1565]

58. During the course of the construction and fitout of the kitchen/food premises periodic inspections must be arranged with Councils Environmental Health officer to ensure compliance with all health related conditions of approval and respective legislation.

[DUR1575]

59. 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]

60. Where a building or part of a building is required, under the provisions of Section D of the Building Code of Australia, to be accessible to permit use by people with disabilities, prominently displayed signs and symbols shall be provided to identify accessible routes, areas and facilities. The signage, including Braille or tactile signage, should be installed in accordance with the relevant provisions of the Building Code of Australia and achieve the minimum design requirements provided under AS1428. [DUR1695]
61. 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]
62. 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]
63. 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]
64. 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 Occupation Certificate. [DUR1875]
65. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed. [DUR1905]
66. During construction, a “satisfactory inspection report” is required to be issued by Council for all works required under Section 138 of the Roads Act 1993. The proponent shall liaise with Councils Engineering Division to arrange a suitable inspection. [DUR1925]
67. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains. [DUR1945]
68. The developer/contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times. [DUR2015]
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69. 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 blown from the site.
[DUR2185]
70. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary.
[DUR2205]
71. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the Tweed Shire Council General Manager or his delegate and NSW Department of Primary Industries - Water.
[DUR2425]
72. 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 Division to arrange a suitable inspection.
[DUR2445]
73. 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]
74. 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]
75. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
[DUR2505]
76. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.
[DUR2525]
77. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.
[DUR2535]

78. 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]

79. 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]

80. Pre-treatment devices must be serviced by a Council approved waste contractor. The applicant will be required to enter into a service agreement with this waste contractor. The pre-treatment device service frequency will be approved as part of the Liquid Trade Waste Services Agreement and General Conditions of Approval.

[DUR2595]

81. A Liquid Trade Waste Services Agreement will be issued and a Liquid Trade Waste Approval Number allocated once the device has been installed, inspected and Council has received a copy of the Waste Contractor's Service Agreement

[DUR2685]

82. Council is to be notified, in writing, of any proposed changes to the wastewater pre-treatment devices.

[DUR2765]

83. Potential or actual acid sulfate soil shall not be disturbed without the prior written approval of the General Manager or delegate. Any such disturbance shall require the preparation and approval of an acid sulfate soil management plan.

[DURNS01]

84. The exportation or importation of fill or soil from or to the site must be in accordance with the provisions of the Protection of the Environment Operations Act (POEO) 1997 and the Office of Environment and Heritage "*Waste Classification Guidelines*".

[DURNS02]

85. The exportation or importation of fill or soil from or to the site must be in accordance with the provisions of the Protection of the Environment Operations Act (POEO) 1997 and the Office of Environment and Heritage "*Waste Classification Guidelines*".

[DURNS02]

86. Works in the vicinity of public infrastructure must comply with the following requirements;

- a) No portion of any structure may be erected within any easement for public infrastructure over the subject site. All structures shall be designed and sited such that all structure loads will be transferred to the foundation material outside of the zone of influence of any public infrastructure.

- b) Retaining walls are only permitted over the public sewer at the site boundaries. The structure must be designed to provide structural bridging over the pipe, as specified by Council, so as not to impose load on the pipe and to facilitate maintenance of the pipe without adverse effects on the wall's structural integrity and stability.
- c) Surface treatment over the sewer pipe shall be limited to soft landscaping, noninterlocking paving, asphalt or similar treatments as specified by Council officers, to allow ready access to the pipe for excavation. Council will not be responsible for the reinstatement of plantings, unauthorised structures or decorative surfacing in the vicinity of the pipe in the event of pipe excavation or other maintenance works.
- d) Any fencing erected across the sewer main shall be designed and constructed with removable panels and footings located at least 1.0 metres horizontally clear of sewer main.
- e) Trees and other landscaping that will grow to over one meter in height at maturity are not permitted within the sewer easement to prevent the tree roots intruding into sewer mains and internal sewer pipes. Landscaping within sewer easements shall be of a minor nature designed to ensure they do not damage or interfere with any part of the pipeline.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

- 87. 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]
- 88. A noise management plan shall be prepared and submitted to the satisfaction of the General Manager or delegate which details how noise in association with childcare centre activities will be managed and controlled, so as to prevent the generation or emission of intrusive noise. The management plan shall consider the recommendations of the Environmental Noise Impact Report for Lot 171 DP 1208112 Casuarina Way and Grand Parade, Casuarina prepared by CRG Acoustics Pty Ltd dated 24 March 2016 (crgref: 16035 report) and addendum (CRG Acoustics letter dated 30 June 2016), and be submitted and approved prior to the issue of the occupation certificate.
[POC0125]
- 89. 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]
- 90. 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]

91. Prior to occupation of the building the property street number is to be clearly identified on the site by way of painted numbering on the street gutter within 1 metre of the access point to the property.

The street number is to be on a white reflective background professionally painted in black numbers 75-100mm high.

For multiple allotments having single access points, or other difficult to identify properties, specific arrangements should first be made with Council and emergency services before street number identification is provided.

The above requirement is to assist in property identification by emergency services and the like. Any variations to the above are to be approved by Council prior to the carrying out of the work.

[POC0265]

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

[POC0355]

93. Prior to commencement of operations and on completion of fit out an inspection is to be arranged with Council's Environmental Health Officer for final approval.

[POC0615]

94. The proprietor of the food premises shall provide appropriate notification to Council prior to commencement of operations by completing the "Application for Food Premises Registration" form available from www.tweed.nsw.gov.au or alternatively by contacting Council on 02 6670 2400.

[POC0625]

95. The premises is to be treated on completion of fit-out and prior to commencement of trading and thereafter on a regular basis by a Licensed Pest Control Operator. A certificate of treatment is to be made available for Council inspection on request.

[POC0635]

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

[POC0745]

97. Redundant road pavement, kerb and gutter or foot paving including any existing disused vehicular laybacks/driveways or other special provisions shall be removed and the area reinstated to match adjoining works in accordance with Councils Development Design and Construction Specifications.

