



**TWEED**  
SHIRE COUNCIL

**Mayor:** Cr K Milne

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

# Minutes

## Ordinary Council Meeting Thursday 21 July 2016

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

## COUNCIL'S CHARTER

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

Tweed Shire Council has the following charter:

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

The Meeting commenced at 5.00pm.

### **IN ATTENDANCE**

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

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

### **ABORIGINAL STATEMENT**

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

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

### **PRAYER**

The meeting opened with a Prayer by Council's Chaplain, Jacob Van Der Steen.

#### **1 Timothy 2:1-3 (Common English Bible)**

*First of all, then, I ask that requests, prayers, petitions, and thanksgiving be made for all people. <sup>2</sup> Pray for kings and everyone who is in authority so that we can live a quiet and peaceful life in complete godliness and dignity. <sup>3</sup> This is right and it pleases God our saviour.*

Heavenly Father, we thank you for you are the author of all creation, and you have displayed your love for us through your Son, Jesus. We thank you for our country that we live in, especially for the peace and safety that we enjoy, especially when we reflect on the events around the world in recent weeks. We are especially thankful for the Tweed Valley which is our home. The beauty of the mountains, the valleys, the forests and the ocean, all these we enjoy, and acknowledge that they are from you.

As we read from your word it is good that we pray for those who rule our country, and we especially pray for our newly elected government. We also pray our councillors this afternoon who meet to serve our community, that they will use their gifts and abilities to manage our resources wisely and well, that they will represent all members of our community fairly, to make decisions that promote the common good. We pray that all will recognize their responsibility to the past and the future, and the rights and needs of both individuals and community. As trusted servants, we seek blessings on their deliberations, and efforts here this evening, May they as your servants act wisely and well.

We also pray in the coming months for those wishing to be elected as representatives to council that those elected will be those who you wish to be your representatives to this council.

We pray this in the name of Jesus Christ our Lord and Saviour.

Amen.

## CONFIRMATION OF MINUTES

### 1 [CONMIN-CM] Confirmation of Minutes of Ordinary and Confidential Council Meetings held Thursday 16 June 2016

315

Cr P Youngblutt  
Cr B Longland

**RESOLVED** that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 16 June 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***

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### 2 [CONMIN-EXT] Confirmation of Minutes of Extraordinary Council Meeting held Thursday 23 June 2016

316

Cr P Youngblutt  
Cr B Longland

**RESOLVED** that the Minutes of the Extraordinary Council Meetings held Thursday 23 June 2016 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**3 [CONMIN-CM] Confirmation of Minutes of Ordinary and Confidential Council Meetings held Thursday 7 July 2016**

**317**

**Cr P Youngblutt  
Cr B Longland**

**RESOLVED** that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 7 July 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***

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**APOLOGIES**

Nil.

**DISCLOSURE OF INTEREST**

**Cr K Milne** wishes to declare a non significant, non pecuniary Interest in Item 26. The nature of the interest is that Cr Milne has ongoing legal issues with LEDA Developments. Cr Milne will stay in the chamber on vote on this item on merit.

**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 Resolutions was received and noted.

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## MAYORAL MINUTE

### 5 [MM-CM] Mayoral Minute for June 2016

318

Cr K Milne

**RESOLVED** that the Mayoral Minute for the month of June 2016 be received and noted.

**The Motion was Carried**

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

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## RECEIPT OF PETITIONS

### 6 [ROP-CM] Receipt of Petitions

The following tabled Petition was read by the Public Officer, Neil Baldwin:

- Petition from the Residents of Tweed Broadwater Village containing 159 signatories advising:

*"Cessation of Residents Hard Refuse Collection in Tweed Broadwater Village*

*We the Residents of Tweed Broadwater Village recently contacted the Local Government Office of New South Wales, for advice on the above subject. It would appear, that as rate paying Home Owners, (albeit through Village Management), and receiving a weekly general refuse collection, we are entitled to the Bi-Annual collection of hard refuse by Tweed Council. We therefore respectfully request that the recent Council decision to stop the collection in Tweed Broadwater Village be rescinded. Your earliest response to this request would be appreciated."*

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## REPORTS THROUGH THE GENERAL MANAGER

### REPORTS FROM THE GENERAL MANAGER

#### 7 [GM-CM] Destination Tweed Quarterly Report January to March 2016

319

Cr B Longland  
Cr P Youngblutt

**RESOLVED** that Council:

1. Receives and notes the Destination Tweed's Quarterly report for the quarter January to March 2016.
2. Endorses payment of the quarterly contract instalment in accordance with contract AC2010-073 Provision of Services for Economic Development Tourism Promotion.
3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The Motion was **Carried**

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

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### REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

#### 8 [PR-CM] Development Application DA16/0431 for the Use of Existing Shed at Lot 813 DP 32094 No. 79 Simpson Drive, Bilambil Heights

320

Cr W Polglase  
Cr P Youngblutt

**RESOLVED** that Development Application DA16/0431 for the use of an existing shed at Lot 813 DP 32094 No. 79 Simpson Drive, Bilambil Heights be approved subject to the following conditions:

GENERAL

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1. The development shall be completed in accordance with the plans approved by Council, except where varied by conditions of this consent.

[GEN0015]

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

[GEN0115]

3. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of buildings with direct line of sight to the proposed building.

[DUR0245]

#### USE

4. 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]

5. The building is not to be used for any habitable, commercial or industrial purpose without prior approval of Council.

[USE0455]

#### AMENDMENT 1

321

Cr K Milne  
Cr G Bagnall

**PROPOSED** that this item be deferred to a Workshop to determine whether there can be a better outcome with regard to view sharing.

Amendment 1 was **Lost**

**FOR VOTE - Cr G Bagnall, Cr K Milne**

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

The Motion was **Carried** (Minute No 320 refers).

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

**AGAINST VOTE - Cr G Bagnall, Cr K Milne**

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#### 9 [PR-CM] Mooball Planning Agreement and Planning Proposal

322

Cr W Polglase  
Cr P Youngblutt

**RESOLVED** that Council:

1. Receives and notes the review of public submissions contained in this report;
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2. Endorses the exhibited Mooball Planning Agreement, and grant delegated authority to the General Manager to execute the Agreement at the earliest time; and
3. Further supports that the executed Planning Agreement and the Mooball Planning Proposal be forwarded to the Department of Planning and Environment requesting that the Tweed Local Environmental Plan Amendment No.3 'Mooball' be made.

**AMENDMENT 1**

**323**

**Cr K Milne  
Cr G Bagnall**

**PROPOSED** that this matter be deferred for a workshop to further clarify the issues raised by submissions including but not limited to implications in regard to continued use rights for rural activities on Lot B, and issues regarding flood impacts, soil contamination and tree preservation.

Amendment 1 was **Lost**

**FOR VOTE - Cr G Bagnall, Cr K Milne**

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

**AMENDMENT 2**

**324**

**Cr K Milne  
Cr G Bagnall**

**PROPOSED** that:

1. Council receives and notes the review of public submissions contained in this report;
2. Council endorses the exhibited Mooball Planning Agreement, and grant delegated authority to the General Manager to execute the Agreement at the earliest time; and
3. Council further supports that the executed Planning Agreement and the Mooball Planning Proposal be forwarded to the Department of Planning and Environment requesting that the Tweed Local Environmental Plan Amendment No.3 'Mooball' be made.
4. With the exception of the 75m buffer to apply to Lot B.

Amendment 2 was **Lost**

**FOR VOTE - Cr G Bagnall, Cr K Milne**

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

The Motion was **Carried** (Minute No 322 refers).

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

**AGAINST VOTE - Cr G Bagnall, Cr K Milne**

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**10 [PR-CM] Development Application DA15/0828 for Three Townhouses at Lot 53 SP 91510 No. 53/77 Tamarind Avenue, Bogangar; SP 76700 & SP 79344 No. 77 Tamarind Avenue, Bogangar**

**325**

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that Development Application DA15/0828 for three townhouses at Lot 53 SP 91510 No. 53/77 Tamarind Avenue, SP 76700 & SP 79344 No. 77 Tamarind Avenue, Bogangar 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:

- Site Plan - Ground Floor (Drawing No. DA-02) prepared by Scott Carpenter and dated 2 March 2016;
- Site Plan - First Floor (Drawing No. DA-03) prepared by Scott Carpenter and dated 2 March 2016;
- Unit 1 & 2 Town House Plans (Drawing No. DA-04) prepared by Scott Carpenter and dated 2 March 2016;
- Unit 3 Town House Plans (Drawing No. DA-05) prepared by Scott Carpenter and dated 2 March 2016;
- Section A-A (Drawing No. DA-06) prepared by Scott Carpenter and dated 2 March 2016;
- North & East Elevations Units 1 & 2 (Drawing No. DA-07) prepared by Scott Carpenter and dated 2 March 2016;
- South & West Elevations Units 1 & 2 (Drawing No. DA-08) prepared by Scott Carpenter and dated 2 March 2016;
- North & East Elevations Units 3 (Drawing No. DA-09) prepared by Scott Carpenter and dated 2 March 2016; and
- South & West Elevations Units 3 (Drawing No. DA-10) prepared by Scott Carpenter and dated 2 March 2016,

except where varied by the conditions of this consent.

[GEN0005]

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

[GEN0115]

3. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.  
[GEN0135]
4. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.  
[GEN0265]
5. The owner is to ensure that the proposed 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]
6. The sewerage reticulation system from the proposed development shall be privately owned and shall connect upstream (ie: into the property drain) of the existing sewer property connection to SP 76700. No new sewerage junctions or connections to Council's existing sewer reticulation pipelines shall be constructed as a result of this development.
7. Civil Works layout plans are considered to demonstrate incorrect information regarding the private sewer connection location as it shows the connection to be located outside of the property boundary. Sewer connections as shown on the Civil Works layout plans by Charlie Hewitt Engineering Design are not approved.
8. Water supply shall be from the existing water meter located on the lot. Water supply within the lot to the 3 townhouses shall be private. No new water meters shall be installed as a result of this development.  
[GENNS01]

#### RURAL FIRE SERVICE SECTION 79BA CONDITIONS

9. The recommendations are based on the plan prepared by Scott Carpenter, titled 'Cabarita Lake Town Houses', Job Number 1430 and dated September 2014.

