

Mayor: Cr K Milne

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

Minutes

Ordinary Council Meeting Wednesday 13 December 2017

held at
**Council Chambers, Murwillumbah Civic & Cultural Centre,
Tumbulgum Road, Murwillumbah**
commencing at 5.30pm

Principles for Local Government

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

Guiding Principles for Tweed Shire Council

(1) Exercise of functions generally

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

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

(2) Decision-making

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

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

(3) Community participation

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

The Meeting commenced at 5.34pm.

IN ATTENDANCE

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

Also present were Mr Troy Green (General Manager), Ms Liz Collyer (Director Corporate Services), Mr David Oxenham (Director Engineering), Mr Iain Lonsdale (Acting Director Planning and Regulation), Mr Stewart Brawley (for Director Community and Natural Resources), Mr Shane Davidson (Executive Officer), Mr Neil Baldwin (Manager Corporate Governance) and Mrs Maree Morgan (Minutes Secretary).

ABORIGINAL STATEMENT

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

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

PRAYER

The meeting opened with a Prayer by Council's Chaplain, Pastor Rob Stuttle from Living Waters Church, Tumbulgum.

"Dear Lord,

We look back at the year gone by at the highs and lows, the challenges and accomplishments, and we are thankful that we live in one of the most beautiful parts of your creation. We thank you for the leadership of this council, and although appointed by men, the gifts they have to run this council are given by you.

Our thoughts and prayers continue for those who have suffered from the flood this year and 8mths later are still recovering. We are thankful for the generosity of the people of the Tweed who gave in many ways especially in the Mayoral Fund.

It's at this time of the Christmas season that we remember the greatest gift that was given, the gift of your Son Jesus. And during this festive season, a time to unwind and spend time with loved ones, we pray that the Mayor, councillors and all the staff at Tweed Shire Council will be renewed and refreshed for the coming year.

We ask this in Jesus' name. Amen."

CONFIRMATION OF MINUTES

1 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 16 November 2017

624

Cr C Cherry
Cr J Owen

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 16 November 2017 be adopted as a true and accurate record of proceedings of that meeting.
2. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (f) matters affecting the security of the council, councillors, council staff or council property.

The Motion was **Carried**

FOR VOTE - Unanimous

2 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 7 December 2017

This item was dealt with in conjunction with item 41 of the Supplementary Agenda (Minute No 664 refers).

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Nil.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

3 [SOR-CM] Schedule of Outstanding Resolutions as at 13 December 2017

The Schedule of Outstanding Resolutions as at 13 December 2017 was received and noted.

MAYORAL MINUTE

4 [MM-CM] Mayoral Minute for November 2017

625

Cr K Milne

RESOLVED that:

1. The Mayoral Minute for the month of November 2017 be received and noted.
2. The attendance of Councillors at nominated for the following Conferences be authorised.
 - **Cr J Owen** to attend the Safer Cities Summit to be held in Brisbane on 6-7 February 2018.

The Motion was **Carried**

FOR VOTE - Unanimous

5 [MM-CM] Trial Tourism Accommodation Levy (Bed Tax)

626

Cr K Milne

RESOLVED that a letter of support be provided to Byron Shire Council for the instigation of an Expression of Interest process through the NSW State Government for a trial for the implementation and management of a Trial Tourism Accommodation Levy (Bed Tax).

The Motion was **Carried**

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

AGAINST VOTE - Cr J Owen

RECEIPT OF PETITIONS

6 [ROP-CM] Receipt of Petitions

627

Cr P Allsop
Cr R Byrnes

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

- Petition containing 324 signatories requesting:

"We the undersigned would like to request of Council the possibility of a fenced off leashed dog park in Murwillumbah.

A corner of an existing park would be ideal, where dogs can interact with each other off leash, under the supervision of their owners. Socialising is a big part of a happy dog.

To include a few activities within the enclosure would be ideal. E.g. a large pipe to run through or over, slalom posts as well as some benches and a shade cover for owners.

It would be appreciated if Council would consider this as part of their agenda.'

The Motion was **Carried**

FOR VOTE - Unanimous

ORDERS OF THE DAY

7 [NOM] NSW Coastal Council

628

Cr C Cherry
Cr W Polglase

RESOLVED that Council notes:

1. Tweed Shire Council Unit Coordinator – Natural Resource Management - Jane Lofthouse is one of seven experts appointed to the newly-established NSW Coastal Council under the Coastal Management Act 2016.
2. The Panel's role is to provide expert advice to the Minister administering the Act and to local councils in developing coastal management programs and advice to public authorities on coastal management issues. Jane Lofthouse was selected for her expertise in local government and coastal management and has been one of three

Local Government NSW representatives on the NSW Coastal Panel since its inception in 2011 and the only representative employed by a local government authority.

