



TWEED
SHIRE COUNCIL

Mayor: Cr K Milne

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

Minutes

Ordinary Council Meeting Thursday 20 July 2017

held at Harvard Room, Tweed Heads Administration Building, Brett Street, Tweed Heads 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 6.21pm.

IN ATTENDANCE

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

Also present were Mr Vince Connell (Acting General Manager), Ms Liz Collyer (Director Corporate Services), Mr David Oxenham (Director Engineering), Mr Lindsay McGavin (Acting Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), Mr Shane Davidson (Executive Officer/Public Officer), Ms Fran Silk (Communications Officer - Media and Social), Mrs Kerrie McConnell (Events Officer), Mr Andrew Illingworth (Unit Coordinator - Holiday Parks) and Mrs Meredith Smith (Minutes Secretary).

ABORIGINAL STATEMENT

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

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

PRAYER

The meeting opened with a Prayer by Council's Chaplain, Reverend Chris Lindsay.

"Gracious God,

We thank you for providing the breath of life each day. You uphold a rich diversity of life. You give us the power to work, leisure to rest, and the capacity to love and be loved by others.

Help those appointed to represent us in this chamber to Govern with compassion and justice.

Protect our councillors from the temptation to seek wrongful gain. Grant them insight into the needs of our community.

Give all who work for this council the skill to serve our community efficiently and effectively. Help decision-makers at every level of council weigh up diverse interests and make decisions that benefit our community and natural environment.

And help us as a community; to respect and honour those who undertake civic service on our behalf.

Help us not only hold them to account, but also to thank them and encourage them in their service.

In the name of Jesus Christ, we ask these things, Amen".

APOLOGIES

Attendee Cr J Owen has informed the General Manager that his absence is caused by being out of the Shire.

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Cr K Milne
Cr C Cherry

RESOLVED that the apology of **Cr J Owen** be accepted and the necessary leave of absence be granted.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

DISCLOSURE OF INTEREST

Cr P Allsop declared a Pecuniary Interest in Confidential **Item aC1**. The nature of the interest is that Cr P Allsop's spouse owns a property potentially affected by this Item's outcome. . Cr P Allsop will manage the Interest by vacating the Chamber and taking no part in the discussion or voting on the matter.

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

CONFIRMATION OF MINUTES

1 **[CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 15 June 2017**

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Cr P Allsop
Cr K Milne

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 15 June 2017 be adopted as a true and accurate record of proceedings of that meeting with the following highlighted amendments to Minute Number 252.

"10 [PR-CM] Kingscliff Locality Plan - Provision of Open Space and Public Benefit

ALTERNATE MOTION

252

Cr R Cooper

Cr R Byrnes

RESOLVED that:

1. Council receives and notes this report, specifically that:
 - a) In accordance with s94 CP 7 - West Kingscliff Contributions Plan, the continued strategy is to pursue additional sports fields over the West Kingscliff site.
 - ~~b) With reduced and/or retention of existing building heights across the Draft Kingscliff Locality Plan (DKLP) study area and corresponding reduced development yield and residential density, other community public benefits including provision of a new library, town square, multi-storey car park and other public domain improvements will be more difficult to procure under s94 contributions framework and unlikely to be incentivised under voluntary planning agreements with no uplift or offset of floor area in development yield. This reduced level of service and public domain improvement should be transparently communicated through the DKLP process, Open Space Strategy and future community infrastructure network plan be noted.~~
 - b) A future Councillor workshop will be scheduled with the Gales Holdings/Intrapac development team who will present concepts of staged development strategy with a focus on the West Kingscliff greenfield development site.
 - c) A future Councillor workshop will be scheduled with the owners of the Kingscliff Shopping Village (KSV) site who will present concepts of staged vision and development aspirations over the KSV site be noted.
 2. The preferred building height across the proposed Business and Knowledge Precinct within the Draft Kingscliff Locality Plan - B7 Business Park area be limited to a building height of 13.6m.
 3. In acknowledgement of the wishes of 14,250 signatories of the Heights of Buildings in Kingscliff Petition and the 1,250 people who completed the Future of Kingscliff survey, both of which are available for perusal by the General Manager and councillors, moves that Council or the officers of Council not negotiate with landholders or their representatives, any increase in heights of buildings on all land subject to the Draft Kingscliff Locality Plan - such heights as resolved in the resolution of 16 March 2017 - Kingscliff Locality Plan Consultation Options.
 4. The General Manager ensures priority is given to harmonising the shire-wide LEP specifically as it relates to the Kingscliff DCP.
 5. A further report be brought back on other possible options, including but not limited to amending planning controls, to achieve potential benefits outlined within the report.
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6. Council notes section 55 of the Local Government Act 1993, and considers the following points:
- How acquiring an asset directly from a developer can comply with section 55 of the Local Government Act 1993, which requires contestable bidding in almost all circumstances.
 - How fair price can be determined for a benefit received when there are no competing tenders. And the two parties are somehow sharing the financial benefit of a marginal increase in yield.
 - How necessary financial transparency can be achieved when much of the documentation will need to be confidential-in-confidence.
 - How development industry equity be maintained when selecting and dealing with just one particular developer.
 - How Council will manage subsequent "merit" determinations of development applications for similar adjoining uses of equal density once several relaxations are in place, and a dense "character" is already evident.
 - How to control and choose between proliferation of proposals for participation elsewhere once the principle is in place.
 - The long-term amenity benefit of introducing such a weakening policy that can potentially undermine Council's statutory planning regime.