##### 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:

10. 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'.

##### 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:

11. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

#### Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

12. Where the most distant part of a proposed dwelling is greater than 70 metres from a water hydrant, property access roads shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.

#### 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:

13. New construction 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'.

#### Landscaping

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

[GENNS02]

15. With regard to adjacent Crown Land (Lot 466 DP 755701), the development shall not:

- a. Encroach upon the Crown land;
- b. Remove any vegetation from the Crown land;
- c. Stockpile materials, equipment or machinery on Crown land;
- d. Use the Crown land for access purposes;
- e. Direct any new stormwater discharges to the Crown land; or
- f. Use the Crown land as an Asset Protection Zone.

16. Consistent with measures specified by JWA Ecological Consultants dated 16 February 2016 with respect to Bush Stone-curlew management, all dogs and cats occupying the approved dwellings (the subject of this consent) shall be restrained within the dwelling or secure night cage between the hours of 6:00pm and 6:00am for the life of the development. The proponent is responsible for notifying the first of any future owner/s of the restriction.

17. Vegetation removal is limited to those trees identified as 'to be removed' on the approved plans within the development footprint. No other native vegetation may be removed or disturbed without specific approval from Council's General Manager or delegate.

[GENNS05]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

18. 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.

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|----|---|----------|
| a. | Tweed Road Contribution Plan:<br>11.7 Trips @ \$1395 per Trips<br>(\$1,145 base rate + \$250 indexation)<br>S94 Plan No. 4<br>Sector7_4 | \$16,322 |
| b. | Open Space (Casual):<br>2.125 ET @ \$638 per ET<br>(\$502 base rate + \$136 indexation)<br>S94 Plan No. 5                               | \$1,356  |
| c. | Open Space (Structured):<br>2.125 ET @ \$557 per ET<br>(\$575 base rate + \$-18 indexation)<br>S94 Plan No. 5                           | \$1,184  |
| d. | Shirewide Library Facilities:<br>2.125 ET @ \$859 per ET<br>(\$792 base rate + \$67 indexation)<br>S94 Plan No. 11                      | \$1,825  |
| e. | Bus Shelters:<br>2.125 ET @ \$67 per ET<br>(\$60 base rate + \$7 indexation)<br>S94 Plan No. 12   | \$142    |

f.	Eviron Cemetery: 2.125 ET @ \$125 per ET (\$101 base rate + \$24 indexation) S94 Plan No. 13	\$266
g.	Community Facilities (Tweed Coast - North) 2.125 ET @ \$1425 per ET (\$1,305.60 base rate + \$119.40 indexation) S94 Plan No. 15	\$3,028
h.	Extensions to Council Administration Offices & Technical Support Facilities 2.125 ET @ \$1909.57 per ET (\$1,759.90 base rate + \$149.67 indexation) S94 Plan No. 18	\$4,057.84
i.	Cycleways: 2.125 ET @ \$480 per ET (\$447 base rate + \$33 indexation) S94 Plan No. 22	\$1,020
j.	Regional Open Space (Casual) 2.125 ET @ \$1119 per ET (\$1,031 base rate + \$88 indexation) S94 Plan No. 26	\$2,378
k.	Regional Open Space (Structured): 2.125 ET @ \$3928 per ET (\$3,619 base rate + \$309 indexation) S94 Plan No. 26	\$8,347

[PCC0215]

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

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

[PCC0265]

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

[PCC0285]

21. 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]

22. A detailed plan of landscaping containing no noxious or environmental weed species and with 100% of total plant numbers comprised of local native species is to be submitted and approved by Council's General Manager or delegate prior to the issue of the first of any Construction Certificate.

[PCC0585]

23. Design detail shall be provided to address the flood compatibility of the proposed structure including the following specific matters:

- (a) The minimum habitable floor level for the building is RL 5.8m AHD.
- (b) All building materials used below Council's design flood level must not be susceptible to water damage.
- (c) Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should to suitably treated to withstand continuous submergence in water and provide appropriate earth leakage devices.

[PCC0705]

24. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications undertaken in accordance with Councils Development Design and Construction Specifications for the following required works:

- (a) 1.2m wide reinforced concrete footpath along the full frontage of the site on Willow Avenue and Tamarind Avenue.

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

- Road works/furnishings
- Stormwater drainage
- Water and sewerage works
- Sediment and erosion control plans
- Location of all services/conduits
- Traffic control plan

[PCC0895]

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

- (a) The Construction Certificate Application shall include a detailed Stormwater Management Plan (SWMP) for the occupational or use stage of the development prepared in accordance with Annexure B of Councils *Development Design Specification D7 - Stormwater Quality*.
- (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils *Development Design Specification D7 - Stormwater Quality*.
- (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management.
- (d) Specific Requirements to be detailed within the Construction Certificate application include:
  - i) The stormwater treatment train must demonstrate compliance with water quality objectives by one of the options specified in D7.07A.4
  - ii) All stormwater treatment devices must be located on common land as per D7.09.4
  - iii) Stormwater treatment device(s) of a type that can only be maintained by specialist contractors or the manufacturer are not acceptable.

[PCC1105]

26. 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.

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.

[PCC1145]

27. 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]



28. 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]
29. 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]
- 29.1 Pursuant to Section 80A(1)(B) of the Environmental Planning and Assessment Act, 1979 (as amended) and Clause 97 of the Environmental Planning and Assessment Regulations, 2000 Development Consent No. D87/0874 dated 14 December 1988 (as amended) shall be modified to remove reference to any development/units located on land to which the three townhouses approved under this consent relates by lodgement of the prescribed information suitably executed, PRIOR to the issue of a Construction Certificate. [PCCNS01]

#### PRIOR TO COMMENCEMENT OF WORK

30. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the 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]
31. The erection of a building in accordance with a development consent must not be commenced until:
- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
  - (b) the person having the benefit of the development consent has:
    - (i) appointed a principal certifying authority for the building work, and
    - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
  - (c) the principal certifying authority has, no later than 2 days before the building work commences:

- (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
  - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
- (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
  - (ii) notified the principal certifying authority of any such appointment, and
  - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

32. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

[PCW0225]

33. Residential building work:

- (a) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
- (i) in the case of work for which a principal contractor is required to be appointed:
    - \* in the name and licence number of the principal contractor, and
    - \* the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - \* the name of the owner-builder, and
    - \* if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
- (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0235]

34. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one 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]

35. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the site is prohibited.

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

[PCW0255]

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

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

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

[PCW0985]

## DURING CONSTRUCTION

37. 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]

38. If during construction works any Aboriginal object or relic is disturbed or uncovered, works are to cease and the Department of Environment, Climate Change and Water are to be notified immediately, in accordance with the provisions of the National Parks and Wildlife Act 1974.

[DUR0025]

39. 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]

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

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]

41. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of buildings with direct line of sight to the proposed building.

[DUR0245]

42. 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]

43. 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]

44. 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]

45. 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]

46. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.

[DUR0815]

47. The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent. [DUR0905]
48. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate. [DUR0985]
49. 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]
50. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. Such materials shall either be recycled or disposed of in a manner acceptable to Councils General Manager or his delegate. [DUR1015]
51. Landscaping of the site shall be carried out in accordance with the submitted/approved landscaping plans. [DUR1045]
52. A reinforced concrete footpath 1.2 metres wide and 100 millimetres thick is to be constructed on a compacted base along the entire frontage of the site along Willow Avenue and Tamarind Avenue in accordance with Councils Development Design and Construction Specifications and Standard Drawing SD013.
- 24 hours notice is to be given to Council's Engineering Division before placement of concrete to enable formwork and subgrade to be inspected. [DUR1735]
53. 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]
54. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings. [DUR1875]
55. 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]
-

56. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains. [DUR1945]
57. 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]
58. 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. [DUR2425]
59. 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]
60. 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]
61. 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]
62. 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]
63. 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]

64. All works must comply with measures specified in correspondence prepared by JWA Ecological Consultants dated 16 February 2016 - Bush Stone-curlew Management. In the event that any threatened species, populations, ecological communities or their habitats not addressed in the report are discovered during operations appropriate Plans of Management for those species must be formulated to the satisfaction of the General Manager or delegate and/or the Office of Environment and Heritage. No further site clearing and/or earthworks will take place until the Plan(s) of Management is/are approved.

[DURNS01]

#### PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

65. 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]

66. 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]

67. 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]

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

[POC0435]

69. All approved landscaping requirements must be completed in accordance with the approved detailed landscaping plans to the satisfaction of the General Manager or delegate PRIOR to the issue of occupation certificate. Landscaping must be maintained at all times to the satisfaction of Council's General Manager or delegate.

[POC0475]

70. 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]

71. 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]

72. External living areas which are within 4 metres of a side boundary are to be suitably screened from adjoining properties. Details of proposed screening is to be submitted for the written satisfaction of Councils General Manager or delegate prior to the issue of a occupation certificate. Proposed Unit 1 and Unit 3 are considered to be within 4m of a side boundary.

[POCNS01]

## USE

73. 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]

74. 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]

75. 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]

76. All wastes shall be collected, stored and disposed of in accordance with the provisions of Tweed Shire Council Development Control Plan Section A15 - Waste Minimisation and Management or to the written satisfaction of the General Manager or his delegate.

[USE0875]

The Motion was **Carried**

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

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11 [PR-CM] Filming on Private Land

326

Cr P Youngblutt  
Cr G Bagnall

Cr P Youngblutt temporarily left the meeting.

**RESOLVED** that:

1. The Tweed Local Environmental Plan 2014 be amended to permit filming, with development consent, on rural zoned land within the Tweed Shire local government area, and
2. A planning proposal be prepared detailing the extent of the required amendment(s) to the Tweed Local Environmental Plan 2014, and
3. The Planning Proposal is to be forwarded to the Department of Planning and Environment for a Gateway determination at the earliest time.