3. The elected body congratulates Jane Lofthouse on her appointment and recognises the invaluable service she provides to the Tweed Shire Community in her current role.

The Motion was **Carried**

FOR VOTE - Unanimous

QUESTIONS ON NOTICE

Nil.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

8 [GM-CM] Destination Tweed Quarterly Report - July to September 2017

629

Cr P Allsop
Cr J Owen

RESOLVED that Council:

1. Receives and notes Destination Tweed's Quarterly Report for the July to September 2017 quarter.
2. Endorses payment of the quarterly contract instalment in accordance with contract AC2010-073 Provision of Services for Economic Development Tourism Promotion.
3. ATTACHMENT 2 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

9 [GM-CM] Tweed Kenya Mentoring Program - 2017 Annual Report and Draft Operational Plan 2018 - 2020

630

**Cr W Polglase
Cr R Cooper**

RESOLVED that Council notes and endorses the Tweed Kenya Mentoring Program (TKMP) Operational Plan 2018 – 2020 and determines a funding ratio of 1.25:1 relative to the annual staff contributions, to be funded from the Catchment Water Quality Budget.

The Motion was **Carried**

FOR VOTE - Unanimous

10 [GM-CM] Easy to do Business - Service NSW

631

**Cr W Polglase
Cr P Allsop**

RESOLVED that Council:

1. Approves joining the 'Easy to do Business' Program in partnership with Service NSW.
2. Delegates the General Manager to enter into a Service Partnership Agreement with Service NSW in accordance with the requirements under the Service NSW (One-Stop Access to Government Services) Act 2013.
3. Approves any necessary documents be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

11 [GM-CM] 2018 BEATS Awards

DECLARATION OF INTEREST

Cr W Polglase declared a *non-significant non-pecuniary* interest in this item. The nature of the interest is that he is the chair of the Tweed Heads Chamber of Commerce. Cr Polglase advised that he will remain in the Chamber for the discussions and vote on the items merits.

632

Cr R Byrnes
Cr J Owen

RESOLVED that Council endorses the \$5,000 (excluding GST) cash Gold level sponsorship for the 2018 BEATS Awards.

The Motion was **Carried**

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

AGAINST VOTE - Cr K Milne

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

12 **[PR-CM] Development Application DA17/0501 for Alterations and Additions to Existing Dwelling Comprising the Addition of a Relocated Dwelling to be Converted to a 2 Bedroom Satellite Building; Kitchen to be Decommissioned and Removed at Lot 2 DP 523579 N**

633

Cr J Owen
Cr P Allsop

RESOLVED that Development Application DA17/0501 for alterations and additions to existing dwelling comprising the addition of a relocated dwelling to be converted to a 2 bedroom satellite building; kitchen to be decommissioned and removed at Lot 2 DP 523579 No. 67 Wommin Bay Road, Chinderah be approved subject to the following conditions:

GENERAL

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 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]
4. Bushfire 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:

- 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'.

[GEN0320]

5. Bushfire 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:

- Any new or extension of existing electricity and/or gas service are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

[GEN0325]

6. Bushfire 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:

- (a) Construction shall comply with Australian Standard AS3959-2009 'Construction of buildings in Bush Fire-prone areas', Bushfire attack Level (BAL) 12.5 for dwelling.

7. Bushfire Landscaping

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

[GEN0340]

8. The approved development shall not result in the damage or disturbance of local native vegetation without prior approval from the relevant authority

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

9. 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]

PRIOR TO COMMENCEMENT OF WORK

10. 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]

11. 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]

12. 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]

13. 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]

14. 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]

15. 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]

16. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. Note All roof water must be connected to an interallotment drainage

system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the Principal Certifying Authority prior to commencement of building works.

[PCW1005]

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

[PCW1065]

DURING CONSTRUCTION

18. Commencement of work, including the switching on and operation of plant, machinery and 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]

19. 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]

20. 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]

21. 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]

22. 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]

23. 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]

24. 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]

25. The habitable floor area of the building is to be at a level not less than RL 3.6 m AHD.

[DUR1435]

26. 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]

27. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.

[DUR1945]

28. 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]

29. 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]

30. 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]

31. 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]

32. 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]

33. House drainage lines affected by the proposal are to be relocated to Council's satisfaction. Prior to the relocation of any plumbing and drainage lines, a plumbing permit and the relevant plumbing permit fee is to be submitted to Council. Inspection of drainage works prior to covering is required

[DUR2565]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

34. 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]

35. 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]

36. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

[POC1045]

37. Prior to issue of an occupation certificate the Kitchen and Laundry facilities in the existing dwelling are to be removed in accordance with the approved plan.