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

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

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
ABSENT. DID NOT VOTE - Cr J Owen

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- 2 **[CONMIN-CM] Confirmation of Minutes of Ordinary Council Meeting held Thursday 6 July 2017**

296

Cr K Milne
Cr C Cherry

RESOLVED that the Minutes of the Ordinary Council Meeting held Thursday 6 July 2017 be adopted as a true and accurate record of proceedings of that meeting.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

SUSPENSION OF STANDING ORDERS

297

Cr K Milne
Cr C Cherry

RESOLVED that Standing Orders be suspended to deal with Item 17 of the Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

17 **[PR-CM] Development Application DA16/0724 for a Dwelling and Secondary Dwelling at Lot 83 DP 1030322 No. 8 Eclipse Lane, Casuarina**

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Cr W Polglase
Cr P Allsop

PROPOSED that Development Application DA16/0724 for a dwelling and secondary dwelling at Lot 83 DP 1030322 No. 8 Eclipse Lane, Casuarina be approved subject to the following conditions:

"DEFERRED COMMENCEMENT"

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

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

SCHEDULE "A"

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

- A. The approved plans must be amended to ensure the eaves of the first floor are setback a minimum of 675mm from the side boundary. Details to the satisfaction of the General Manager or delegate prior to the provisions of deferred commencement being satisfied.

SCHEDULE B

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

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos:
 - Site Plan, DA-001, Issue 009, dated 28/02/17
 - Ground Floor Plan, DA-002, Issue 001, dated 28/02/17
 - First Floor Plan, DA-003, Issue 001, dated 28/02/17
 - Roof Plan, DA-004, Issue 001, dated 28/02/17
 - Ground Floor Plan (neighbouring house analysis) DA-005, Issue 001, dated 28/02/17
 - First Floor Plan, (neighbouring house analysis) DA-006, Issue 001, dated 28/02/17
 - North-West Elevation, DA-007, Issue 001, dated 28/02/17
 - South-West Elevation, DA-008, Issue 001, dated 28/02/17
 - South-East Elevation, DA-009, Issue 001, dated 28/02/17
 - North-East Elevation, DA-010, Issue 001, dated 28/02/17
 - Section Thru-A, DA-011, Issue 001, dated 28/02/17
 - Section Thru-B, DA-012, Issue 001, dated 28/02/17
 - Section Thru-C, DA-013, Issue 001, dated 28/02/17
 - Bin Enclosure Details, DA-017, Issue 001, dated 28/02/17

prepared by Real Space Creative, 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. 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.
- (b) Prior to issue of an Occupation Certificate the development is to be completed in accordance with the Bushfire Risk Management Plan prepared by Planit Consulting dated September 2016.

[GEN0335]

6. The development approval is for a dwelling and secondary dwelling. Any alterations to the building that result in an attached dual occupancy would require separate development consent.

[GENNS01]

7. Where easements in favour of Council are provided through private property no structures or part thereof may encroach into the easement.