The Motion was **Carried**

**FOR VOTE - Unanimous**  
**ABSENT. DID NOT VOTE - Cr P Youngblutt**

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**SUSPENSION OF STANDING ORDERS**

327

Cr B Longland  
Cr K Milne

**RESOLVED** that Standing Orders be suspended to resume Community Access session for a verbal address on Sand Street, Chinderah from Mr Mark Stirling.

The Motion was **Carried**

**FOR VOTE - Unanimous**  
**ABSENT. DID NOT VOTE - Cr P Youngblutt**

*Cr P Youngblutt has returned from temporary absence.*

328

Cr K Milne  
Cr G Bagnall

**RESOLVED** that Standing Orders be further suspended to deal with Item 47 of the Agenda.

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The Motion was **Carried**

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

**47 [NOM] Sand Street, Chinderah**

**329**

**Cr G Bagnall**  
**Cr K Milne**

**RESOLVED** that Council brings forward a report in relation to the history, legal status/ownership and responsibility for the existing open drain which extends from within Sand Street, Chinderah through the north eastern corner of Lot 2 DP1127741 and then northerly to approximately Ocean Drive.

*The report should address when the drain was constructed, by whom it was constructed and what approvals, if any, were obtained from affected landowners and any statutory approvals that may have been required and whether or not the Council currently maintains the drain or has in the past maintained the drain.*

The Motion was **Carried**

**FOR VOTE - Unanimous**

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## **RESUMPTION OF STANDING ORDERS**

**330**

331

**Cr K Milne**  
**Cr G Bagnall**

**RESOLVED** that Standing Orders be resumed.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES**

**12 [CNR-CM] Murwillumbah Mural and Graffiti Walk and River Bank Restoration**

**332**

**Cr K Milne  
Cr C Byrne**

**RESOLVED** that Council receives and notes this report on the Murwillumbah Mural and Graffiti Walk and River Bank Restoration.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**13 [CNR-CM] Private Land Conservation Program**

**333**

**Cr K Milne  
Cr B Longland**

**RESOLVED** that Council receives and notes the outcomes of the River Health Grants, Biodiversity Grants and Land for Wildlife programs for the second quarter of 2016.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**14 [CNR-CM] RFO2016079 Tweed River Estuary Management Plan 2018-2028 Preparation**

**334**

**Cr K Milne  
Cr W Polglase**

**RESOLVED** that in respect to Contract RFO2016079 Tweed River Estuary Management Plan 2018-2028 Preparation:

1. Council awards the contract to Hydrosphere Consulting Pty Ltd (ATF Howland Family Trust) ABN 74 162 782 428 for the amount of \$150,571.82 (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 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***

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**15 [CNR-CM] Frangela Reserve Flying-fox Camp Management**

**335**

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that Council:

1. Supports the inclusion of night works outside of the breeding season to the immediate management actions for Frangela Drive Reserve Flying-fox camp.
2. Votes additional funds of up to \$35,000 in the September Quarterly Budget Review to match any grant funding received.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**16 [CNR-CM] Concept Plans and Estimates - South Murwillumbah**

**336**

**Cr G Bagnall  
Cr K Milne**

**PROPOSED** that Council considers allocating funding and priority for the South Murwillumbah Parks Project in the 2017-2018 budget and operational plan.

**AMENDMENT 1**

**337**

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that:

1. Council receives and notes this report.
2. Council liaises with the business owners of South Murwillumbah to obtain a better outcome.

Amendment 1 was **Carried**

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

Amendment 1 on becoming the Motion was **Carried** - (Minute No 337 refers)

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

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**17 [CNR-CM] Naming Trees in Parks**

**338**

**Cr K Milne  
Cr C Byrne**

**PROPOSED** that Council notes that Pottsville Environment Park, Bruce Chick Park and Knox Park will include the display of the names of local native trees.

**Amendment 1**

**339**

**Cr K Milne  
Cr G Bagnall**

**RESOLVED** Council:

1. Notes that Pottsville Environment Park, Bruce Chick Park and Knox Park will include the display of the names of local native trees.
2. Includes the display of names of trees in Jack Evans Boatharbour, and Kingscliff Foreshore Park when completed.

Amendment 1 was **Carried** on the casting vote of the Mayor

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

Amendment 1 on becoming the Motion was **Carried** on the casting vote of the Mayor-  
(Minute No 339 refers)

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

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## **ADJOURNMENT OF MEETING**

Adjournment for dinner at 6.35 pm.

## **RESUMPTION OF MEETING**

The Meeting resumed at 7.30pm

Cr P Youngblutt was not present at the resumption of the meeting.

## **PROCEDURAL MOTIONS**

**340**

**Cr K Milne**  
**Cr G Bagnall**

**RESOLVED** that Items 18 to 44, with the exception of Item(s) 19, 20, 24, 25, 30, 31, 39 and 41 be considered in block.

The Motion was **Carried**

**FOR VOTE - Unanimous**  
**ABSENT. DID NOT VOTE - Cr P Youngblutt**

**341**

**Cr K Milne**  
**Cr G Bagnall**

**RESOLVED** that Items 18 to 44, with the exception of Item(s) 19, 20, 24, 25, 30, 31, 39 and 41 be moved in block.

Cr P Youngblutt has returned from temporary absence at 07:36 PM

The Motion was **Carried**

**FOR VOTE - Unanimous**

**18 [CNR-CM] Provision of Surf Life Saving Services 2017 to 2021**

**342**

**Cr K Milne**  
**Cr G Bagnall**

**RESOLVED** that in respect to the Contract 2016-0011 Provision of Surf Life Saving Services for Byron and Tweed Shire Councils:

1. Council accepts the 4 year offer received from Australian Lifeguard Services (ABN 80 055 582 762) for life saving services for Tweed Shire Council beaches commencing 2017/18 season with an estimated total value of \$2,661,119.33 ex GST.
2. Council accepts the additional offer received from Australian Lifeguard Services (ABN 80 055 582 762) for extended lifesaving services at Kingscliff which is \$242,332 ex GST, this amount is included in the above estimated total value.
3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**19 [CNR-CM] Fingal Surf Life Saving Club**

**343**

**Cr C Byrne**  
**Cr W Polglase**

**RESOLVED** that:

1. Council supports the request from the Fingal Rovers Surf Life Saving Club for a \$30,000 contribution to the supply and installation of an all access lift within the Fingal Rovers Surf Life Saving Clubhouse to be funded from unspent funds from the 2015-2016 Surf Life Saving Budget.
2. The funding will be made available on evidence from Fingal Rovers Surf Life Saving Club of the availability of matching funding and funds will only be paid on invoice directly to the contracted lift company on completion of the works.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**20 [CNR-CM] RFO2016073 Tweed Heads Library Upgrade**

**344**

**Cr W Polglase**

**Cr K Milne**

**RESOLVED** that Council, in respect of Request for Offer RFO2016073 Tweed Heads Library Upgrade:

1. In accordance with Local Government (General) Regulation 2005 Clause 178(3)(b) – declines to accept the Offer received from J.M. Kelly Builders Pty Ltd ABN 20 009 801 665 as the Offer received does not represent value for money.
2. In accordance with Local Government (General) Regulation 2005 Clause 167 - Council calls fresh tenders once complete detailed design of the project has been completed.
3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**21 [CNR-CM] Tweed Heads Library Upgrade Budget**

**345**

**Cr K Milne**

**Cr G Bagnall**

**RESOLVED** that:

1. Council endorses the additional funding for the Tweed Heads Library Upgrade of \$528,765 as follows:
  - (a) \$208,765 from Contribution Plan 11– Libraries; and
  - (b) \$320,000 from Community Facilities Reserve



2. The final design and quantity surveying be completed by the project architects in preparation to retender for the construction of the Tweed Library.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**22 [CNR-CM] Tweed Regional Accessible Park and Playground Concept Plan for Public Exhibition**

**346**

**Cr K Milne  
Cr G Bagnall**

**RESOLVED** that Council:

1. Approves the draft Tweed Regional Accessible Park and Playground Concept Plan.
2. Exhibits the draft Tweed Regional Accessible Park and Playground Concept Plan for a period of 28 days accepts public submissions for a period of 42 days as per Section 160 of the Local Government Act 1993.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**23 [CNR-CM] Withdrawal of Out of Hours Opening and Closing Fees - Banora Point Community Centre, Tweed Heads South HACC Hall and Activities Room**

**347**

**Cr K Milne  
Cr G Bagnall**

**RESOLVED** that the fee for "out of hours" opening and closing for Banora Point Community Centre and South Tweed Community Hall and South Tweed HACC Activities Room be removed from the Fees and Charges 2016/2017 from 1 July 2016.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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## REPORTS FROM THE DIRECTOR ENGINEERING

### 24 [E-CM] Engagement of Consultant for Concept Design of the Raising of Clarrie Hall Dam

348

Cr B Longland  
Cr P Youngblutt

**PROPOSED** that:

1. Council accepts the proposal, Clarrie Hall Dam Raising Concept Design, from NSW Public Works in the amount of \$750,860 (including GST).
2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (c) *information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

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

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

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### 25 [E-CM] Regional Development Australia - Northern Rivers Funding

349

Cr K Milne  
Cr G Bagnall

**PROPOSED** that Council prioritises the list for submission to Regional Development Australia Northern Rivers for consideration of inclusion in the region's top ten projects for funding consideration as follows:

<b>Project</b>	<b>Estimate of Cost</b>
Renewable Energy Project	\$6.1m
Kennedy Drive Interchange with the Pacific Highway	\$6m
Tweed Valley Way Riverbank Stabilisation	\$9m
All Access Playground Ebenezer Park	\$2.64m
Northern Rivers Rail Trail	\$13.04m
Stage 2 Arkinstall Park	\$28m
Stage 2 Kirkwood Road	\$38.4m
Clarrie Hall Dam Raising	\$64m

**AMENDMENT 1**

**350**

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that Council prioritises the list for submission to Regional Development Australia Northern Rivers for consideration of inclusion in the region's top ten projects for funding consideration as follows:

<b>Project</b>	<b>Ranking</b>
Northern Rivers Rail Trail	\$13.04m
Tweed Valley Way Riverbank Stabilisation	\$9m
Clarrie Hall Dam Raising	\$64m
All Access Playground Ebenezer Park	\$2.64m
Kennedy Drive Interchange with the Pacific Highway	\$6m
Renewable Energy Projects	\$6.1m
Stage 2 Arkinstall Park	\$28m
Stage 2 Kirkwood Road	\$38.4m

**SUSPENSION OF STANDING ORDERS**

**351**

**Cr K Milne  
Cr G Bagnall**

**RESOLVED** that Standing Orders be suspended to deal with Item 25 of the Agenda in Workshop mode.

The Motion was **Carried**

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

**RESUMPTION OF STANDING ORDERS**

**352**

**Cr K Milne  
Cr G Bagnall**

**RESOLVED** that Standing Orders be resumed into open Council.

Amendment 1 was **Carried**

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

Amendment 1 on becoming the Motion was **Carried** - (Minute No 350 refers)

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

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**26 [E-CM] Provision of Water and Sewerage Services to Cobaki**

**Cr K Milne** wishes to declare a non significant, non pecuniary Interest in Item 26. The nature of the interest is that Cr Milne has ongoing legal issues with LEDA. Cr Milne will stay in the Chamber and vote on merit.