[POCNS01]

USE

38. 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]

39. The two buildings are to be used together as a single dwelling use only.

[USE0505]

40. The decommissioned existing dwelling used as a detached satellite building, is not to contain any Kitchen or laundry facilities and is to be used in conjunction with the relocated dwelling as part of single dwelling on the property

[USENS01]

The Motion was **Carried**

FOR VOTE - Unanimous

13 [PR-CM] Development Application DA17/0347 for the Installation of Plant Shelter and the Production and Processing of Edible Flowers in Conjunction with an Existing Rural Industry at Lot 3 DP 1191598 No. 67 Howards Road, Burringbar

634

**Cr W Polglase
Cr J Owen**

PROPOSED that Development Application DA17/0347 for the installation of plant shelter and the production and processing of edible flowers in conjunction with an existing rural industry at Lot 3 DP 1191598 No. 67 Howards Road, Burringbar 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 Dwg No. 22196B prepared by B&P Surveys and dated 13 September 2017;
 - Footing layout Dwg No. P-02 prepared by Rob Aungle & Associates and dated 16 March 2017;
 - Framing plan Dwg No. P-03 prepared by Rob Aungle & Associates and dated 16 March 2017;

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 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]

5. Landscaping of the site shall be carried out in accordance with the submitted/approved landscaping plans.
[GENNS01]
6. The following activities are not permitted within the 20m riparian corridor (as detailed in the General Terms of Approval issued by Department of Primary Industries - Water) where associated with this development:
 - a) Clearing, lopping or removal of any native plants;
 - b) Erection of any fixtures or improvements including building or structures (unless required to improve stormwater and/or sediment and erosion control management);
 - c) Depositing of any fill, soil, rock rubbish, ashes, garbage, waste, or other foreign material; and
 - d) Performance of any other acts which may have detrimental impact on the values of the riparian corridor.
[GENNS02]
7. The attached GTA issued by DPI Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to DPI Water for a Controlled Activity approval after consent has been issued and before the commencement of any work or activity.
[GENNS03]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

8. A detailed plan of landscaping is to be submitted and approved by Council's General Manager or delegate prior to the issue of a Construction Certificate which addresses the following:
 - a. An appropriate screen planting on the southern boundary adjacent to and as a minimum, for the length of proposed plant shelter.
 - b. Landscaping is to contain no noxious or environmental weed species and a minimum 80% of total plant numbers comprised of local native species.
[PCC0585]
9. Prior to the issue of a construction certificate for the plant shelter, an application is required to be submitted to Council to seek approval for the stockpiling bays and any other unapproved structures that are not exempt development and are not shown on the plans for DA13/0712.
[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

10. 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]
11. 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]

12. 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]

13. 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]

14. Prior to the commencement of work on the stormwater system a site inspection is to be arranged with the Principal Certifying Authority to discuss site drainage.

[PCW0995]

DURING CONSTRUCTION

15. 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]

16. Commencement of work, including the switching on and operation of plant, machinery and 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]

17. 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]

18. 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]

19. 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]

20. The developer/contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times.

[DUR2015]

21. 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]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

22. 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]

23. 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]

24. 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]

25. All approved landscaping requirements must be completed to the satisfaction of the General Manager or delegate PRIOR to issue of Occupation Certificate.

[POC0475]

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

[POC1055]

USE

27. 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]

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

[USE0145]

29. Except as may be expressly provided in a licence approval under the Protection of the Environment Operations Act 1997 (POEO) Act, the licence holder must comply with section 120 of the POEO Act 1997 prohibiting the pollution of waters.

[USE0155]

30. All deliveries to the premises are to occur only within the approved operating hours of 7:00am to 5:00pm Monday to Sunday, unless otherwise approved by Councils General Manager or his delegate. Urgent or medical related deliveries exempted.

[USE0195]

31. 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]

32. Any vehicles that remain on site for periods in excess of two (2) minutes are required to switch off their engines.

[USE0255]

33. The use of mechanical plant is limited to a small electric pump for irrigation. The use of mechanical plant shall not be used outside of the approved hours of operation. 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.

[USENS01]

GENERAL TERMS OF APPROVAL UNDER s89, 90 OR 91 OF THE WATER MANAGEMENT ACT 2000 (Approval for a Controlled Activity)

Condition Number	Details
	Design of works and structures
GT0009-00004	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Crown Lands and Water Division, and obtained, for a controlled activity approval under the Water Management Act 2000.
	Erosion and sediment controls
GT0006-00001	The following plan(s): - Erosion and Sediment Controls Plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.
GT0014-00003	A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i) obstruct water flow, or ii) wash into the water body, or iii) cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Crown Lands and Water Division as part of a controlled activity approval. B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land.
GT0021-00004	The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.