[POC0755]

98. Submission to the Principal Certifying Authority, Certification for the stability of any retaining structures in excess of 1.2m erected on the site by a suitably qualified structural engineer.

[POC0815]

99. 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]

100. 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]

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

[POC1055]

102. Prior to the issue of an Occupation Certificate a suitably qualified engineer shall provide certification for the car parking areas; stating that the car parking complies with AS2890 - Off Street car parking.

[POCNS01]

103. Prior to issue of an Occupation Certificate for Stage 1, driveway works for the connection between Lots 171 and 172 are to be complete in accordance with the approved Site Plan.

[POCNS02]

USE

104. 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]

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

[USE0175]

106. Hours of operation of the childcare facility are restricted to the following hours:

- 6.30am to 6.30pm - Mondays to Fridays
- Children activity prior to 7.00am and after 6.00pm shall be restricted to indoors.

Hours of operation for all other commercial activities are restricted to the following hours:

- 6.30am to 10pm - Mondays to Sundays (7 days)
- Alfresco dining areas - 7am to 10pm

[USE0185]

107. All deliveries to the premises are to occur only within the hours of 7.00am to 6.00pm Monday to Saturday and 8.00am to 6.00pm Sunday and Public Holidays, unless otherwise approved by Councils General Manager or his delegate. Urgent or medical related deliveries exempted.
[USE0195]
108. All externally mounted artificial lighting, including signage and 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]
109. The servicing of waste facilities shall be limited to between the hours of 7.00am to 6.00pm Monday to Saturday and 8.00am to 6.00pm Sunday and Public Holidays.
[USE0285]
110. The development shall be carried out in accordance with the recommendations of the Environmental Noise Impact Report for Lot 171 DP 1208112 Casuarina Way and Grand Parade, Casuarina prepared by CRG Acoustics Pty Ltd dated 24 March 2016 (crgref: 16035 report) and Addendum letter dated 30 June 2016. This is in addition to the noise impact assessment report and recommendations as required to be approved under Condition 29.
[USE0305]
111. Any premises used for the storage, preparation or sale of food are to comply with the *Food Act* 2003, FSANZ Food Safety Standards and AS 4674-2004 Design, construction and Fit-out of Food Premises and other requirements of Councils Environmental health Officer included in this approval.
[USE0835]
112. All mechanical ventilation shall comply with AS1668.2 Ventilation Requirements.
[USE0845]
113. 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]
114. The disposal of all wash water, oil, grease or other pollutants from the business shall be disposed of to the satisfaction of Council's General Manager or his delegate as outlined in the Liquid Trade Waste Services Agreement and General Conditions of Approval.
[USE1055]
115. All bulk waste collection activities shall occur within the property boundary.
[USE1345]
116. The LAeq, 15 min noise level emitted from the premises shall not exceed the background noise level (LA90) in any Octave Band centre frequency (31.5Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence.
[USENS01]

117. All car parking throughout the site is to be made publically available at all times. There is to be no staff only parking signage (for example no 'Doctor only' signage).

[USENS02]

GENERAL TERMS OF APPROVAL UNDER SECTION 100B OF THE RURAL FIRES ACT 1997

1. Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

- a) At the commencement of building works and in perpetuity the entire property shall be managed 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'.

2. Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- b) Fire hydrant/s are to be installed within the subject site to comply with AS 2419.1-2005 (which includes access) however any coverage must be shown to reach all the areas of the external perimeter of the buildings. The on-site fire hydrant/s system shall be designed and certified by a qualified hydraulic consultant for submission to the consent authority. The provisions for public roads in section 4.1.3(1) of 'Planning for Bush Fire Protection 2006' in relation to parking are to be met where fire hydrant are located.
- c) Electricity and gas services are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

3. Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

- d) Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006', including the preparation of an emergency / evacuation plan consistent with the NSW RFS document titled 'A guide to developing a bush fire emergency management and evacuation plan'. A copy of the plan shall be provided to the consent authority and the local Bush Fire Management Committee prior to occupation of the development.

4. Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- e) Construction of the child care centre building shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

5. Landscaping

- f) Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

The Motion was **Carried**

FOR VOTE - Unanimous

11 [PR-CM] Review of Determination of Development Application DA15/1064 for a Redevelopment of Waterslide Playground at Lot 1 DP 1014298 No. 1-3 Tweed Coast Road, Hastings Point

Cr C Cherry declared a perceived pecuniary interest in Item 11. Cr Cherry has received advice from the Office of Local Government regarding public perception on the grounds that she owns a holiday park within a 10 kilometre radius of the property, the subject of Development Application DA15/1064. Cr Cherry will manage the interest by leaving the Chamber, taking no part in the debate or voting on the Item.

Cr Cherry left the Chamber at 5.40pm

566

Cr W Polglase

Cr J Owen

PROPOSED that:

- A. That the Review of Determination of Development Application DA15/1064 for a redevelopment of waterslide playground at Lot 1 DP 1014298 No. 1-3 Tweed Coast Road, Hastings Point be approved subject to the following conditions:

GENERAL

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

- Site Plan (Sheet S-1), prepared by EXPANDesign and dated 2 May 2016;
- Plan & Side Elevation, prepared by Swimplex Aquatics (undated), as amended in red;
- Front View, prepared by Swimplex Aquatics (undated), as amended in red;
- Design Drawing (Rev 4), prepared by Swimplex Aquatics and dated 5 February 2015;and,
- S82A Application for Reconsideration of Development of Development Application DA15/1064, prepared by the applicant (undated), as amended in red;

except where varied by the conditions of this consent.

[GEN0005]

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

[GEN0115]

3. Landscaping within the waterslide playground area is to comply with the principles of Appendix 5 of 'Planning for Bushfire Protection 2006'.

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

4. 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 for the Tweed Coast Road Elevation at the proposed development 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 demonstrate front setback landscaping providing mature vegetation trees and a bushy and green appearance to the street as per the requirements of Tweed Shire Council Development Control Plan Section B23 - Hastings Point Locality Based Development Code.