8. As the approved plans propose to use the double garage for the secondary dwelling and principle dwelling, the garage shall be divided and fire rated both individually and to the main building in accordance with the Building Code of Australia.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

9. Stormwater

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

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

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

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

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

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

- (f) If the site is under strata or community title, the community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
- (g) All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.
- (h) All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.
- (i) All infiltration devices are to be designed to withstand loading from vehicles during construction and operation of the development.
- (j) All infiltration devices are to be located clear of stormwater or sewer easements.

[PCC1135]

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

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

[PCC1325]

11. Appropriate screening shall be provided for the entry porch along the southern side boundary to the satisfaction of the General Manager or delegate.
12. Front boundary fencing shall maintain an openness of 60% above 600mm from ground level to the satisfaction of the General Manager of delegate.

[PCNS01]

PRIOR TO COMMENCEMENT OF WORK

13. 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]

14. 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]
15. 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]
16. 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]

17. 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]

18. 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]

19. 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

20. 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]

21. 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]

22. 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]

23. 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]
24. 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]
25. The finished floor level of the building should finish not less than 225mm above finished ground level.
[DUR0445]
26. 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]
27. 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]
28. Zone Boundary
- (a) No construction work other than 1.2m high fencing is to be carried out in the 7(f) zone.
- (b) The 7(f) and 2(e) zone boundary is to be clearly identified on site by Registered Surveyor marks prior to start of work.
- (c) No overflow from an infiltration pit shall be discharged over the eastern boundary.
[DUR1035]
29. Landscaping of the site shall be carried out in accordance with the submitted/approved landscaping plans.
[DUR1045]
30. All landscaping is to comply with the 88B Instrument pertaining to the site.
[DUR1055]
31. 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]
32. 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]
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33. 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]

34. 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]

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

[DUR2505]

36. 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]

37. 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]

38. Sewer connections within the 7(f) zone are to comply with the following:

- (a) Two inspection shafts shall be provided to each lot. The first shall be provided immediately adjacent to the connection point provided by the developer. The second inspection shaft at 0.5 metres inside the 2(e) zone boundary on each property. Inspection shafts are to be finished at surface level with a standard bolted trap screw cap and concrete surround.
- (b) Pipe work size for all lots under this approval are to have a 100mm diameter sewer.

[DUR2695]

39. Works in the vicinity of public infrastructure must comply with the following requirements:

- a) Deep soil planting zones are not permitted in the sewer easement to ensure adequate protection of council's public sewer infrastructure.
- b) Trees and other landscaping that will grow to over one meter in height at maturity are not permitted within the sewer easement to prevent the tree roots intruding into sewer mains and internal sewer pipes. Landscaping within sewer easements shall be of a minor nature designed to ensure they do not damage or interfere with any part of the pipeline.
- c) Surface treatment over the sewer pipe shall be limited to soft landscaping, non-interlocking paving, asphalt or similar treatments as specified by Council officers, to allow ready access to the pipe for excavation. Council will not be responsible for the reinstatement of plantings, unauthorised structures or decorative surfacing in the vicinity of the pipe in the event of pipe excavation or other maintenance works.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

40. 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]

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

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

On rural properties or where street guttering is not provided the street number is to be readily identifiable on or near the front entrance to the site.

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

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

[POC0265]

42. 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]

43. 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]

USE

44. 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]
45. 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]
46. Subdivision of the development, including strata subdivision, is not permitted. [USE1255]

AMENDMENT

299

Cr C Cherry
Cr K Milne

RESOLVED that Development Application DA16/0724 for a dwelling and secondary dwelling at Lot 83 DP 1030322 No. 8 Eclipse Lane, Casuarina be approved subject to the following conditions:

"DEFERRED COMMENCEMENT"

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

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

SCHEDULE "A"

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

- A. The proposed plans must be amended and submitted to Council for approval by the General Manager or delegate to include the following:
- i. the eaves of the first floor are to be setback a minimum of 675mm from the side boundary.

- ii. only one entry to the main house and one entry via the laundry to the secondary dwelling.
- iii. Replacement of the party wall on the first floor on level one with a standard wall other than where the National Construction Code would be contravened.
- iv. Only one internal staircase.