Condition Number	Details
	Plans, standards and guidelines
GT0002-00045	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 170347 provided by Council to Crown Lands and Water Division. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Crown Lands and Water Division, Murwillumbah Office, must be notified in writing to determine if any variations to the GTA will be required.
GT0005-00012	A. The application for a controlled activity approval must include the following plan(s): - construction plans - showing all excavation for footings and utilities for the structure. B. The plan(s) must be prepared in accordance with Crown Lands and Water Division's guidelines located on the website www.water.nsw.gov.au/water-licensing/approvals/controlled-activity
GT0008-00005	A. Before the proposed activity can commence, a riparian corridor must be clearly marked, protected and maintained in accordance with a plan submitted as part of the controlled activity approval, and approved by Crown Lands and Water Division. B. The corridor must extend for: i. a width of 20 m, measured horizontally landward from the highest bank of the river, and ii. the length of the site directly affected by the activity.
GT0010-00003	All documents submitted to Crown Lands and Water Division as part of an application for a controlled activity approval must be prepared by a suitably qualified person.
GT0012-00002	Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Crown Lands and Water Division.
	Rehabilitation and maintenance
GT0023-00001	Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).
	Reporting requirements
GT0016-00002	The consent holder must inform Crown Lands and Water Division in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by DPI Water for integrated development associated with DA17/0347 as provided by Council:

- Council referral letter
- Council DA application
- Owners consent
- SEE and appendix

AMENDMENT 1

635

**Cr K Milne
Cr R Byrnes**

RESOLVED that determination for expansion of this business be deferred until the operational plan of management has been approved for the site at Lot 3 DP 1191598 No. 67 Howards Road, Burringbar. This operational management plan to be submitted by 31 January 2018.

Amendment 1 was **Carried**

The Motion was **Carried**

FOR VOTE - Unanimous

Amendment 1 on becoming the Motion was **Carried** - (Minute No 635 refers)

The Motion was **Carried**

FOR VOTE - Unanimous

- 14 [PR-CM] Development Application DA10/0222.26 for an Amendment to Development Consent DA10/0222 for Casuarina Town Centre Including 56 Lot Subdivision, Road Works, Infrastructure Works and Landscaping (Department of Planning Application MP06_0258) MOD 10 a**

ALTERNATE MOTION

636

**Cr R Cooper
Cr K Milne**

RESOLVED that Council:

1. Endorses that this report forms a basis for a submission to be submitted to NSW Planning & Environment with regard to proposed modifications of the Concept Approval and Project Approval relating to Casuarina Town Centre (MP06_0258) MOD 10.

2. Supports the inclusion of the building height limit, measured in metres, within the proponents concept plan, but does not support any reference to the number of 'storeys', as this is not a measure of height or character within the Council's applicable Local Environmental Plan (LEP): *Tweed Local Environmental Plan 2014*. The number of storeys within a building should be determined with reference to the LEP in force at the time of making a development application having regard to the character of the locality at that point in time.

The Motion was **Carried**

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

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

15 [PR-CM] Compliance Matters - Site 198 and Site 199 Hacienda Caravan Park

637

Cr C Cherry

Cr K Milne

RESOLVED that Council, in respect of the unauthorised building works undertaken on Sites 198 and 199 Hacienda Caravan Park, Lot 2 DP 535174 No. 37 Chinderah Bay Drive, Chinderah, endorses:

1. The issuing of a Penalty Infringement Notice under section 626 (3) of the LG Act for \$220 to the owner of Site 198, and require the removal of the patio roof within 60 days of this determination as this structure exceeds the percentage site coverage permitted and requires the provision of engineering certificate for the existing deck structure within 60 days of this determination;
2. The issuing of a Penalty Infringement Notice under section 626 (3) of the LG Act for \$220 for the owner of Site 199 and determines that the structures be permitted to remain in-situ as this works does not exceed the percentage site coverage and requires the provision of engineering certificate for all works undertaken within 60 days of this determination; and
3. The issuing of a Penalty Infringement Notice under section 626 (3) of the LG Act for \$220 to the Builder for undertaking illegal works on Site 199.

The Motion was **Carried**

FOR VOTE - Unanimous

16 [PR-CM] Proposal by Polis Plan - Circular Economy Innovation Hubs

638

**Cr K Milne
Cr C Cherry**

RESOLVED that Council:

1. Receives and notes the report Proposal by Polis Plan - Circular Economy Innovation Hubs;
2. Supports the principles and concept of 'regenerative development' comprising of three key components being: significant change for the better, change in cultural behaviour and thinking, and returning energy to its source, and therefore supports in principle the Circular Economy proposal presented in this report by Polis Plan.
3. Officers continue to liaise and assist Polis Plan with their development of a more detailed Australian Research Council (ARC) application proposal, so far as resources allow.