[PCC0585]

PRIOR TO COMMENCEMENT OF WORK

5. 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]

6. 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]

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

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

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

[PCW0255]

DURING CONSTRUCTION

8. 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]

9. 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]

10. 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]

11. 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]

12. 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]

13. 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]

14. 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]

15. Landscaping of the site shall be carried out in accordance with the submitted/approved landscaping plans.

[DUR1045]

16. All works shall be carried out in accordance with Councils Acid Sulfate Soils Management Plan for Minor Works. A signed copy of this Management Plan shall be submitted to Council prior to the commencement of works.

[DUR1075]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

17. 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]

18. Prior to occupation the applicant or business operator is to be registered in Council's Public Swimming Pool Register and pay the appropriate fee under Council's schedule of fees and charges.

[POC1095]

USE

19. The development shall be carried out strictly in accordance with the general provisions and Part 6 Conclusions of the Noise Impact Assessment (Reference: ATP150204-R-NIA-02) prepared by ATP Consulting Engineers dated August 2016 unless varied by conditions of this consent to the satisfaction of the General Manager or his delegate.

[USE0035]

20. 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]

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

[USE0145]

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

[USE0175]

23. Hours of operation of the water slide component of the water park are restricted to the hours between 8am and 6pm on any day, no entrance to or use of the water slides is permitted outside of these hours.

[USE0185]

24. 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]

25. Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified and practicing acoustic consultant. The NIS is to be submitted to the satisfaction of the General Manager or his delegate. It is to include recommendations for noise attenuation. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council's authorised officer.

[USE0245]

26. All plant and equipment installed or used in or on the premises:

- (a) Must be maintained in a proper and efficient condition, and

(b) Must be operated in a proper and efficient manner.

In this condition, "plant and equipment" includes drainage systems, infrastructure, pollution control equipment and fuel burning equipment.

[USE0315]

27. The public swimming pool shall be operated in accordance with the Public Health Act 2010, Part 3 of the Public Health Regulation 2012 and the current NSW Health Public Swimming Pool and Spa Pool Advisory Document, NSW Ministry of Health 2012.

[USE0985]

28. Use of the water slide area shall be restricted at all times to permanent and temporary residents of the caravan park and their registered guests only. It shall not be open to the public.

A register is to be maintained detailing any guests who utilise the water play area, specifying the permanent/temporary resident of which they are guests of and the site no. of the permanent/temporary resident.

A copy of this register is to be submitted to Council for review by the General Manager or delegate upon request.

29. The noise barrier shall be constructed and maintained along the whole north-eastern side of the raised platform in accordance with the Noise Impact Assessment (Reference: ATP150204-R-NIA-02) prepared by ATP Consulting Engineers dated August 2016) to the satisfaction of the General Manager or his delegate.

30. Public announcement (PA) systems, whistles or loud control devices and amplified music system shall not be used in association with the water play park.

31. The number of patrons permitted on the water park raised platform shall be restricted to one person per square metre to the satisfaction of the General Manager or his delegate. Whilst ever the water park is in use direct caravan park staff supervision shall be provided to ensure that this requirement is achieved.

[USENS01]

And,

B. In respect of the current Class One Appeal lodged in the Land and Environment Court in respect of this application, Council's solicitors be engaged to negotiate consent orders or Section 34 agreement as required.

AMENDMENT

567

Cr K Milne
Cr R Cooper

RESOLVED that Council refuses the Review of Determination and advises the applicant in writing of its determination and defends any appeal lodged by the applicant in the Land and Environment Court as it is considered that:

- a. The proposed facility is not considered suitable for the site due to overdevelopment and over intensity of activity for the site.
- b. The development is not in keeping with the existing low key hamlet/village scale character or the identified future desired character of the locality.
- c. Unacceptable noise impacts to the surrounding areas.
- d. Unacceptable visual impacts along Tweed Coast Road and to the neighbours.
- e. This lack of provision of the 10m Tweed Coast Road setback to mitigate adverse impacts.
- f. The lack of capacity to provide adequate vegetation and screening.
- g. The potential for the development to attract general non park public use not strictly associated with the caravan park is not considered to be an orderly and economic use of the land or supporting the overall welfare of the community.
- h. The social and economic benefits of the proposal are not considered to outweigh the social impacts.
- i. The proposal is not considered to be in the public interest taking into account the large number of objections from far and wide within the community highlighting the above concerns.

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

FOR VOTE - Cr C Milne, Cr R Cooper, Cr R Byrnes
AGAINST VOTE - Cr W Polglase, Cr J Owen, Cr P Allsop
ABSENT. DID NOT VOTE - Cr C Cherry

The Amendment on becoming the Motion was **Carried** on the Casting Vote of the Mayor (Minute No 567 refers)

FOR VOTE - Cr C Milne, Cr R Cooper, Cr R Byrnes
AGAINST VOTE - Cr W Polglase, Cr J Owen, Cr P Allsop
ABSENT. DID NOT VOTE - Cr C Cherry

12 [PR-CM] Development Application DA02/1983.17 for an Amendment to Development Consent DA02/1983 for the Use of Property for Filming and Producing a Television Program at Lot 77 DP 755715 Dungay Creek Road, Dungay; Part Lot 74 DP 755715 No. 366 Dungay Creek

Cr C Cherry has returned from temporary absence at 05:56 PM

568

Cr J Owen
Cr W Polglase

RESOLVED that Development Application DA02/1983.17 for an amendment to Development Consent DA02/1983 for the use of property for filming and producing a television program at Lot 77 DP 755715 Dungay Creek Road, Dungay; Part Lot 74 DP 755715 No. 366 Dungay Creek Road, Dungay; Lot 93 DP 755715 No. 486 Dungay Creek Road, Dungay be approved subject to the following amendments to conditions:

1. Amend the Consent to state at the end:

The consent to expire on 1 June 2020.