SCHEDULE B

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

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos:
 - Site Plan, DA-001, Issue 009, dated 28/02/17
 - Ground Floor Plan, DA-002, Issue 001, dated 28/02/17
 - First Floor Plan, DA-003, Issue 001, dated 28/02/17
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 - Section Thru-C, DA-013, Issue 001, dated 28/02/17
 - Bin Enclosure Details, DA-017, Issue 001, dated 28/02/17

prepared by Real Space Creative, 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. 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.
- (b) Prior to issue of an Occupation Certificate the development is to be completed in accordance with the Bushfire Risk Management Plan prepared by Planit Consulting dated September 2016.

[GEN0335]

6. The development approval is for a dwelling and secondary dwelling. Any alterations to the building that result in an attached dual occupancy would require separate development consent.

[GENNS01]

7. Where easements in favour of Council are provided through private property no structures or part thereof may encroach into the easement.

8. As the approved plans propose to use the double garage for the secondary dwelling and principle dwelling, the garage shall be divided and fire rated both individually and to the main building in accordance with the Building Code of Australia.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

9. Stormwater

- (a) Details of the proposed roof water disposal, including surcharge overland flow paths are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. These details shall include likely landscaping within the overland flow paths.
- (b) All roof water shall be discharged to infiltration pits located wholly within the subject allotment.
- (c) The infiltration rate for sizing infiltration devices shall be 3m per day:
 - * As a minimum requirement, infiltration devices are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) over a range of storm durations from 5 minutes to 24 hours and infiltrate this storm within a 24 hour period, before surcharging occurs.
- (d) Surcharge overflow from the infiltration area to the street gutter, inter-allotment or public drainage system must occur by visible surface flow, not piped.

- (e) Runoff other than roof water must be treated to remove contaminants prior to entry into the infiltration areas (to maximise life of infiltration areas between major cleaning/maintenance overhauls).
 - (f) If the site is under strata or community title, the community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).
 - (g) All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.
 - (h) All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.
 - (i) All infiltration devices are to be designed to withstand loading from vehicles during construction and operation of the development.
 - (j) All infiltration devices are to be located clear of stormwater or sewer easements. [PCC1135]
10. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.
- The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer. [PCC1325]
11. Appropriate screening shall be provided for the entry porch along the southern side boundary to the satisfaction of the General Manager or delegate.
12. Front boundary fencing shall maintain an openness of 60% above 600mm from ground level to the satisfaction of the General Manager of delegate. [PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

13. 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]
14. 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]

15. 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]

16. 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]

17. 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]

18. 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]

19. 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

20. 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]

21. 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]

22. 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]
23. 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]
24. 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]
25. The finished floor level of the building should finish not less than 225mm above finished ground level. [DUR0445]
26. 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]
27. 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]
28. Zone Boundary
- (a) No construction work other than 1.2m high fencing is to be carried out in the 7(f) zone.
 - (b) The 7(f) and 2(e) zone boundary is to be clearly identified on site by Registered Surveyor marks prior to start of work.
 - (c) No overflow from an infiltration pit shall be discharged over the eastern boundary. [DUR1035]
29. Landscaping of the site shall be carried out in accordance with the submitted/approved landscaping plans. [DUR1045]
30. All landscaping is to comply with the 88B Instrument pertaining to the site. [DUR1055]
31. 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]
-

32. 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]

33. 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]

34. 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]

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

[DUR2505]

36. 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]

37. 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]

38. Sewer connections within the 7(f) zone are to comply with the following:

- (a) Two inspection shafts shall be provided to each lot. The first shall be provided immediately adjacent to the connection point provided by the developer. The second inspection shaft at 0.5 metres inside the 2(e) zone boundary on each property. Inspection shafts are to be finished at surface level with a standard bolted trap screw cap and concrete surround.
- (b) Pipe work size for all lots under this approval are to have a 100mm diameter sewer.

[DUR2695]

39. Works in the vicinity of public infrastructure must comply with the following requirements:
- a) Deep soil planting zones are not permitted in the sewer easement to ensure adequate protection of council's public sewer infrastructure.
 - b) Trees and other landscaping that will grow to over one meter in height at maturity are not permitted within the sewer easement to prevent the tree roots intruding into sewer mains and internal sewer pipes. Landscaping within sewer easements shall be of a minor nature designed to ensure they do not damage or interfere with any part of the pipeline.
 - c) Surface treatment over the sewer pipe shall be limited to soft landscaping, non-interlocking paving, asphalt or similar treatments as specified by Council officers, to allow ready access to the pipe for excavation. Council will not be responsible for the reinstatement of plantings, unauthorised structures or decorative surfacing in the vicinity of the pipe in the event of pipe excavation or other maintenance works.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

40. 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]

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

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

On rural properties or where street guttering is not provided the street number is to be readily identifiable on or near the front entrance to the site.