The Motion was **Carried**

FOR VOTE - Unanimous

17 [PR-CM] Rural Landsharing Communities - Advice from Department of Planning and Environment

ALTERNATE MOTION

639

**Cr K Milne
Cr R Cooper**

RESOLVED that:

1. The correspondence from the Department of Planning and Environment dated 28 November 2017 is received and noted;
 2. The Department of Planning and Environment be advised of the implications arising for Tweed Shire Council from the change in their advice and approach, that no local provision for Rural Landsharing Communities (RLC) will be finalised before the Government's repeal of the current RLC provisions in August 2018; and
 3. Council holds a workshop on the potential to enable rural landsharing activities to continue in the Shire via an LEP amendment.
-

4. Further consideration of the suitability for maintaining the permissibility of rural landsharing communities is to be deferred pending the adoption of a Tweed Rural Land Strategy, and its incorporation into its implementation plan.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

18 [CNR-CM] Draft Policy - Commercial Recreation Activities on Public Open Space Version 3.0

640

Cr C Cherry

Cr K Milne

RESOLVED that Council:

1. Adopts the Draft Commercial Recreation Activities on Public Open Space Policy Version 3.0; and
2. Defers the implementation of licencing requirements for period licences referred to as "Commercial Park Use Licence Category A" in Council's fees and charges until July 2018.

The Motion was **Carried**

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

AGAINST VOTE - Cr W Polglase

PROCEDURAL MOTIONS

641

Cr K Milne

Cr C Cherry

RESOLVED that Items 19 to 26 be moved in block.

The Motion was **Carried**

FOR VOTE - Unanimous

19 [CNR-CM] Policy - Waiving of Disposal Fees - Waste Management Charges

642

**Cr K Milne
Cr C Cherry**

RESOLVED that Council:

1. Adopts the policy for the Waiving of Disposal Fees – Waste Management Version 2.0.
2. Refers the Pottsville and District Men’s Shed to the Community Sponsorship Policy application process for future funding requests.

The Motion was **Carried**

FOR VOTE - Unanimous

20 [CNR-CM] New Charges for Waste Management - 140 litre Household Organic Waste Bin and Asbestos Test Kits

643

**Cr K Milne
Cr C Cherry**

RESOLVED that:

1. Council endorses the placement of a proposed charge for the 140 litre organics bin of \$75 per annum on public exhibition for 28 days as required in the Fees and Charges Policy.
2. Council endorses the placement of a proposed charge for asbestos test kits of \$45 on public exhibition for 28 days as required in the Fees and Charges Policy.
3. A further report is brought back to Council including any feedback received during the public exhibition period for consideration when determining whether to adopt the new fees in February 2018.

The Motion was **Carried**

FOR VOTE - Unanimous

21 [CNR-CM] Tennis Terranora Joan Nicholl Tennis Centre

644

**Cr K Milne
Cr C Cherry**

RESOLVED that:

1. Council approves the deferral of payments as set out in the Deed of Grant between Tennis Terranora Inc and Tweed Shire Council for a period of 12 months from December 2017 to December 2018 and an option for a further six month extension of this deferral subject to satisfactory written notice is received from Tennis Terranora before the expiry of the 12 month deferral period, setting out:
 - (a) the status of the reconstruction of the clubhouse;
 - (b) indications that all efforts have been made to re-build the clubhouse in a timely manner; and
 - (c) that Tennis Terranora will be in a position to recommence payments at the expiry of the 6 month period;
2. All necessary documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

22 [CNR-CM] Community Development Officer - Recovery

645

**Cr K Milne
Cr C Cherry**

RESOLVED that Council:

1. Receives and notes this report on the establishment of the position of Community Development Officer - Recovery.
2. Votes the receipt and expenditure of funding in the amount of \$122,541 from the Department of Justice for the position Community Development Officer - Recovery.

The Motion was **Carried**

FOR VOTE - Unanimous

23 [CNR-CM] Surf Life Saving Contract - September - October 2017 Review

646

**Cr K Milne
Cr C Cherry**

RESOLVED that Council receives and notes this report dealing with the Surf Life Saving Contract September - October 2017 Review.

The Motion was **Carried**

FOR VOTE - Unanimous

24 [CNR-CM] Proposed Cabarita Beach/Bogangar Regional Surfing Reserve Nomination

647

**Cr K Milne
Cr C Cherry**

RESOLVED that Council provides a letter of in-principle support to the Cabarita Beach/Bogangar Surfing Reserve Steering Committee toward its nomination of a Regional Surfing Reserve.