2. Replace Condition 1C with Condition 1D which reads as follows:

1D. The development shall be completed in accordance with the original Statement of Environmental Effects and original approved plans except where varied by the following modifications and their modification reports and associated approved plans and professional reports:

- DA02/1983.02; except where varied by;
- DA02/1983.04; except where varied by;
- DA02/1983.05; except where varied by;
- DA02/1983.06; except where varied by;
- DA02/1983.07; except where varied by;
- DA02/1983.08; except where varied by;
- DA02/1983.10; except where varied by;
- DA02/1983.12; except where varied by;
- DA02/1983.14; except where varied by;
- DA02/1983.16; except where varied by;
- DA02/1983.17;
 - Sheets 1- 5 Building Locations – Brown and Haan – dated 13/09/2016
 - Section AA – Access Road to Catering Area – Brown & Haan – dated 9/09/2015

- The Site Management Plan (as approved by Council at various times)
- The Environmental Management Plan (EMP) dated September 2013 prepared by Ecosure;
- The Habitat Restoration Plan (HRP) dated August 2016 prepared by Ecosure.

except where varied by the following conditions of this consent;

3. Replace Condition 1.3A with Condition 1.3B which reads as follows:

1.3B The applicant shall amend the Habitat Restoration Plan ('HRP') being Habitat Restoration Plan, for Granada Australia/ITV Studios, dated August 2016, prepared by Ecosure to:

- (a) Show an 'additional work area' on Map 5: Northern Management Zones consistent with that area identified on a plan previously submitted to Council and described as Figure 1. Management Zones, northern area including additional helipad area dated 09 February 2016 prepared by Ecosure
- (b) Detail restoration requirements within the 'additional work area' in Section 5 of the HRP with an objective to achieving site capture.
- (c) Show the following habitat restoration zones with boundaries identical to that shown in the previously approved (DA02/1983.16) *Habitat Plan Final Report for Granada Australia/ITV Studios dated July 2014 prepared by Ecosure*:
 - i. Zone 8 – Banana Dam (Map 5)
 - ii. Zone 9 – Social Base (Map 6)
- (d) Amend 'Section 5.1.9 Zone 9 Social Base' to be identical to that described in the previously approved (DA02/1983.16) *Habitat Plan Final Report for Granada Australia/ITV Studios dated July 2014 prepared by Ecosure*

The amended HRP shall be submitted and approved by Council's General Manager or delegate prior to commencement of the first filming and production session in 2017 approved by this consent.

Works are to be implemented in accordance with the approved amended Habitat Restoration Plan (unless otherwise modified and approved by Council's General Manager or delegate) to Council's satisfaction throughout the consent period and including final site remediation phase.

4. Insert new Condition 1.4 which reads as follows:

1.4 The applicant is to apply to the Department of Primary Industries (DPI) for a Controlled Activity Approval (CAA) for erosion and sediment control works to the instream pool structures within 60 days of this approval (DA02/1983.17). Such works are to be completed in accordance with any permit issued.

5. Insert new Condition 1.5 as follows

1.5 Within 90 days of the approval of DA02/1983.17 the applicant is to submit an updated site management plan with a revised “responsible person” section which outlines the current location manager details and their key roles and responsibilities in terms of improving communication between the local residents and ITV/Granada and report on other voluntary mitigation measures. In addition the site management plan shall be updated to limit the use of quad bikes to within the subject site and not utilise Dungay Creek Road. Following the receipt of this first report, the applicant shall submit a monthly report to a Council on the monitoring of the Site Management Plan results.

6. Insert new Condition 1.6 as follows

1.6 Within 90 days of the approval of DA02/1983.17 a traffic counter shall be in place at the gate of the property from the commencement of preproduction until the end of the wrap period. The results are to be submitted to Council demonstrating that no more than 80 vehicles a day have accessed the site.

7. Insert new Condition 1.7 as follows

1.7 Within 90 days of the approval of DA02/1983.17. Council installs, as funded by the applicant, a “Caution, Winding Road, Drive to Conditions” sign, on the approach to No. 282 Dungay Creek Road, at a suitable location, and to the satisfaction of the Director Planning and Regulation.

8. Insert new Condition 1.8 as follows

1.8 Within 90 days of the approval of DA02/1983.17. The applicant is to log the number of passengers in each bus that services the development site. The results of the log book is to be provided to Council at the end of the wrap period of each filming period and upon request of Council at any time.

9. Insert new Condition 2.1 which reads as follows:

2.1 A Building Certificate is to be obtained in respect of the unauthorised building works – “new” steel shed. Building Certificate application BC16/0127 and Structural Inspection Certificate issued by Globe Consulting Pty Ltd dated 12 September 2016 are to be reviewed and determined to Council’s satisfaction upon approval of DA02/1983.17.

10. Insert new Condition 2.2 which reads as follows:

2.2 The buildings nominated on the site plans as permanent structures will require Development Approval for a change of use from uses associated with filming activities to their intended future purpose. Development Consent must be obtained prior to them being used for uses other than filming purposes.

The Motion was **Carried**

FOR VOTE - Cr C Cherry, Cr W Polglase, Cr J Owen, Cr R Cooper, Cr P Allsop, Cr R Byrnes

AGAINST VOTE - Cr C Milne

a12 [PR-CM] Cobaki Concept Plan Mod 4 - Comments to the Department of Planning & Environment

Cr K Milne declared a non-significant non-pecuniary interest in Item a12. The nature of the interest is due to ongoing legal matters with the Chairman of LEDA Holdings. Cr Milne will manage the interest by remaining in the Chamber during discussion and voting as advised as being appropriate by the Office of Local Government.

LATE ITEM

569

**Cr C Cherry
Cr J Owen**

RESOLVED that Item a12 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

570

**Cr J Owen
Cr R Byrnes**

RESOLVED that:

1. Council endorses the comments contained within this report and the draft submission in Attachment 3 of this report; and
2. The endorsed submission be forwarded to the Department of Planning and Environment with regard to all proposed modifications of the Concept Plan Approval (MP06_0316 MOD4) of the Cobaki residential subdivision development.