**353**

**Cr K Milne**  
**Cr G Bagnall**

**RESOLVED** that:

1. Council issues a letter to Northern Water Solutions (NWS) advising it is technically feasible for Council to provide bulk water and receive treated wastewater from NWS for the Cobaki Development subject to:
  - a) Determining the impact on Council's infrastructure.
  - b) Developing an agreement which ensures Council is not disadvantaged and;
  - c) A further resolution of Council approving the negotiated agreement.
2. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**27 [E-CM] Renaming of Bogong Street to Darro Road, Terranora**

**354**

**Cr K Milne**  
**Cr G Bagnall**

**RESOLVED** that:

1. Council adopts the name of Darro Road for the road formerly known as Bogong Street at Terranora.

2. The naming of the public road be Gazetted under the provisions of the *Roads (General) Regulation, 2008* and the *Roads Act, 1993*.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**28 [E-CM] Naming of Private Road - Nunderi Lane, Nunderi**

**355**

**Cr K Milne  
Cr G Bagnall**

**RESOLVED** that:

1. Council adopts the name of Nunderi Lane for the private road within Lot 15 DP 826343 at Nunderi.
2. The naming of the public road be Gazetted under the provisions of the *Roads (General) Regulation, 2008* and the *Roads Act, 1993*.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**29 [E-CM] Street Naming - Rivendell Drive, Tweed Heads South**

**356**

**Cr K Milne  
Cr G Bagnall**

**RESOLVED** that:

1. Council adopts the name of Rivendell Drive for the road formerly known as Rivendell at Tweed Heads South.
2. The naming of the public road be Gazetted under the provisions of the *Roads (General) Regulation, 2008* and the *Roads Act, 1993*.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**30 [E-CM] Bridge Naming - Tweed Valley Way, Burringbar**

**357**

**Cr K Milne  
Cr G Bagnall**

**PROPOSED** that this item be deferred to a Workshop to consider the appropriateness of the proposed name.

**AMENDMENT 1**

**358**

**Cr W Polglase  
Cr P Youngblutt**

**RESOLVED** that Council:

1. Advertises its intention to name the bridge over Tweed Valley Way at Burringbar as "Occupation Bridge" and allows 28 days for any written submissions to be received.
2. Notifies the relevant authorities under the provisions of the Roads (General) Regulation, 2008.

Amendment 1 was **Carried**

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

Amendment 1 on becoming the Motion was **Carried** - (Minute No 358 refers)

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

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**31 [E-CM] RFO2016046 Expressions of Interest (EOI) Kingscliff Foreshore Revitalisation**

**359**

**Cr B Longland  
Cr C Byrne**

**RESOLVED** that in respect to Contract RFO2016046 Expressions of Interest (EOI) from Construction Contractors for the Kingscliff Foreshore Revitalisation:

1. Council invites the following companies to undertake an Early Contractor Involvement (ECI) process to bid for the Kingscliff Foreshore Revitalisation Project works

Bidder	ABN
SEE Civil Pty Ltd	88 115 963 427
Hazell Bros Group Pty Ltd	27 088 345 804
Allroads Pty Ltd	42 142 378 514

2. Invites the following alternative Companies (in order of preference) should any of the preferred Companies not be able or willing to enter into the Offer process for the Kingscliff Foreshore Revitalisation Project works

Bidder	ABN
Erteck Pty Ltd	46 094 416 887
BMD Urban Pty Ltd	65 158 035 539

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

**32 [E-CM] RFO2016054 Supply of Two (2) Wheel Loaders Operating Capacity 4,000Kg > 5,000Kg CCF Class 4 Complete with Attachments**

**360**

**Cr K Milne**  
**Cr G Bagnall**

**RESOLVED** that in respect to Contract RFO2016054:

1. Council awards Separable Portion No1 of the Contract RFO2016054 'Supply of Two (2) Wheel Loaders Operating Capacity 4,000kg > 5,000kg CCF Class 4, Complete with Attachments' to JCB Construction Equipment Australia (ABN 81008777348, ACN 008777348) for the price of \$363,640 (Exclusive of GST)
2. Council awards Separable Portion No2 of the Contract RFO2016054 'Supply of Two (2) Wheel Loaders Operating Capacity 4,000kg > 5,000kg CCF Class 4, Complete with Attachments' to JCB Construction Equipment Australia (ABN 81008777348, ACN 008777348) for the for the price of \$263,120 (Exclusive of GST)

3. 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.
4. 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**

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**33 [E-CM] RFO2016062 Kerb and Gutter Works (Panel of Providers)**

**361**

**Cr K Milne**  
**Cr G Bagnall**

**RESOLVED** that in respect to Contract RFO2016062 Kerb and Gutter Works (Panel of Providers):

1. In accordance with clause 178(1)(b) of the *Local Government (General) Regulation 2005*, Council declines the Offer from Tweed Summerland Kerbing (ABN 45 575 125 337) due to it not representing a value for money proposition.
2. In accordance with clause 178(3)(a) of the *Local Government (General) Regulation 2005*, Council postpones the proposal for the contract until it further investigates the market in an attempt to source additional potential bidders.
3. In accordance with clause 178(3)(b) of the *Local Government (General) Regulation 2005*, Council only invites fresh tenders in accordance with clause 167 if additional prospective bidders who could potentially form a Panel of Providers for Kerb and Gutter Works are identified.
4. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**34 [E-CM] Amendments to Developer Contribution Plans to facilitate Business Investment Policy**

**362**

**Cr K Milne  
Cr G Bagnall**

**RESOLVED** that:

1. The following draft Developer Contribution Plans, amended to facilitate the draft Business Investment Policy as detailed in the attached report, be placed on public exhibition for a period of 28 days, in accordance with Environmental Planning and Assessment Regulations:
  - CP04 Tweed Road Contribution Plan draft Version 6.3
  - CP18 Council Administration Offices and Technical Support Facilities draft Version 2.3
  - CP23 Offsite Parking draft Version 2.4
2. The exhibited draft CP04 Tweed Road Contribution Plan Version 6.3 also includes amendments to delete heavy haulage contributions, and define gross leasable floor area.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**35 [E-CM] Annual Indexation of Infrastructure Contribution Rates**

**363**

**Cr K Milne  
Cr G Bagnall**

**RESOLVED** that Council notes the indexation of S94 contribution rates as detailed in this report and in accordance with:

- the provisions of Regulation 32 of the Environmental Planning and Assessment Regulation 2000;
- the ABS Implicit Price Deflator (IPD) index as adopted in each S94 Plan;
- the Tweed Shire Council Land Cost index for March 2016 as published in the 2016/2017 Revenue Policy and Statement and adopted in each S94 Plan; and
- the clause entitled "Adjustment of Contribution Rates" as adopted in each S94 Plan.

The Motion was **Carried**

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***FOR VOTE - Unanimous***

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**36 [E-CM] Response to Notice of Motion - Western Drainage Scheme**

**364**

**Cr K Milne  
Cr G Bagnall**

**RESOLVED** that the Western Drainage Scheme Operational Management Plan be reviewed following an updated survey of *Comb-Crested Jacana* habitat within the Banora Point Western Drainage Scheme during the 2016/17 summer.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**37 [E-CM] Acquisition of Easement for Rock Anchors by Roads and Maritime Services within Council Land at Banora Point**

**365**

**Cr K Milne  
Cr G Bagnall**

**RESOLVED** that Council:

1. Approves the acquisition of Easement for Rock Anchors within Lot 1 DP 1140522 by NSW Department of Transport Roads and Maritime under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.
2. Executes all necessary documentation under the Common Seal of Council.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**38 [E-CM] Bob Whittle Airfield, Murwillumbah - Licence to Shoobridge Transport**

**366**

**Cr K Milne  
Cr G Bagnall**

**RESOLVED** that:

1. Council approves entering into a licence agreement with Shoobridge Transport over a part of Lot 17 DP 712954 having an area of 387m<sup>2</sup> for a term of ten years with an option for a further ten years.
2. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**REPORTS FROM THE DIRECTOR CORPORATE SERVICES**

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

**367**

**Cr K Milne  
Cr G Bagnall**

**RESOLVED** that Council:

1. Receives and notes the Local Government Reforms – Fit for the Future Update report.
2. Endorses the attached reassessment proposal and attachments.
3. Endorses the budget amendments and the new Long Term Financial Plan attached to this report.
4. Provides delegation to the General Manager to make any minor amendments recommended by the Office of Local Government performance team during the scheduled meeting between the Office and representatives of the Executive Management Team scheduled for 22 July 2016.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**40 [CS-CM] Events Sponsorship Policy, Version 1.0**