The Motion was **Carried**

FOR VOTE - Unanimous

25 [CNR-CM] Community Halls Advisory Committee - Terms of Reference

648

**Cr K Milne
Cr C Cherry**

RESOLVED that Council endorses the proposed changes to the Community Halls Advisory Committee Terms of Reference Version 1.1.

The Motion was **Carried**

FOR VOTE - Unanimous

26 [CNR-CM] 2017 Volunteering Community and Natural Resources

649

**Cr K Milne
Cr C Cherry**

RESOLVED that Council receives and notes the 2017 Volunteering Community and Natural Resources Report.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING

27 [E-CM] Heavy Vehicle Approvals - B-Double Routes

ALTERNATE MOTION

650

**Cr C Cherry
Cr K Milne**

RESOLVED that:

1. Council requests further information be made available to further assess the application from Black Mount Pty Ltd as it relates to:
 - implications on wear and tear on roads of the proposed increased weights;
 - estimation of the typical weights of trucks currently utilising this route; and
 - any information that shows that 55 tonne B-Double vehicles create less damage than those trucks currently using this route.

2. Establishment of the B-Double Routes Agency Advisory Group as proposed in this report to provide advice to Council and officers regarding B-Double route applications, with the inclusion of all Councillors as members and a quorum to remain as per requirements of the Local Traffic Committee.

Cr R Cooper temporarily left the meeting at 06:43 PM.

Cr R Cooper has returned from temporary absence at 06:44 PM

Cr W Polglase temporarily left the meeting at 07:00 PM.

Cr W Polglase has returned from temporary absence at 07:03 PM

The Motion was **Carried**

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

ADJOURNMENT OF MEETING

Adjournment for dinner at 7.10pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.56pm.

28 [E-CM] RFO2017082 Package 3 - Road Flood Damage Restoration

This item was dealt with in conjunction with Addendum Item 42 of the Supplementary Agenda. (Minute No. 665 refers).

29 [E-CM] Unauthorised Private Encroachment within Public Road Reserve - Charles Street, Tweed Heads

651

Cr W Polglase
Cr P Allsop

RESOLVED that:

1. Council instructs the owner of Lot 14 Section 5 DP 8568 to proceed with the closure and purchase of the area of road reserve immediately adjacent to the property within which the encroachment occurs.
2. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by a local registered valuer.
3. The title of the closed road to be consolidated with the adjacent land.
4. Easements to be created over public authority reticulation services, if any.
5. All documentation to be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

30 [E-CM] Plan of Management - Lot 6 DP 872039 - Hastings Road, Bogangar

652

**Cr W Polglase
Cr P Allsop**

RESOLVED that pursuant to Section 40 of the Local Government Act 1993, Council adopts the Plan of Management for Lot 6 in DP 872039, located at Hastings Road, Bogangar.

The Motion was **Carried**

FOR VOTE - Unanimous

PROCEDURAL MOTIONS

653

**Cr K Milne
Cr C Cherry**

RESOLVED that Items 31 to 34 be moved in block.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR CORPORATE SERVICES

31 [CS-CM] Update on Tweed Shire Events Strategy 2016-2020

654

**Cr K Milne
Cr C Cherry**

RESOLVED that Council notes the update on the Tweed Shire Events Strategy 2016-2020.

The Motion was **Carried**

FOR VOTE - Unanimous

32 [CS-CM] Communications Policy Version 1.0

655

**Cr K Milne
Cr C Cherry**

RESOLVED that Council publicly exhibits the Draft Communications Policy Version 1.0 and invites public submission up until 2 February 2018.

The Motion was **Carried**

FOR VOTE - Unanimous

33 [CS-CM] RFO2016129 for the Management of the Stotts Creek Resource Recovery Centre

656

**Cr K Milne
Cr C Cherry**

RESOLVED that RFO2016129 for the Management of the Stotts Creek Resource Recovery Centre be negotiated with the current contractor for a further extension to 31 May 2018, to enable the completion of the procurement process for a new contract.

The Motion was **Carried**

FOR VOTE - Unanimous

34 [CS-CM] In Kind and Donations - July/August/September 2017

657

**Cr K Milne
Cr C Cherry**

RESOLVED that Council notes the total donations of \$76,669.91 for the period July/August/September 2017.

The Motion was **Carried**

FOR VOTE - Unanimous

35 [CS-CM] Monthly Investment and Section 94 Development Contribution Report for Period ending 30 November 2017

This item was dealt with in conjunction with Addendum Item 43 of the Supplementary Agenda. (Minute No 666 refers).