The Motion was Carried

**FOR VOTE - Cr C Milne, Cr C Cherry, Cr J Owen, Cr R Cooper, Cr P Allsop,
Cr R Byrnes
AGAINST VOTE - Cr W Polglase**

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

13 [CNR-CM] RFO2016090 Air-conditioning Systems Maintenance Services for Tweed Shire Council for a Period of Two Years

571

Cr R Cooper
Cr J Owen

RESOLVED that in respect to Contract RFO2016090 Air-conditioning Systems Maintenance Services for Tweed Shire Council for a Period of Two Years:

1. Council awards the contract to L.E.N. Enterprises Pty Ltd (ABN 27 000 724 809 and ACN 000 724 809) for the amount of \$243,515.93 (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:
 - (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

14 [CNR-CM] RFO2016162 Ground Maintenance of Bilambil Sports Fields

572

Cr R Byrnes
Cr P Allsop

RESOLVED that, in respect to Contract RFO2016162 Ground Maintenance of Bilambil Sports Fields:

1. Council awards the contract to Clarks Professional Sportsground Maintenance PTY LTD (ABN 93 102 799 324) for the amount of \$149,090.91 (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:-
 - (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

15 [CNR-CM] Extension of Contract for the Management of Stotts Creek Resource Recovery Centre

573

**Cr J Owen
Cr C Cherry**

RESOLVED that Council:

1. Delegates authority to the General Manager to negotiate a six month extension of the current contract with Solo Resource Recovery (EC2013-139) for the Management of Stotts Creek Resource Recovery Centre until 30 June 2017 at an upper value of \$800,000.
2. Gives the General Manager delegated authority to approve variations up to \$150,000.

The Motion was **Carried**

FOR VOTE - Unanimous

16 [CNR-CM] Aquatic Hire Licenses

574

**Cr K Milne
Cr C Cherry**

RESOLVED that, in respect to RFO2016127 Licence to conduct a non-motorised aquatic hire business:

1. Council grants the following licences:
 - a. Jack Evans Boatharbour - Big Trev's Watersports, Tweed Heads
 - b. Kingscliff / Cudgen Creek - Watersports Guru
 - c. Hastings Point - Peter Sloan Trading as Caldera Kayak and Paddle Board Experience.
2. ATTACHMENT A 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 C Milne, Cr C Cherry, Cr J Owen, Cr R Cooper, Cr P Allsop, Cr R Byrnes
AGAINST VOTE - Cr W Polglase***

a16 [CNR-CM] RFO2016163 Supply, Construction, Testing and Commissioning of the Expansion to the Tweed Heads Library, Brett Street, Tweed Heads

LATE ITEM

575

**Cr C Cherry
Cr J Owen**

RESOLVED that Item a16 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

576

Cr W Polglase
Cr J Owen

RESOLVED that, in respect to Contract RFO2016163 Supply, Construction, Testing and Commissioning of the Expansion to the Tweed Heads Library, Brett Street, Tweed Heads:

1. Council awards the contract for Separable Portions 1 and 2 to J.M. Kelly Builders Pty Ltd (ABN 20 009 801 665; ACN 009 801 665) for the amount of \$2,537,897.00 (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 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:
 - (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.
4. An additional \$500,000 expenditure towards the library expansion, funded from the Community Facilities Reserve, be included in the December 2016 budget review

The Motion was **Carried**

FOR VOTE - Unanimous

b16 [CNR-CM] Tweed Heads Library Upgrade - Operational Logistics During Construction

LATE ITEM

577

Cr C Cherry
Cr J Owen

RESOLVED that Item b16 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

578

Cr W Polglase
Cr R Byrnes

RESOLVED that Council:

1. Acknowledges the need to close the Tweed Heads Library whilst it is being upgraded and to reduce the service levels being provided during this time which is estimated to be six to eight months.
2. Supports the arrangements being made to provide some library services and programs to members during construction.
3. Acknowledges the efforts of the Richmond Tweed Regional Libraries' staff in developing these arrangements to minimise the disruption to services and programs for library members.
4. Approves the suspension of fees and charges for Tweed Heads Cultural Centre Meeting Rooms 1 and 2 during the Tweed Library upgrade construction period.
5. Waives the fees and charges for the Richmond Tweed Regional Library Service use of the HACC Activities Room and South Tweed Community Hall during the Tweed Library upgrade construction period.
6. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:
 - (a) personnel matters concerning particular individuals (other than councillors)
 - (f) matters affecting the security of the council, councillors, council staff or council property

The Motion was **Carried**

FOR VOTE - Unanimous

c16 [CNR-CM] Draft Submission to NSW Climate Change Fund Draft Strategic Plan and Plan to Save Energy and Money

LATE ITEM

579

Cr C Cherry
Cr J Owen

RESOLVED that Item c16 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

580

**Cr K Milne
Cr R Byrnes**

RESOLVED that Council endorses Tweed Shire Council's submission to the *Climate Change Fund Draft Strategic Plan* and *Draft Plan to Save NSW Energy and Money*. The submission includes:

- support for the target for NSW to emit net-zero greenhouse emissions by 2050;
- a call for the NSW Government to outline the state's plan to decarbonise NSW's energy supply;
- support for a fiscally responsible approach, with independent evaluation and full life-cycle costing of new initiatives;
- a greater role for land use planning and development to be innovative, use renewable energy, be energy efficient and be adaptable to climate change, without increasing regulatory burden;
- a request for more detail about the proposed actions to be resourced by the Climate Change Fund and what resources will be available for local government;
- a call to recognise the importance of consistency across all state government policies, and resolution of the conflict between the Climate Change Fund objectives, the direction of the state government's planning policies and biodiversity reforms;
- commendation for support of regional areas in NSW and resources to strengthen the agricultural sector's response to climate change;
- a call to implement more effective protections for biodiversity rather than allocation of Climate Change Funds to private land conservation; and
- a call to ensure all government agencies play a role in achieving the aims of the Climate Change Framework, especially the Department of Planning & Environment and electricity network providers.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING

17 [E-CM] Building Better Regions Fund - Infrastructure Projects Stream

581

Cr R Byrnes

Cr P Allsop

RESOLVED that Council:

1. Prepares three submissions with the intent of submitting two for funding under the Building Better Regions - Infrastructure Stream being:
 - a) the **Northern Rivers Rail Trail Project**, subject to confirmation being received of matching NSW State Government Funding.
 - b) **Tweed Valley Way Riverbank Stabilisation Project** - Tweed Valley Way limited to a length which can be co-funded by Council through existing budgets.
 - c) **Knox Park Amenities and Entry Plaza Project**.
2. Seeks an urgent letter of commitment from the NSW State Government for matching funding for the Northern Rivers Rail Trail (Tweed Section) for inclusion with its application, which closes 28 February 2017.
3. Promotes the Community Investment Stream through Destination Tweed, community associations, environmental groups, not for profit organisations and business chambers.

AMENDMENT

582

Cr K Milne

Cr R Cooper

PROPOSED that Council:

1. Prepares two submissions for funding under the Building Better Regions - Infrastructure Stream being:
 - a) **Tweed Valley Way Riverbank Stabilisation Project** - Tweed Valley Way limited to a length which can be co-funded by Council through existing budgets.
 - b) **Knox Park Amenities and Entry Plaza Project**.

2. Promotes the Community Investment Stream through Destination Tweed, community associations, environmental groups, not for profit organisations and business chambers.

The Amendment was **Lost**

FOR VOTE - Cr C Milne, Cr R Cooper

AGAINST VOTE - Cr C Cherry, Cr W Polglase, Cr J Owen, Cr P Allsop, Cr R Byrnes

The Motion was **Carried** (Minute No 581 refers)

FOR VOTE - Cr C Cherry, Cr W Polglase, Cr J Owen, Cr R Cooper, Cr P Allsop, Cr R Byrnes

AGAINST VOTE - Cr C Milne

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.54pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.54PM

PROCEDURAL MOTIONS

583

Cr K Milne

Cr C Cherry

RESOLVED that Items 18 to 24 with the inclusion of late Addendum a22 and with the exception of Item 19 (which was dealt with earlier in the meeting) be considered in block.

The Motion was **Carried**

FOR VOTE - Unanimous

584

Cr P Allsop

Cr J Owen

RESOLVED that Items 18 to 24 with the inclusion of late Addendum a22 and with the exception of Item 19 (which was dealt with earlier in the meeting) be moved in block.

The Motion was **Carried**

FOR VOTE - Unanimous

18 [E-CM] RFO2016165 Supply of Bulk Fuels (Panel of Providers)

585

**Cr P Allsop
Cr J Owen**

RESOLVED that, in respect to Contract RFO2016165 Supply of Bulk Fuels (Panel of Providers):

1. Council accepts the Offers of the following four Bidders and that these four Bidders form the RFO2016165 Supply of Bulk Fuels Panel of Providers for a three-year period, with a 1 x 24 month extension option being available to be exercised at Director Engineering's discretion (as the Contract Principal) based on service and product standards at the end of the initial Contract term, noting that the estimated value of this contract over the potential five year total periods is \$5.3 million.

Bidder	ABN
Caltex Australia Petroleum Pty Ltd	17 000 032 128
Ocwen Energy Pty Ltd T/A Lowes Petroleum Service	44 605 178 578
Park Pty Ltd	17 093 014 129
Puma Energy (Australia) Fuels Pty Ltd	34 009 644 151

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:-
 - (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

19 [E-CM] RFO2016114 Kingscliff Foreshore Revitalisation Construction Works

This item was dealt with earlier in the meeting at Minute No 558.

20 [E-CM] RFO2016139 Soil Nail Anchor Wall Tumbulgum Road Murwillumbah

586

Cr P Allsop

Cr J Owen

RESOLVED that, in respect to Contract RFO2016139 Construction of Soil Nail Anchor Wall Tumbulgum Road Murwillumbah:

1. Council awards the contract to Michael Reid Family Trust ATF Crosana Pty Ltd ABN 45 943 696 462 for the amount of \$744,080.41 (exclusive of GST) subject to Council releasing a Construction Certificate for the works.
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:-
 - (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

21 [E-CM] Procurement of Bulk Carbon Dioxide (CO2)

587

Cr P Allsop

Cr J Owen

RESOLVED that:

1. Council enters into a contract with Air Liquide (ABN 95 000 029 729) for Bulk Carbon Dioxide (CO2) supply using the negotiated version of the Air Liquide 'Liquid Products Agreement' for a three year period at the negotiated rates, with the estimated value of this contract over the proposed three-year period noted as being \$440,000.

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

22 [E-CM] RFO2016077 Supply Electricity for Small Sites from 1 January 2017

This report was dealt with in conjunction with Late Addendum Item a22 (Minute No 589 refers).

a22 [E-CM] RFO2016077 Supply Electricity for Small Sites from 01 January 2017

LATE ITEM

588

**Cr K Milne
Cr C Cherry**

RESOLVED that Item a22 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

589

**Cr P Allsop
Cr J Owen**

RESOLVED that, in respect to Contract RFO2016077 Electricity for Small Sites from 01 January 2017:

1. Council awards the contract RFO2016077 Electricity for Small Sites from 01 January 2017 to Energy Australia ABN 99 086 014 968 in accordance with the Retail Electricity Supply Agreement (3 Year Contract) and the Schedule of Rates offered.