**368**

**Cr K Milne  
Cr G Bagnall**

**RESOLVED** that Council adopts the Events Sponsorship Policy, Version 1.0 and notes this Policy replaces the Festivals and Events Policy Version 1.1.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**41 [CS-CM] Applications for 2016/2017 Events Sponsorship - Events Sponsorship Policy (formerly Festivals and Events Policy)**

**369**

**Cr W Polglase  
Cr C Byrne**

**PROPOSED** that:

1. Council carry over the \$4,000 previously allocated in the 2015/2016 funding round to the Caldera Environment Centre to conduct the 2016 World Environment Day, into the 2016/2017 Events Sponsorship budget.
2. Council agrees to consider the application from Caldera Environment Centre, for \$5,000 funding towards the 2017 World Environment Day Festival, given that they have now met request from the Councillor Workshop that the previous funding be returned.
3. Council allocates the following support under the 2016/2017 Events Sponsorship Policy funding round:

Applicant	Cash	In-kind
Murwillumbah Festival of Performing Arts Inc.	\$7,500 Multi-year (x 3)	Nil
Murwillumbah Rowing Club	\$1,500	Nil
Rotary Club of Murwillumbah Central Inc. (Tweed Valley Banana Festival)	\$3,000	Nil (a separate application needs to be completed)
Swimming North Coast Inc.	\$1,000	\$2,500 (Tweed Heads pool hire)

The Murwillumbah Art Trail Inc.	\$3,000 subject to lodgement of previous year acquittal within 14 days of this resolution	Nil
Tumbulgum Community Association (Tumbulgum 150 years)	\$10,000	Nil
Tweed District Orchid Society Inc.	\$1,500	\$462 (Tweed Heads Civic Centre hire)
Tweed Fusion	Nil	\$5,400 (Art Gallery Venue hire & associated admin costs)
Tweed Heads Croquet Club Inc.	\$1,500	Nil
Tweed Valley Adventist College	\$4,500	Nil
Tweed Valley Equestrian Group (TVEG)	\$775	Nil
	\$34,275	\$8,362
	<b>TOTAL</b>	<b>\$42,637</b>

4. Council agrees to establish a three-year financial arrangement, on a sliding financial scale, with the following applicants under the Events Sponsorship Policy and any requests for in-kind will be charged to the applicant as per the adopted Fees and Charges, and in keeping with the Tweed Shire Events Strategy 2016-2020:

Applicant	2016/2017	2017/2018	2018/2019
Tweed Food Fest Inc.	\$10,000		
Tweed Valley Country Roots Fest Pty Ltd	\$15,000	\$10,000	\$7,500
Tyalgum Music Festival Inc.	\$5,000	\$3,500	\$2,000
<b>TOTAL</b>	<b>\$30,000</b>		

5. Any funding or in kind support provided to an applicant is conditional upon the terms detailed in the funding agreement between Council and the successful applicant.
6. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-  
 (c) *information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business*

**AMENDMENT 1**

**370**

**Cr K Milne**  
**Cr B Longland**

**RESOLVED** that:

1. Council carry over the \$4,000 previously allocated in the 2015/2016 funding round to the Caldera Environment Centre to conduct the 2016 World Environment Day, into the 2016/2017 Events Sponsorship budget.

2. Council agrees to consider the application from Caldera Environment Centre, for \$5,000 funding towards the 2017 World Environment Day Festival, given that they have now met request from the Councillor Workshop that the previous funding be returned.
3. Council allocates the following support under the 2016/2017 Events Sponsorship Policy funding round:

Applicant	Cash	In-kind
Murwillumbah Festival of Performing Arts Inc.	\$7,500 Multi-year (x 3)	Nil
Murwillumbah Rowing Club	\$1,500	Nil
Rotary Club of Murwillumbah Central Inc. (Tweed Valley Banana Festival)	\$3,000	Nil (a separate application needs to be completed)
Swimming North Coast Inc.	\$1,000	\$2,500 (Tweed Heads pool hire)
The Murwillumbah Art Trail Inc.	\$3,000 subject to lodgement of previous year acquittal within 14 days of this resolution	Nil
Tumbulgum Community Association (Tumbulgum 150 years)	\$10,000	Nil
Tweed District Orchid Society Inc.	\$1,500	\$462 (Tweed Heads Civic Centre hire)
Tweed Fusion	Nil	\$5,400 (Art Gallery Venue hire & associated admin costs)
Tweed Heads Croquet Club Inc.	\$1,500	Nil
Tweed Valley Adventist College	\$4,500	Nil
Tweed Valley Equestrian Group (TVEG)	\$775	Nil
	\$34,275	\$8,362
	<b>TOTAL</b>	<b>\$42,637</b>

4. Council agrees to establish a three-year financial arrangement, on a sliding financial scale, with the following applicants under the Events Sponsorship Policy and any requests for in-kind will be charged to the applicant as per the adopted Fees and Charges, and in keeping with the Tweed Shire Events Strategy 2016-2020:

Applicant	2016/2017	2017/2018	2018/2019
Tweed Food Fest Inc.	\$10,000	\$7,500	\$5,000
Tweed Valley Country Roots Fest Pty Ltd	\$15,000	\$10,000	\$7,500
Tyalgum Music Festival Inc.	\$5,000	\$3,500	\$2,000
<b>TOTAL</b>	<b>\$30,000</b>	<b>\$21,000</b>	<b>\$14,500</b>

5. Any funding or in kind support provided to an applicant is conditional upon the terms detailed in the funding agreement between Council and the successful applicant.

6. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-  
(c) *information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business*

Amendment 1 was **Carried** on the casting vote of the Mayor

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

Amendment 1 on becoming the Motion was **Carried** - (Minute No 370 refers)

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

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**42 [CS-CM] 2016/2017 Annual Loan Borrowing Program**

**371**

**Cr K Milne**  
**Cr G Bagnall**

**RESOLVED** that:

1. The General Manager and Manager Financial Services be authorised to negotiate acceptance of the loan quotations.
2. Relevant loan documentation is to be executed under the Common Seal of Council.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**43 [CS-CM] 2016/2017 Making the Rate**

**372**

**Cr K Milne**  
**Cr G Bagnall**

**RESOLVED** that:

1. Council makes the 2016/2017 rates and charges in accordance with the provisions of sections 493, 494, 495,495A, 496, 498, 501, 502, 506, 508A, 541, 548 and 553 of the Local Government Act 1993:
-

(a) Ordinary Rates (section 494, 498, 508A)

(i) Residential Rate

A Residential Rate of .5607 cents in the dollar on the rateable land value of all applicable rateable land in the Tweed Shire Council area classified Residential with a minimum rate of one thousand and seven dollars and eighty cents (\$1007.80) in respect of any separate parcel of rateable land.

(ii) Farmland Rate

A Farmland Rate of .3625 cents in the dollar on the rateable land value of all applicable rateable land in the Tweed Shire Council area classified Farmland with a minimum rate of one thousand and seven dollars and eighty cents (\$1007.80) in respect of any separate parcel of rateable land.

(iii) Business Rate

A Business Rate of .5959 cents in the dollar on the rateable land value of all applicable rateable land in the Tweed Shire Council area classified Business with a minimum rate of one thousand and one hundred and seven dollars and ninety cents (\$1107.90) in respect of any separate parcel of rateable land.

(b) Annual Charges (Section 495, 495A, 496, 501, 502 and 553)

(i) Sewerage Annual Charge (Section 501)

A sewerage annual charge on the rateable land value of all applicable rateable land in the Tweed Shire Council area with an annual charge of eight hundred and five dollars and forty five cents (\$805.45) in respect of any separate parcel of rateable land.

Non-Residential Assessments - The minimum non-residential sewerage access charge will be \$805.45

The minimum non-residential sewerage access charge shall be equivalent to the residential sewerage access charge.

The non-residential sewerage access charge (SAC) for properties with a larger than 20mm water service shall be calculated in the same way as the water access charge:

$$\text{Non-residential SAC (\$)} = \text{Residential SAC (\$)} \times R \times CF$$

Where:

R = Meter Ratio being the ratio of the water meter cross sectional area to that of a 20mm water meter's cross sectional area (See Table 1)

CF = Consumption Factor for the previous 12 months as displayed in Table 1 (The Consumption Factor has been introduced to acknowledge that the size of the water meter does not always reflect the volume of water used).



Table 1. Consumption Factors

Meter size (mm)	20	25	32	40	50	80	100	150	200	250	300	
Meter Ratio (R)	1	1.56	2.56	4.0	6.25	16.0	25.0	56.25	100	156.25	225	
Consumption Range (kL)	Consumption Factor (CF)											
0	290	1.000	0.640	0.391	0.250	0.160	0.063	0.040	0.018	0.010	0.006	0
291	454	1.000	1.000	0.610	0.391	0.250	0.980	0.063	0.028	0.016	0.010	291
455	743	1.000	1.000	1.000	0.640	0.410	0.160	0.102	0.046	0.026	0.016	455
744	1,160	1.000	1.000	1.000	1.000	0.640	0.250	0.160	0.071	0.040	0.026	744
1,161	1,814	1.000	1.000	1.000	1.000	1.000	0.391	0.250	0.111	0.063	0.040	1,161
1,815	4,640	1.000	1.000	1.000	1.000	1.000	1.000	0.640	0.284	0.160	0.102	1,815
4,641	7,250	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.444	0.250	0.160	4,641
7,251	16,314	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.563	0.360	7,251
16,315	29,000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.640	16,315
29,001	45,314	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	29,001
Over 45,314		1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000

(ii) Water Annual Charge (Section 501)

Residential assessments – a service charge of \$166.45

Non-Residential Assessments - The minimum non-residential water access charge will be \$166.45

The non-residential water access charge (WAC) for properties with a larger than 20mm water service shall be calculated as shown below:

$$\text{Non-residential WAC (\$)} = \text{Residential WAC (\$)} \times R \times CF$$

Where:

R = Meter Ratio being the ratio of the water meter cross sectional area to that of a 20mm water meter's cross sectional area (see Table 2).

CF = Consumption Factor for the previous 12 months as displayed in Table 2 (The Consumption Factor has been introduced to acknowledge that the size of the water meter does not always reflect the volume of water used).