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

36 [SUB-FMC] Minutes of the Floodplain Management Committee Meeting held Friday 1 September 2017

658

**Cr J Owen
Cr P Allsop**

RESOLVED that:

1. The Minutes of the Floodplain Management Committee Meeting held Friday 1 September 2017 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:
 1. Murwillumbah CBD Flood Study - presentation by David Tetley from Catchment Simulation Solutions

That Council officers prepare a report to the Floodplain Management Committee and Council with responses to the recommendations of the Independent Review of the NSW State Emergency Service Operational Response Northern Rivers Floods March 2017 as they pertain to Tweed Shire.

AMENDMENT 1

**Cr K Milne
Cr C Cherry**

PROPOSED that:

1. The Minutes of the Floodplain Management Committee Meeting held Friday 1 September 2017 be received and noted; and
 2. The Executive Leadership Team's recommendations be adopted as follows:
-

1. **Murwillumbah CBD Flood Study - presentation by David Tetley from Catchment Simulation Solutions**
 1. *That Council officers prepare a report to the Floodplain Management Committee and Council with responses to the recommendations of the Independent Review of the NSW State Emergency Service Operational Response Northern Rivers Floods March 2017 as they pertain to Tweed Shire.*
 2. *That Council supports Recommendation 36 of the Independent Review of the NSW State Emergency Service Operational Response Northern Rivers Floods March 2017.*

Recommendation 36 states:

Land Use Planning

It is recommended that the NSW SES has greater involvement in floodplain development with Local Councils and that their input is mandatory before any consent by council is given in flood planning areas.

This would ensure that there is management of the risk to life in rarer events along with more robust evacuation controls. Consideration should be given to examining the role that the NSW RFS in regard to Land Use and Building Consent in bush fire prone areas for development of a similar process by the NSW SES.

Recommendation 36

That the NSW SES becomes a recognised authority for land use planning purposes, having greater involvement in floodplain development with Local Councils and that their input is mandatory before any consent by council is given in flood planning areas.

Amendment 1 was withdrawn by the mover, Cr K Milne.

The Motion was **Carried** (Minute Number 658 refers).

FOR VOTE - Unanimous

PROCEDURAL MOTIONS

659

Cr K Milne
Cr P Allsop

RESOLVED that Items 37 to 40 be moved in block with minor amendments made to the Local Traffic Committee meeting minutes.

The Motion was **Carried**

FOR VOTE - Unanimous

37 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held Monday 9 October 2017

660

**Cr K Milne
Cr P Allsop**

RESOLVED that the Minutes of the Sports Advisory Committee Meeting held Monday 9 October 2017 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

38 [SUB-TCWC] Minutes of the Tweed Coast and Waterways Committee Meeting Committee Meeting held Wednesday 11 October 2017

661

**Cr K Milne
Cr P Allsop**

RESOLVED that:

1. The Minutes of the Tweed Coast and Waterways Committee Meeting Committee Meeting held Wednesday 11 October 2017 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:
 - A3. Hastings Point Rocky Foreshore

That Council writes to the relevant Ministers (Environment and Primary Industries) to seek advice on the information required and process for the Government to consider declaration of Hastings Point rocky shore as an aquatic reserve.

The Motion was **Carried**

FOR VOTE - Unanimous

39 [SUB-EAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 18 October 2017

662

**Cr K Milne
Cr P Allsop**

RESOLVED that the Minutes of the Equal Access Advisory Committee Meeting held Wednesday 18 October 2017 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

40 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Tuesday 28 November 2017

663

**Cr K Milne
Cr P Allsop**

RESOLVED that:

1. The Minutes of the Local Traffic Committee Meeting held Tuesday 28 November 2017 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES - MURWILLUMBAH

A1 [LTC] Prospero Street, West of River Street, South Murwillumbah

That signage '2P 9pm to 6am' be installed on Prospero Street west of River Street and also in the public car park that is accessed from this section.

A2 [LTC] Temporary Road Closure - Coolman Street, Tyalgum

*That the proposed temporary road closure for the Tyalgum Community Dinner event previously scheduled for Friday 22 December 2017 (**which has now been cancelled pending advice of a new date**) be supported, subject to at least one month's notice being provided to Council of the new date and the event being held by end of March 2018 with the following conditions:*

1. *NSW Police approval being obtained.*
2. *Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.*
3. *Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents.*
4. *Adequate public liability insurance being held by the event organiser.*
5. *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.*
6. *Consultation with emergency services and any identified issues addressed.*
7. *Arrangements made for private property access and egress affected by the event.*
8. *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 Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.*
9. *The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.*

DELEGATIONS FOR REGULATORY DEVICES - TWEED HEADS

A3 [LTC] Cypress Crescent, Cabarita Beach

That a yellow 'No Stopping' line be installed on the inside of the curve from tangent point to tangent point, opposite Halycon House on Cypress Avenue.