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

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

[POC0265]

42. 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]

43. 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]

USE

44. 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]

45. 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]

46. Subdivision of the development, including strata subdivision, is not permitted.

[USE1255]

Amendment was **Carried**

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

AGAINST VOTE - Cr R Byrnes, Cr W Polglase

ABSENT. DID NOT VOTE - Cr J Owen

Amendment on becoming the Motion was **Carried** - (Minute No 299 refers)

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

AGAINST VOTE - Cr W Polglase

ABSENT. DID NOT VOTE - Cr J Owen

<p>THERE HAS BEEN A NOTICE OF RESCISSION LODGED ON THIS ITEM BY COUNCILLORS W POLGLASE, P ALLSOP AND J OWEN, FOR CONSIDERATION AT THE ORDINARY COUNCIL MEETING ON 17 AUGUST 2017.</p>
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RESUMPTION OF STANDING ORDERS

300

Cr K Milne

Cr C Cherry

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen***

SCHEDULE OF OUTSTANDING RESOLUTIONS

3 [SOR-CM] Schedule of Outstanding Resolutions as at 20 July 2017

The Schedule of Outstanding Resolutions was received and noted.

MAYORAL MINUTE

4 [MM-CM] Mayoral Minute for June 2017

301

Cr K Milne

RESOLVED that:

1. The Mayoral Minute for the month of June 2017 be received and noted.
2. The attendance of Councillors at nominated Conferences be authorised as follows:
8-10 November - 26th Annual NSW Coastal Conference - Port Stephens NSW
Crs C Cherry and R Cooper.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen***

RECEIPT OF PETITIONS

5 [ROP-CM] Receipt of Petitions as at 20 July 2017

Nil.

ORDERS OF THE DAY

6 [NOM] Supporting Artists and Activating our Towns

302

**Cr K Milne
Cr R Byrnes**

RESOLVED that:

1. Council brings forward a report on providing a greater focus on facilitating/encouraging/enabling activities in our main Tweed Heads, Murwillumbah and Kingscliff towns on a more regular weekend/monthly and/or night time basis through, for example small fees paid for musicians, artists and entertainers, and consideration of reallocating funds from the major events sponsorship budget for this purpose.
2. Council considers establishing a local musicians project working group to facilitate aspects of the above objective by calling for expressions of interest from local community and industry members in this group in the report.

The Motion was **Carried**

**FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen**

7 [NOM] Housing Affordability and Inclusionary Zoning

303

**Cr K Milne
Cr C Cherry**

RESOLVED that Council seeks advice from State Government on the potential for Inclusionary Zoning to be incorporated into Tweed Shire's housing developments where appropriate, in light of the severe housing stress in this Shire, and brings a report on this matter back to a Council meeting as soon as possible.

*The Motion was **Carried***

**FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen**

8 [NOM] Insurance Claim Problems for Residents and Businesses Post Flood

304

**Cr K Milne
Cr R Byrnes**

RESOLVED that Council:

1. Writes to the Premier of NSW in regard to the apparent lack of support by the various insurance companies for claims submitted by residents and businesses in regard to Cyclone Debbie and seeks her support in these matters in light of her statement during her post flood visit that the insurance companies would be answerable to her if they did not do the right thing by our community.
2. Writes to the Small Business Commissioner to ask the outcome of the meeting with the Ombudsman on 31 May 2017 and the current status of her procurement of an independent Hydrologist report to clarify resident's and business concerns regarding Insurance Company's Hydrologist reports.

The Motion was **Carried**

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

9 [NOM] Rebuilding for Flood Resilience

305

**Cr K Milne
Cr C Cherry**

RESOLVED that Council provides advice on our website on options to improve resilience in homes and businesses in the flood plain, for internal and external areas such as using waterproof building materials, easily removable doors, carpet free lower levels, securing water tanks and waterproofing storage areas, flood resistant gardens, etc.