Table 2. Consumption Factors

Meter size (mm)	20	25	32	40	50	80	100	150	200	250	300	
Meter Ratio (R)	1	1.56	2.56	4.0	6.25	16.0	25.0	56.25	100	156.25	225	
Consumption Range (kL)	Consumption Factor (CF)											
0	290	1.000	0.640	0.391	0.250	0.160	0.063	0.040	0.018	0.010	0.006	0.004
291	454	1.000	1.000	0.610	0.391	0.250	0.980	0.063	0.028	0.016	0.010	0.007
455	743	1.000	1.000	1.000	0.640	0.410	0.160	0.102	0.046	0.026	0.016	0.011
744	1,160	1.000	1.000	1.000	1.000	0.640	0.250	0.160	0.071	0.040	0.026	0.018
1,161	1,814	1.000	1.000	1.000	1.000	1.000	0.391	0.250	0.111	0.063	0.040	0.028
1,815	4,640	1.000	1.000	1.000	1.000	1.000	1.000	0.640	0.284	0.160	0.102	0.071
4,641	7,250	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.444	0.250	0.160	0.111
7,251	16,314	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.563	0.360	0.250
16,315	29,000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.640	0.444
29,001	45,314	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.694
Over 45,314		1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000

A volumetric charge of \$2.85 per kilolitre will apply for all consumption up to .8219kl per day based on the daily average over the billing period.

A high consumption volumetric charge of \$4.25 per kilolitre will apply for all consumption above .8219kl per day based on the daily average over the billing period.

Vacant assessments rated to water – a service charge of \$166.45

Properties will be levied the water service charge in accordance with the Local Government Act including the description of what land may be subject to the water service charge.

(iii) Koala Beach Special Rate (Section 495)

A Koala Beach Special Rate of .0851 cents in the dollar on the rateable land value of applicable land in the Tweed Shire Council area. The following is a description of the applicable land:

Lot 1 DP 86409	Lot 62 DP 864094	Lot 216 DP 1033384	Lot 202 DP 1033384
Lot 2 DP 864093	Lot 63 DP 864094	Lot 217 DP 1033384	Lot 203 DP 1033384
Lot 3 DP 864093	Lot 64 DP 864094	Lot 218 DP 1033384	Lot 204 DP 1033384
Lot 4 DP 864093	Lot 65 DP 864094	Lot 219 DP 1033384	Lot 205 DP 1033384
Lot 5 DP 864093	Lot 66 DP 864094	Lot 220 DP 1033384	Lot 206 DP 1033384
Lot 6 DP 864093	Lot 67 DP 864094	Lot 221 DP 1033384	Lot 207 DP 1033384
Lot 7 DP 864093	Lot 68 DP 864094	Lot 222 DP 1033384	Lot 208 DP 1033384
Lot 8 DP 864093	Lot 69 DP 864094	Lot 223 DP 1033384	Lot 209 DP 1033384
Lot 9 DP 864093	Lot 70 DP 864094	Lot 224 DP 1033384	Lot 210 DP 1033384
Lot 10 DP 864093	Lot 71 DP 864094	Lot 225 DP 1033384	Lot 211 DP 1033384
Lot 11 DP 864093	Lot 72 DP 864094	Lot 226 DP 1033384	Lot 451 DP 1040725
Lot 12 DP 864093	Lot 73 DP 864094	Lot 227 DP 1033384	Lot 452 DP 1040725
Lot 13 DP 864093	Lot 74 DP 864094	Lot 228 DP 1033384	Lot 453 DP 1040725
Lot 16 DP 864093	Lot 75 DP 864094	Lot 229 DP 1033384	Lot 454 DP 1040725
Lot 17 DP 864093	Lot 76 DP 864094	Lot 230 DP 1033384	Lot 455 DP 1040725
Lot 18 DP 864093	Lot 77 DP 864094	Lot 231 DP 1033384	Lot 456 DP 1040725
Lot 19 DP 864093	Lot 78 DP 864094	Lot 232 DP 1033384	Lot 457 DP 1040725
Lot 20 DP 864093	Lot 79 DP 864094	Lot 233 DP 1033384	Lot 458 DP 1040725
Lot 21 DP 864093	Lot 80 DP 864094	Lot 234 DP 1033384	Lot 459 DP 1040725
Lot 30 DP 864094	Lot 81 DP 864094	Lot 235 DP 1033384	Lot 460 DP 1040725
Lot 31 DP 864094	Lot 82 DP 864094	Lot 236 DP 1033384	Lot 461 DP 1040725
Lot 32 DP 864094	Lot 83 DP 864094	Lot 237 DP 1033384	Lot 301 DP 1049060
Lot 33 DP 864094	Lot 84 DP 864094	Lot 238 DP 1033384	Lot 302 DP 1049060
Lot 34 DP 864094	Lot 85 DP 864094	Lot 239 DP 1033384	Lot 303 DP 1049060
Lot 35 DP 864094	Lot 86 DP 864094	Lot 240 DP 1033384	Lot 304 DP 1049060
Lot 36 DP 864094	Lot 87 DP 864094	Lot 241 DP 1033384	Lot 305 DP 1049060
Lot 37 DP 864094	Lot 88 DP 864094	Lot 242 DP 1033384	Lot 306 DP 1049060
Lot 38 DP 864094	Lot 91 DP 864094	Lot 243 DP 1033384	Lot 307 DP 1049060
Lot 39 DP 864094	Lot 92 DP 864095	Lot 244 DP 1033384	Lot 308 DP 1049060

Lot 40 DP 864094	Lot 93 DP 864095	Lot 245 DP 1033384	Lot 309 DP 1049060
Lot 41 DP 864094	Lot 94 DP 864095	Lot 246 DP 1033384	Lot 310 DP 1049060
Lot 42 DP 864094	Lot 95 DP 864095	Lot 247 DP 1033384	Lot 311 DP 1049060
Lot 43 DP 864094	Lot 96 DP 864095	Lot 248 DP 1033384	Lot 312 DP 1049060
Lot 44 DP 864094	Lot 97 DP 864095	Lot 249 DP 1033384	Lot 313 DP 1049060
Lot 45 DP 864094	Lot 98 DP 864095	Lot 250 DP 1033384	Lot 314 DP 1049060
Lot 46 DP 864094	Lot 99 DP 864095	Lot 251 DP 1033384	Lot 315 DP 1049060
Lot 47 DP 864094	Lot 100 DP 864095	Lot 252 DP 1033384	Lot 316 DP 1049060
Lot 48 DP 864094	Lot 101 DP 864095	Lot 253 DP 1033384	Lot 317 DP 1049060
Lot 49 DP 864094	Lot 14 DP 870694	Lot 254 DP 1033384	Lot 318 DP 1049060
Lot 50 DP 864094	Lot 15 DP 870694	Lot 255 DP 1033384	Lot 319 DP 1049060
Lot 51 DP 864094	Lot 22 DP 870695	Lot 256 DP 1033384	Lot 320 DP 1049060
Lot 52 DP 864094	Lot 23 DP 870695	Lot 257 DP 1033384	Lot 321 DP 1049060
Lot 53 DP 864094	Lot 24 DP 870695	Lot 258 DP 1033384	Lot 322 DP 1049060
Lot 54 DP 864094	Lot 25 DP 870695	Lot 259 DP 1033384	Lot 323 DP 1049060
Lot 55 DP 864094	Lot 26 DP 870695	Lot 260 DP 1033384	Lot 324 DP 1049060
Lot 56 DP 864094	Lot 27 DP 870695	Lot 261 DP 1033384	Lot 325 DP 1049060
Lot 57 DP 864094	Lot 28 DP 870695	Lot 262 DP 1033384	Lot 326 DP 1049060
Lot 58 DP 864094	Lot 29 DP 870695	Lot 263 DP 1033384	Lot 327 DP 1049060
Lot 59 DP 864094	Lot 213 DP 1033384	Lot 264 DP 1033384	Lot 328 DP 1049060
Lot 60 DP 864094	Lot 214 DP 1033384	Lot 265 DP 1033384	Lot 329 DP 1049060
Lot 61 DP 864094	Lot 215 DP 1033384	Lot 201 DP 1033384	Lot 330 DP 1049060
Lot 331 DP 1049060	LOT 396 DP 1052083	Lot 516 DP 1068516	Lot 569 DP 1076975
Lot 332 DP 1049060	Lot 397 DP 1052083	Lot 519 DP 1076975	Lot 570 DP 1076975
Lot 333 DP 1049060	Lot 398 DP 1052083	Lot 520 DP 1076975	Lot 571 DP 1076975
Lot 334 DP 1049060	Lot 399 DP 1052083	Lot 521 DP 1076975	Lot 572 DP 1076975
Lot 335 DP 1049060	Lot 400 DP 1052083	Lot 522 DP 1076975	Lot 573 DP 1076975
Lot 336 DP 1049060	Lot 401 DP 1052083	Lot 523 DP 1076975	Lot 574 DP 1076975
Lot 338 DP 1049060	Lot 402 DP 1052083	Lot 524 DP 1076975	Lot 575 DP 1076975
Lot 340 DP 1049061	Lot 403 DP 1052083	Lot 525 DP 1076975	Lot 576 DP 1076975
Lot 342 DP 1049061	Lot 404 DP 1052083	Lot 526 DP 1076975	Lot 577 DP 1076975
Lot 343 DP 1049061	Lot 405 DP 1052083	Lot 527 DP 1076975	Lot 578 DP 1076975
Lot 344 DP 1049061	Lot 406 DP 1052083	Lot 528 DP 1076975	Lot 579 DP 1076975
Lot 346 DP 1049061	Lot 407 DP 1052083	Lot 529 DP 1076975	Lot 580 DP 1076975
Lot 347 DP 1049061	Lot 408 DP 1052083	Lot 530 DP 1076975	Lot 581 DP 1076975
Lot 348 DP 1049061	Lot 409 DP 1052083	Lot 531 DP 1076975	Lot 582 DP 1076975
Lot 349 DP 1049061	Lot 410 DP 1052083	Lot 532 DP 1076975	Lot 583 DP 1076975
Lot 350 DP 1049061	Lot 411 DP 1052083	Lot 534 DP 1076975	Lot 584 DP 1076975
Lot 351 DP 1049061	Lot 412 DP 1052083	Lot 535 DP 1076975	Lot 585 DP 1076975
Lot 352 DP 1049061	Lot 413 DP 1052083	Lot 536 DP 1076975	Lot 586 DP 1076975
Lot 353 DP 1049061	Lot 414 DP 1052083	Lot 537 DP 1076975	Lot 587 DP 1076975
Lot 354 DP 1049061	Lot 415 DP 1052083	Lot 538 DP 1076975	Lot 588 DP 1076975
Lot 355 DP 1049061	Lot 416 DP 1052083	Lot 539 DP 1076975	Lot 589 DP 1076975
Lot 356 DP 1049061	Lot 417 DP 1052083	Lot 540 DP 1076975	Lot 590 DP 1076975
Lot 357 DP 1049061	Lot 418 DP 1052083	Lot 541 DP 1076975	Lot 591 DP 1076975