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 they contain:-
 - (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

23 [E-CM] Proposed Crown Road Closure - Tumbulgum

590

**Cr P Allsop
Cr J Owen**

RESOLVED that Council:

1. Objects to the closure of the Crown road reserves which runs along the western boundary of Lot 1 DP 781660 and Lot 153 DP 755698.
2. Does not object to the closure of the road running along the southern boundary of Lot 2 DP 583342 and the road separating Lot 155 and Lot 182 DP 755698.
3. Applies to transfer the road reserve which runs along the western boundary of Lot 1 DP 781660 and Lot 153 DP 755698 from Crown to Council control.
4. Sign all necessary documents under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

24 [E-CM] Creation of Easement to Drain Sewage over Lot 5 in DP 1121923, Pottsville

591

**Cr P Allsop
Cr J Owen**

RESOLVED that:

1. Council provides its consent to the Transfer Granting Easement creating an Easement to Drain Sewage 3 wide over Lot 5 in DP 1121923.
2. All documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

25 [E-CM] Road Naming - Herbies Lane, Tweed Heads South

592

**Cr K Milne
Cr C Cherry**

RESOLVED that:

1. Council adopts the name of "Herb Lane" for the road which runs off Seaview Street at Tweed Heads South.
2. The naming of the public road be gazetted under the provisions of the *Road (General) Regulation 2008* and the *Roads Act 1993*.

The Motion was **Carried**

FOR VOTE - Unanimous

26 [E-CM] Classification of Land as Operational - 105 Fraser Drive, Banora Point

593

Cr W Polglase
Cr P Allsop

RESOLVED that Council, in accordance with Section 31 of the Local Government Act 1993 classify Lot 2 DP 814255 being 105 Fraser Drive, Banora Point as operational land.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR CORPORATE SERVICES

27 [CS-CM] Draft Community Strategic Plan 2017/2027 "Living and Loving the Tweed"

594

Cr C Cherry
Cr R Byrnes

RESOLVED that the Draft Community Strategic Plan 2017/2027 "Living and Loving the Tweed" be endorsed and placed on public exhibition for the period 2 January 2017 until 25 February 2017 inviting community feedback.

The Motion was **Carried**

FOR VOTE - Unanimous

28 [CS-CM] RFO2016169 Provision of Security Services

595

**Cr W Polglase
Cr R Byrnes**

RESOLVED that in respect to Contract RFO2016169 Provision of Security Services:

1. Council awards the contract to National Management Group Pty Ltd ATF National Management Group T/As Tweed Coast Protective Services (ABN 26 257 33 737) for the Offered rates for the period 1 January 2017 to 30 June 2020, with a further possible 1 x 24 month extension option available to be exercised at Director Corporate Services' discretion (as the Contract Principal) based on service and delivery standards at the end of the initial Contract term, noting that the estimated value of this contract over the potential five-and-a-half year total period is \$990,000.
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:-
 - (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

29 [CS-CM] In Kind and Real Donations - July to September 2016

596

**Cr C Cherry
Cr J Owen**

RESOLVED that Council notes the total donations of \$141,984.35 for the period July to September 2016.

The Motion was **Carried**

FOR VOTE - Unanimous

30 [CS-CM] Compliments and Complaints Analysis Report for the Period 1 July to 30 September 2016

597

**Cr R Byrnes
Cr C Cherry**

RESOLVED that Council receives and notes the Compliments and Complaints Analysis Report for the Period 1 July to 30 September 2016.

The Motion was **Carried**

FOR VOTE - Unanimous

31 [CS-CM] Monthly Investment and Section 94 Development Contribution Report for Period ending 30 November 2016

598

**Cr R Byrnes
Cr C Cherry**

RESOLVED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 30 November 2016 totalling \$274,857,609 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

a31 [CS-CM] Local Government Reforms - Fit for the Future Update

LATE ITEM

599

The Mayor deemed that Late Addendum Item a31 was not of great urgency and requested that it be placed on the Ordinary Agenda of the February Council Meeting.

ITEM NOT ON THE AGENDA

b31 [CS-CM] Council Committees - Delegates to September 2020

Cr C Cherry
Cr P Allsop

RESOLVED that Councillors be appointed to Council Committee to September 2020 as follows:

Committee	Delegate	Alternate
Far North Coast Bush Fire Management	Cr W Polglase	Cr J Owen
Richmond-Tweed Regional Library Committee	Cr K Milne Cr R Byrnes	Cr C Cherry
Northern Rivers Rail Trail Inc. Executive	Cr R Byrnes	Not applicable

The Motion was **Carried**

FOR VOTE - Unanimous

ORDERS OF THE DAY

32 [NOM] Street Trees under Power Lines

Cr K Milne withdrew the Motion.

33 [NOM] Banning the Provision of Alcohol for Councillors and Staff

600

Cr K Milne
Cr C Cherry

RESOLVED that Council no longer provides alcohol on the Council premises to Councillors, staff and media during or after Council meetings and workshops with the exception of special events such as the Christmas Party.

The Motion was **Carried**

FOR VOTE - Cr C Milne, Cr C Cherry, Cr R Cooper, Cr R Byrnes

AGAINST VOTE - Cr W Polglase, Cr J Owen, Cr P Allsop

34 [NOM] Opening Murwillumbah to the River

601

**Cr K Milne
Cr C Cherry**

PROPOSED that Council brings back a report on placing an opening gate in the levee wall of the Wharf Street Park with associated park furniture and viewing platform

The Motion was Lost

FOR VOTE - Cr C Milne, Cr C Cherry, Cr R Cooper

AGAINST VOTE - Cr W Polglase, Cr J Owen, Cr P Allsop, Cr R Byrnes

QUESTIONS ON NOTICE

35 [QoN-Cr C Cherry] Off Leash Dog Areas

QUESTION ON NOTICE:

Councillor C Cherry asked:

Please advise when the community consultation regarding on and off leash areas for dogs is scheduled to be carried out.

The Director Community and Natural Resources responded as follows:

Community Consultation on Off leash Dog Areas

Council is developing an Open Space Strategy (OSS) to enhance, protect and manage its open spaces: parks, sports fields, natural areas, foreshore areas and paths for walking and cycling.

As part of this process, Council will review the provision of off leash dog areas.

Community consultation conducted as part of the OSS has included extensive consultation on dog ownership, satisfaction levels related to exercising dogs in public places in the Tweed.