The Motion was **Carried**

FOR VOTE - Unanimous

ADDENDUM ITEMS:

CONFIRMATION OF MINUTES

41 ADDENDUM [CONMIN-CM] Confirmation of Minutes of Ordinary and Confidential Council Meeting held Thursday 7 December 2017

664

**Cr C Cherry
Cr J Owen**

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 7 December 2017 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

REPORTS FROM THE DIRECTOR ENGINEERING

42 ADDENDUM [E-CM] RFO2017082 Package 3 - Road Flood Damage Restoration

665

Cr C Cherry
Cr P Allsop

RESOLVED that in respect to Contract RFO2017082 Package 3 Road Flood Damage Restoration:

1. Council awards the offer to Hazell Bros Group Pty Ltd, ABN 46 145 228 986, for the amount of \$1,225,000 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council six monthly and at finalisation of the contract.
3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR CORPORATE SERVICES

43 ADDENDUM [CS-CM] Monthly Investment and Section 94 Development Contribution Report for Period ending 30 November 2017

666

Cr W Polglase
Cr P Allsop

RESOLVED that, in accordance with Section 625 of the Local Government Act 1993, the monthly investment report as at period ending 30 November 2017 totalling \$299,518,296 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

LATE ITEMS

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

LATE ITEM

667

**Cr K Milne
Cr J Owen**

RESOLVED that Items 44 and 45 being Late Addendum items be dealt with and they be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

FOR VOTE - Unanimous

**44 DEFERRED [PR-CM] Draft Primary Production and Rural Development
SEPP EXPLANATION OF INTENDED EFFECT - SUBMISSION**

668

**Cr K Milne
Cr W Polglase**

RESOLVED that Council endorses the attached submission on the Explanation of Intended Effect for the proposed State Environmental Planning Policy - Primary Production and Rural Development and, that the submission is forwarded to the Department of Planning and Environment.

The Motion was **Carried**

FOR VOTE - Unanimous

45 DEFERRED [PR-CM] Dwelling at Lot 7 DP 1234914 No. 2629 Kyogle Road, Kunghur

ALTERNATE MOTION

669

**Cr J Owen
Cr P Allsop**

RESOLVED that:

1. The General Manager or their delegate advises the complainant in writing that Council requires provision of supporting information in relation to their claim regarding dwelling house located at Lot 7 DP 1234914 No. 2629 Kyogle Road, Kunghur.
2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (a) personnel matters concerning particular individuals (other than councillors).

The Motion was **Carried**

FOR VOTE - Unanimous

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

670

**Cr J Owen
Cr P Allsop**

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

Cr W Polglase temporarily left the meeting at 09:08 PM.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT, DID NOT VOTE - Cr W Polglase***

CONFIDENTIAL ITEMS FOR CONSIDERATION

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:-

Cr W Polglase returned at 9.10PM.

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C1 [PR-CM] Development Application DA17/0572 for the Use of the Site (Including Existing and Approved Shed) as Depot and Ancillary Office at Lot 41 DP 870680 No. 606 Pottsville Road, Sleepy Hollow

REASON FOR CONFIDENTIALITY:

This report concerns legal matters that could influence the appeal process.

Local Government Act

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

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

C 106

That Council, in respect of the Class 1 Appeal lodged in the NSW Land and Environment Court regarding Council's refusal of DA17/0572 for the use of the site (including existing and approved shed) as depot and ancillary office at Lot 41 DP 870680; No. 606 Pottsville Road Sleepy Hollow, endorses the following:

1. Engages solicitors and relevant experts (if required) to attend any necessary section 34 conference and defend the appeal; and
2. Provides delegation under Section 377(1) of the Local Government Act 1993 to Council's General Manager and Mayor to undertake negotiations as necessary.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

C2 [CNR-CM] Private Memorials in Parks and Natural Areas

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) personal matters concerning particular individuals (other than councillors).

C 107

That the Draft Policy on Memorials on Public Land Version 1.0 be placed on public exhibition inviting public submission until 15 February 2018, following which community feedback to be reviewed to guide Council's further action.

The Motion was **Carried**

FOR VOTE - Unanimous

REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C3 [E-CM] 2018 NSW Local Government Property Professionals Conference

REASON FOR CONFIDENTIALITY:

Commercial dealings with private companies

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 108

That Council approves:

1. The NSW Local Government Property Professionals Conference being hosted by the Tweed Shire Council in 2018 as noted at Option 1 in the body of the report.
 2. The projected budget of \$60,000 on a cost recovery basis.
-

The Motion was **Carried**

FOR VOTE - Unanimous

671

Cr C Cherry
Cr R Byrnes

RESOLVED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

FOR VOTE - Unanimous

There being no further business the Meeting terminated at 9.12pm.



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

Chairman