Lot 339 DP 1052080	LOT 419 DP 1052083	Lot 542 DP 1076975	Lot 592 DP 1076975
Lot 370 DP 1052082	LOT 420 DP 1052083	Lot 543 DP 1076975	Lot 593 DP 1076975
Lot 371 DP 1052082	Lot 421 DP 1052083	Lot 544 DP 1076975	Lot 594 DP 1076975
Lot 372 DP 1052082	Lot 422 DP 1052083	Lot 545 DP 1076975	Lot 595 DP 1076975
Lot 373 DP 1052082	Lot 423 DP 1052083	Lot 546 DP 1076975	Lot 596 DP 1076975
Lot 374 DP 1052082	Lot 424 DP 1052083	Lot 547 DP 1076975	Lot 597 DP 1076975
Lot 375 DP 1052082	Lot 425 DP 1052083	Lot 548 DP 1076975	Lot 598 DP 1076975
Lot 376 DP 1052082	Lot 426 DP 1052083	Lot 549 DP 1076975	Lot 599 DP 1076975
Lot 377 DP 1052082	Lot 90 DP 864094	Lot 550 DP 1076975	Lot 600 DP 1076975
Lot 378 DP 1052082	Lot 89 DP 864094	Lot 551 DP 1076975	Lot 601 DP 1076975
Lot 379 DP 1052082	Lot 212 DP 1033384	Lot 552 DP 1076975	Lot 602 DP 1076975
Lot 380 DP 1052082	Lot 200 DP 1033384	Lot 553 DP 1076975	Lot 603 DP 1076975
Lot 381 DP 1052082	Lot 501 DP 1068516	Lot 554 DP 1076975	Lot 604 DP 1076975
Lot 382 DP 1052082	Lot 502 DP 1068516	Lot 555 DP 1076975	Lot 605 DP 1076975
Lot 383 DP 1052082	Lot 503 DP 1068516	Lot 556 DP 1076975	Lot 606 DP 1076975
Lot 384 DP 1052082	Lot 504 DP 1068516	Lot 557 DP 1076975	Lot 607 DP 1076975
Lot 385 DP 1052082	Lot 505 DP 1068516	Lot 558 DP 1076975	Lot 608 DP 1076975
Lot 386 DP 1052082	Lot 506 DP 1068516	Lot 559 DP 1076975	Lot 739 DP 1076973
Lot 387 DP 1052082	Lot 507 DP 1068516	Lot 560 DP 1076975	Lot 919 DP 1077493
Lot 388 DP 1052082	Lot 508 DP 1068516	Lot 561 DP 1076975	Lot 610 DP 1077500
Lot 389 DP 1052082	Lot 509 DP 1068516	Lot 562 DP 1076975	Lot 611 DP 1077500
Lot 390 DP 1052082	Lot 510 DP 1068516	Lot 563 DP 1076975	Lot 612 DP 1077500
Lot 391 DP 1052082	Lot 511 DP 1068516	Lot 564 DP 1076975	Lot 613 DP 1077500
Lot 392 DP 1052082	Lot 512 DP 1068516	Lot 565 DP 1076975	Lot 614 DP 1077500
Lot 393 DP 1052083	Lot 513 DP 1068516	Lot 566 DP 1076975	Lot 615 DP 1077500
Lot 394 DP 1052083	Lot 514 DP 1068516	Lot 567 DP 1076975	Lot 616 DP 1077500
Lot 395 DP 1052083	Lot 515 DP 1068516	Lot 568 DP 1076975	Lot 617 DP 1077500

(iv) Domestic Waste Management Annual Charge (Section 496)

A Domestic Waste Management Annual Charge for all land within the declared domestic waste scavenging area, maps of which are available from Council's Waste Management Unit. An annual charge of sixty five dollars and fifty cents (\$65.50) in respect of any applicable land within the declared domestic waste scavenging area.

(v) Domestic Waste Service Annual Charge (Section 496)

A Domestic Waste Service Annual Charge for all land within the declared domestic waste scavenging area for the removal of the approved contents of the standard 140 litre mobile waste bin each week, maps of which are available from Council's Waste Management Unit. An annual charge of one hundred and ninety dollars and sixty cents (\$190.60) in respect of any applicable serviced land within the declared domestic waste scavenging area.

An alternate 80 litre mobile bin will be available to residents who have low waste generation. An annual charge of one hundred and sixty dollars (\$160.00) in respect of any applicable serviced land within the declared domestic waste scavenging area.

An alternate 240 litre mobile bin will be available to residents who have high waste generation. An annual charge of two hundred and twenty nine dollars and eighty cents (\$229.80) in respect of any applicable serviced land within the declared domestic waste scavenging area.

(vi) Landfill Management Charge (Section 501)

A Landfill Management Annual Charge for all rateable land within the boundary of the Tweed Shire. An annual charge of fifty one dollars and ninety cents (\$51.90) in respect of all rateable land within the boundary of the Tweed Shire.

(vii) Green Organics Collection Charge (Section 496)

An additional annual charge of sixty two dollars and fifty cents (\$62.50) is applicable to all landowners who have requested a fortnightly green organics collection service.

(viii) Waste Minimisation and Recycling Annual Charge (Section 496)

A Waste Minimisation and Recycling Annual Charge for all land within the declared domestic waste scavenging area, maps of which are available from Council's Waste Management Unit. An annual charge of sixty nine dollars and eighty cents (\$69.80) in respect of any applicable land within the declared domestic waste scavenging area.

(ix) Cobaki Environmental Special Rate (Section 495)

A Cobaki Environmental Special Rate of 1.919 cents in the dollar on the rateable land value of applicable land in the Tweed Shire Council area. The following is a description of the applicable land:

Lot 1 DP 562222

Lot 1 DP 570076

Lot 1 DP 570077

Lot 1 DP 823679

Lot 2 DP 566529

Lot 200 DP 755740

Lot 201 DP 755740

Lot 202 DP 755740

Lot 205 DP 755740

Lot 206 DP 755740

Lot 209 DP 755740

Lot 228 DP 755740

Lot 305 DP 755740

Lot 46 DP 755740

Lot 54 DP 755740

Lot 55 DP 755740

Part Lot 199 DP 755740

2. In accordance with section 566(3) of the Local Government Act 1993 that the maximum rate of interest payable on overdue rates and charges be 8% pa.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**44 [CS-CM] Monthly Investment and Section 94 Development Contribution Report for Period ending 30 June 2016**

**373**

**Cr K Milne  
Cr G Bagnall**

**RESOLVED** that, in accordance with Section 625 of the Local Government Act 1993, the monthly investment report as at period ending 30 June 2016 totalling \$249,874,286 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**ORDERS OF THE DAY**

**45 [NOM] Draft Kingscliff Locality Plan Height Limits and Green Space**

**374**

**Cr K Milne  
Cr G Bagnall**

**PROPOSED** that:

1. Council notes concerns raised in the community in regard to the proposed increase of height limits in the Draft Kingscliff Locality Plan.
2. In recognition of the benefits acknowledged by the Draft Kingscliff Locality Plan of the increased green space achieved by raising the height limits in certain areas, Council brings forward a report on all the alternative ways this increased green space could theoretically be achieved (i.e. apart from raising the height limits), including changes to Council's strategies such as the open space strategy.

**AMENDMENT 1**

**375**

**Cr B Longland  
Cr P Youngblutt**

**PROPOSED** that Council notes concerns raised in a section of the community in regard to the increase of height limits in the consultation phase for the Draft Kingscliff Locality Plan.

Amendment 1 was **Lost** on the casting vote of the Mayor

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

The Motion was **Lost** (Minute No 374 refers)

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

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**46 [NOM] Street Trees under Power Lines**

**376**

**Cr G Bagnall  
Cr K Milne**

**PROPOSED** that:

1. Council writes to Essential Energy inviting them to jointly fund and undertake an audit with Council's Arboriculture team of street trees in urban areas that are impacting on Essential Energy powerlines.
2. Following the audit a report be prepared and brought back to Council that identifies:
  - a) areas that have the potential for tree removal and replacement with suitable species; or
  - b) where changing of open span electrical conductors to aerial bundle conductors, in consultation with Essential Energy, may be an option for the preservation of trees as this would minimise the need for pruning;
  - c) a priority list of streets or key trees to be addressed; and
  - d) time and resource allocation to undertake a) and/or b) and c) above.

The Motion was **Lost**

**FOR VOTE - Cr K Milne, Cr G Bagnall**

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

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**47 [NOM] Sand Street, Chinderah**

This item was dealt with earlier in the Meeting at Minute No 329.

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**48 [NOM] Land and Property Service (LPI)**

**377**

**Cr C Byrne**

**Cr P Youngblutt**

**RESOLVED** that:

1. Council writes to the Minister for Finance, Services & Property, the Hon. Dominic Perrottet, MP and the local State Members requesting the Land and Property Service (LPI) has a physical presence in the Tweed Shire.
2. Council considers opportunities of other State Government portfolios for the establishment of a physical presence in the Tweed and brings a report back to Council.