Over 456 Open Space Surveys and 88 comment cards were completed and 'pop up' park consultation booths travelled to 10 community events across the shire during November and December 2016, including an event hosted by the Tweed Heads Canine Club

KEY FINDINGS FROM CONSULTATION

- *In open spaces, dog walking was one of the most frequently performed activities on a daily basis*
- *41 % of the Open Space Survey respondents were dog owners*
- *Of the dog owners, 64 % were either very satisfied or satisfied with the number of public places to walk their dog.*
- *26% were either very unsatisfied or unsatisfied with the number of off leash areas.*
- *Off leash dog areas and the effective management of dogs was a top priority for improving open spaces.*
- *Effective management means: improved planning of off leash areas, additional enforcement of unleashed dogs and dangerous dogs, improved signage, fenced areas for dogs including separate areas for small and large dogs, provision of space for dog events/training, improved facilities e.g. dog waste bins, drinking water fountains, education of dog owner's responsibilities, promotion of existing sites, the banning of dogs in some open spaces; and the provision of areas other than beaches to walk dogs to improve accessibility.*

The community responses during the OSS consultation will inform the review and future provision of off leash areas.

FUTURE PROVISION AND MANAGEMENT

Under the Companion Animals Act 1998 (NSW) Council is required to declare at least one public place in any municipality as an off leash area for dogs. Council currently provides 14 off leash areas across the Tweed.

The current review of off leash areas includes:

- *Development of an internal working group to identify key issues and review the planning of off leash areas (existing);*
- *An audit of the existing 14 off leash areas and the additional off leash areas on beaches;*
- *Identifying gaps in the existing provision of off leash areas;*
- *Developing a hierarchy for off leash areas to determine provision standards and service levels (drafted);*
- *Developing draft guidelines for the planning and design of off leash areas (drafted)*
- *Benchmarking with 8 other councils from NSW and Queensland (complete)*

The review of off leash areas will ensure a more strategic and integrated approach towards planning and managing off leash areas across the Tweed.

A workshop for Councillors will be scheduled in February 2017 to outline the process for the review of off-leash areas followed by a Council report including recommendations for criteria that will determine on and off leash dog areas, associated signage and public education. The revised framework for on and off-leash dog areas will then go on public exhibition to be finalised by June 2017.

DELEGATE REPORTS

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

Nil.

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

602

Cr K Milne
Cr P Allsop

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

603

Cr K Milne
Cr R Byrnes

RESOLVED that the Committee resumes in Open Council.

The Motion was **Carried**

FOR VOTE - Unanimous

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 FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C1 [PR-CM] Vegetation Removal at Lot 23 DP 1211517 Barneys Point Road, Banora Point

REASON FOR CONFIDENTIALITY:

This report is confidential due to potential legal proceedings.

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:

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

C 47

That Council:

1. Engages its solicitors to provide advice regarding the continuing investigation of the unauthorised clearing at Lot 23 DP 1211517 Barneys Point Road, Banora Point and following those investigations, the prospects of a successful prosecution or other action under the *Environmental Planning and Assessment Act 1979*;
2. Subject to those investigations and the legal advice, Council instructs its solicitors to:
 - a) commence proceedings to prosecute offenders in the Land and Environment Court for the unauthorised clearing and seek such orders as may be appropriate for vegetation restoration and management, or
 - b) commences such other proceedings as may be appropriate.

FOR VOTE - Cr C Milne, Cr C Cherry, Cr R Cooper, Cr P Allsop, Cr R Byrnes

AGAINST VOTE - Cr W Polglase, Cr J Owen

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

C2 [CNR-CM] Extension of Waste Transport and Disposal Contract with Veolia Environmental Services until 30 June 2017

REASON FOR CONFIDENTIALITY:

Local Government Act

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

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

C 48

That Council:

1. Endorses the extension of Contract Number EC2012291 with Veolia Environmental Services for the transport and disposal of construction and demolition and/or mixed putrescible waste by six month until 30 June 2017,
2. Gives the General Manager delegated authority to approve variations up to \$150,000.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C3 [E-CM] Clarrie Hall Dam - Land Acquisition - 683 Doon Doon Road, Doon Doon

REASON FOR CONFIDENTIALITY:

This report discusses commercial discussions and private financial arrangements which should not be disclosed to the public in order to protect the privacy of the affected individuals.

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 49

That:

1. Council approves entering into a contract for the purchase of 683 Doon Doon Road, Doon Doon comprised in Lot 4 DP 605354 for the amount agreed as determined by valuation.
-

2. Council approves entering into a Deed of Payment with the affected landowners of the property in relation to the setting out of the payment of disturbance and solatium as a consequence of the purchase.
3. Council executes all necessary documentation under the Common Seal of Council.
4. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR CORPORATE SERVICES IN COMMITTEE

aC3 [CS-CM] 2016 Tweed Shire Australia Day Awards and 2017 Australia Day Celebrations

REASON FOR CONFIDENTIALITY:

Details of nominees for a Tweed Shire Australia Day Award are embargoed until 26 January 2017.

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: -

- (a) personnel matters concerning particular individuals (other than councillors).

C 51

That:

1. Council endorses the recommendations of Councillors as discussed in consideration of this item for the 2016 Tweed Shire Australia Day Award categories, to be presented at the Tweed Shire Australia Day Celebrations on 26 January 2017 at the Twin Towns Clubs and Resorts Showroom
2. Endorses the appointment of the nominated Local Australia Day Ambassador.
3. Writes to successful applicants (of no more than 2 previous years) of the Small Community Australia Day Events funding round and invites their application for funding, with advice that the current application process is under review.

4. Notes ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
(a) personnel matters concerning particular individuals (other than councillors).

The Motion was **Carried**

FOR VOTE - Unanimous

604

**Cr K Milne
Cr R Byrnes**

RESOLVED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

FOR VOTE - Unanimous

There being no further business the Meeting terminated at 9.37pm.



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

Chairman

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