Cr G Bagnall temporarily left the meeting at 09:20 PM.

Cr G Bagnall has returned from temporary absence at 09:23 PM

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**QUESTIONS ON NOTICE**

Nil.

**DELEGATE REPORTS**

Nil.

Cr P Youngblutt temporarily left the meeting at 09:20 PM.

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**PROCEDURAL MOTIONS**

**378**

**Cr K Milne  
Cr B Longland**

**RESOLVED** that Items 49 to 54 be considered in block.

The Motion was **Carried**

***FOR VOTE - Unanimous  
ABSENT. DID NOT VOTE - Cr P Youngblutt***

**379**

**Cr K Milne  
Cr B Longland**

**RESOLVED** that Items 49 to 54 be moved in block.

The Motion was **Carried**

***FOR VOTE - Unanimous  
ABSENT. DID NOT VOTE - Cr P Youngblutt***

Cr P Youngblutt has returned from temporary absence at 09:24 PM

**REPORTS FROM SUB-COMMITTEES/WORKING GROUPS**

**49 [SUB-TSYC] Minutes of the Tweed Shire Youth Council Meeting held Wednesday 25 May 2016**

**380**

**Cr K Milne  
Cr B Longland**

**RESOLVED** that the Minutes of the Tweed Shire Youth Council Meeting held Wednesday 25 May 2016 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**50 [SUB-ADC] Minutes of the Tweed Shire Australia Day Committee Meeting held Wednesday 25 May 2016**

**381**

**Cr K Milne  
Cr B Longland**

**RESOLVED** that the Minutes of the Tweed Shire Australia Day Committee Meeting held Wednesday 25 May 2016 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**51 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 8 June 2016**

**382**

**Cr K Milne  
Cr B Longland**

**RESOLVED** that:

1. The Minutes of the Tweed River Committee Meeting held Wednesday 8 June 2016 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

BA3. Airport Contamination

*That:*

1. *Council notes that the Tweed River Committee has continued concerns regarding the potential for impacts of Perfluorinated Compounds contamination on local waterways.*
2. *The NSW Environment Protection Authority (EPA) be invited to address the next Tweed River Committee meeting to present and explain the outcomes of the preliminary sites assessment and reporting of PFCs contamination at Gold Coast Airport.*

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**52 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 9 June 2016**

**383**

**Cr K Milne  
Cr B Longland**

**RESOLVED** that:

1. The Minutes of the Local Traffic Committee Meeting held Thursday 9 June 2016 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

A1 [LTC] QRTS Round Cycling Race - 30 to 31 July 2016

*That temporary road closures associated with the conduct of the QRTS Round Cycling Teams Racing Series Round 3 Saturday 30 and Sunday 31 July 2016 be supported subject to:*

1. *NSW Police approval being obtained.*
2. *Endorsement of the event by Cycling Queensland.*
3. *Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.*
4. *Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents.*
5. *The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.*
6. *Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.*
7. *Adequate public liability insurance being held by the event organiser.*
8. *All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.*
9. *Consultation with emergency services and any identified issues addressed.*
10. *Arrangements made for private property access and egress affected by the event.*
11. *That the applicant organise for the event to be listed on Council's Calendar of Events web page. Go to [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.*
12. *The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.*

13. *The event be conducted and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites) in accordance with the current RMS Guidelines for Bicycle Road Races to ensure consistency across the network.*
14. *A report be provided to Council, by the event organiser, within 2 weeks of conduct of the event, showing compliance with the above conditions.*

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**53 [SUB-EAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 15 June 2016**

**384**

**Cr K Milne  
Cr B Longland**

**RESOLVED** That the Minutes of the Equal Access Advisory Committee Meeting held Wednesday 15 June 2016 be received and noted.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**54 [SUB-FMC] Minutes of the Floodplain Management Committee held Friday 24 June 2016**

**385**

**Cr K Milne  
Cr B Longland**

**RESOLVED** that:

1. The Minutes of the Floodplain Management Committee held Friday 24 June 2016 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:
  2. ABC Coverage

*That Council formally invites management of ABC North Coast radio to receive a briefing on the flood situation in Tweed Shire, with the aim of improving coverage of flood events by the station. This briefing should include the SES Regional Controller.*

4. Flooding History and Data/Documentation:

*That Council compiles a special edition of the Tweed Link featuring historical flood information for the community.*

5. Quarry Road Land Acquisition (Robert Quirk)

*That Council pursues the Quarry Road land acquisition and associated works as a priority project from the Tweed Valley floodplain Risk Management Plan, and seeks assistance from OEH in scoping the project to demonstrate its benefits, for consideration in the Floodplain Management grant program. This process would include consultation with the can industry and impacted landholders.*

7. Appreciation for Max Boyd and Brian Sheahan

*That Council acknowledges and thanks Max Boyd and Brian Sheahan for their long term service and contribution to the Floodplain Management Committee.*

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**CONFIDENTIAL COMMITTEE**

Cr P Youngblutt temporarily left the meeting at 09:25 PM.

**EXCLUSION OF PRESS AND PUBLIC**

**386**

**Cr K Milne**

**Cr G Bagnall**

**RESOLVED** that Council resolves itself into a Confidential Committee in accordance with Section 10A(2) of the Local Government Act 1993 (as amended) and that the press and public be excluded from the whole of the Committee Meeting, because, in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest, by reasons of the confidential nature of the business to be transacted.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**ABSENT. DID NOT VOTE - Cr P Youngblutt**

Cr P Youngblutt has returned from temporary absence at 09:26 PM

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

## **REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE**

### **REPORTS FROM THE GENERAL MANAGER IN COMMITTEE**

#### **C1 [GM-CM] Proposed Enterprise Agreement to Reduce Vested Sick Leave Entitlements**

#### **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: -

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

Cr P Youngblutt temporarily left the meeting at 09:27 PM.

#### **C 22**

That Council supports the General Manager amending the *Leave – Sick* Protocol to allow for the payout of preserved Sick Leave payout entitlements in accordance with the provisions of a negotiated Enterprise Agreement.

The Motion was **Carried**

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

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## **REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE**

#### **C2 [PR-CM] Tanglewood Private Sewage Scheme**

#### **REASON FOR CONFIDENTIALITY:**

This report is confidential due to past and potential future legal action.

### 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).
- (e) information that would, if disclosed, prejudice the maintenance of law.

### C 23

That Council, in respect of the Tanglewood development site:

1. Receives and note this report;
2. Provides delegation to the General Manager to write to the Independent Pricing and Regulatory Tribunal (IPART) and advise that, following the receipt of an assessment of the existing Tanglewood Sewerage Treatment Plant, Council considers that IPART's Option 3 *"to transfer the Tanglewood scheme to Tweed Shire Council"* is cost prohibitive and is not supported, but it supports the advancement of IPART's Option 1, *"Decommission the Tanglewood scheme and any affected parties pursue on-site sewage management, which is exempt from the WIC Act and would be regulated by Tweed Shire Council under the Local Government Act 1993,"* through the following actions:
  - a. Hillpalm provides an adequate Land Application Area, and establish easement rights so the land would be divided into 3 land application areas that are separately owned and maintained by each body corporate;
  - b. Each body corporate group cater for their own cabins by the establishment and maintenance of a commercial onsite sewage treatment plant on their existing land and installation of their own irrigation infrastructure on the land described in (a); and
  - c. Council be the regulating authority for the establishment and operation of these facilities that due to (a) and (b) would be exempt from the WIC Act 2006.

The Motion was **Carried**

**FOR VOTE - Unanimous**

**ABSENT. DID NOT VOTE - Cr P Youngblutt**

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## REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

### C3 [E-CM] Clarrie Hall Dam - Land Acquisition - 141 Lone Pine Road, Doon Doon

#### REASON FOR CONFIDENTIALITY:

This reports 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 24

That Council:

1. Approves entering into a contract for the purchase of 141 Lone Pine Road, Doon Doon comprised in Lot 6 in DP 261570 for the amount agreed and determined by valuation.
2. 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. Approves the rental arrangements as detailed in the body of the report.
4. Executes all necessary documentation under the Common Seal of Council.
5. 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 - Voting - Unanimous**  
**ABSENT. DID NOT VOTE - Cr P Youngblutt**

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Cr P Youngblutt returned to the meeting at 9:30 PM



**C4 [E-CM] Tweed Southern Boatharbour Licences - Charter Operator**

**REASON FOR CONFIDENTIALITY:**

Discussions of a commercial nature between Council and individuals which should remain confidential

**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 25**

That Council:

1. Terminates the current licence with Fishing Downunder for berth 16 at the Southern Boatharbour, River Terrace, Tweed Heads.
2. Approves entering into a licence agreement with Damomi Pty Ltd as Trustee for Damomi Family Trust for a term of five years and an option period of three years to expire on 31 March 2024.
3. Executes all documentation under the Common Seal of Council.

The Motion was **Carried**

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

***AGAINST VOTE - Cr K Milne, Cr G Bagnall***

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**C5 [E-CM] Acquisition of Land for Road - Broadwater Parkway - Area E Terranora**

**REASON FOR CONFIDENTIALITY:**

This report relates to commercial negotiations with the affected landowners.

**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 26**

That:

1. The General Manager be granted delegated authority to finalise the negotiations for the purchase of 105 Fraser Drive, Terranora up to the total amount included in option 3 of the report;
2. Upon agreement Council enters into a contract for the purchase; and
3. All documentation be executed under the Common Seal of Council to complete the purchase.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**C 27**

**Cr G Bagnall  
Cr K Milne**

**RESOLVED** that the Committee resumes in Open Council.

Cr W Polglase temporarily left the meeting at 09:30 PM.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous  
ABSENT. DID NOT VOTE - Cr W Polglase***

**387**

**Cr G Bagnall  
Cr K Milne**

**RESOLVED** that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

***FOR VOTE - Voting - Unanimous  
ABSENT. DID NOT VOTE - Cr W Polglase***

Cr W Polglase has returned from temporary absence at 09.32 PM

There being no further business the Meeting terminated at 9.32pm



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

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**Chairman**

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