The Motion was **Carried**

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

ADJOURNMENT OF MEETING

Adjournment for dinner at 7.04 pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.48pm.

10 [NOM] Filming in Council Civic Centres

306

**Cr K Milne
Cr C Cherry**

RESOLVED that this item be deferred for further consideration.

The Motion was **Carried**

**FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen**

11 [NOM] Webcasting of Council Meetings

307

**Cr K Milne
Cr C Cherry**

RESOLVED that Council brings forward a report on the cost to the Lismore and Gold Coast Council for live streaming of their Council meetings.

The Motion was **Carried**

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

12 [NOM] Western Drainage Scheme

308

**Cr K Milne
Cr P Allsop**

RESOLVED that Council brings forward a report on:

1. Current management plans and actions relating to the Western Drainage Scheme.
2. An update on the floating vetiver grass trial and investigation of the Jacana bird occupancy areas.
3. Adjacent banks and parkland areas that could be regenerated to assist in reducing nutrient overloads.
4. Options for a stormwater levy and the benefits such a levy may be able to achieve for improving waterway health.
5. Ways the community could become more involved in working with Council on restoring the Western Drainage Scheme to a more healthy state, including but not limited to education options and instigation of a Landcare and/or "Adopt a Park" programs.
6. Options to negotiate with Club Banora to allow restoration of the free flow of tidal waters around the Club site.

The Motion was **Carried**

**FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen**

13 [NOM] Rezoning Lot 156 Creek Street, Hastings Point

309

**Cr K Milne
Cr C Cherry**

RESOLVED that Council writes to the Hon Anthony Roberts MP, Minister for Planning, Minister for Housing and Special Minister of State, requesting that the senior members of the Department of Planning and Environment, Deputy Secretary of Planning Mr Marcus Ray and /or the Regional Director of Planning Mr Steve Murray meet with Council planning officers, the Mayor and a community representative of Hastings Point so the Department can adequately consider and advise Council on issues of appropriate zoning and flood mitigation measures so Council can implement appropriate planning controls, including rezoning and flood mitigation measures for Lot 156 Creek Street, Hastings Point, in light of

the Department's refusal to accept a rezoning proposal for part environmental protection consistent with the Hasting Point Locality Based Development Control Plan.

The Motion was **Carried**

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

AGAINST VOTE - Cr W Polglase

ABSENT. DID NOT VOTE - Cr J Owen

QUESTIONS ON NOTICE

Nil.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

14 [GM-CM] Destination Tweed Quarterly Report - January to March 2017

310

Cr K Milne

Cr C Cherry

RESOLVED That Council:

1. Receives and notes Destination Tweed's Quarterly Report for the January to March 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

ABSENT. DID NOT VOTE - Cr J Owen

15 [GM-CM] Development Controls Surrounding the Murwillumbah Airfield

311

**Cr K Milne
Cr C Cherry**

RESOLVED that:

1. The Planning Proposal for Bob Whittle Murwillumbah Airfield be prepared and submitted to the NSW Department of Planning and Environment for a Gateway Determination, in accordance with s56 of the Environmental Planning and Assessment Act.
2. The Minister for Planning and Environment or his Delegate be advised that Tweed Shire Council is not seeking plan making delegations for this planning proposal.
3. The Minister for Planning and Environment or his Delegate be advised that public exhibition is not required in this instance.
4. On receipt of the Minister's Gateway Determination Notice to proceed, any 'conditional' requirements of the Minister and any other study or work are to be completed, and included within the public exhibition material.
5. Following receipt of the Gateway Determination the planning proposal be publicly exhibited in accordance with the Gateway Determination and a further report is to be submitted to Council detailing the content of submissions received and any proposed amendment(s).

The Motion was **Carried**

**FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen**

16 [GM-CM] Telecommunications Facilities on Council Owned Land

312

**Cr K Milne
Cr C Cherry**

RESOLVED that:

1. The 'Improve Urban Design' objective be enhanced with the words '*Improve urban design, and minimise impact on Council land and infrastructure, residential amenity and cultural and heritage values*'.

2. The revised draft Telecommunications Facilities on Council Owned Land Policies Version 1.2 be placed on public exhibition for a period of 28 days with submissions to be received for a period of 42 days.

The Motion was **Carried**

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

a16 [GM-CM] St Vincent de Paul - Inaugural Vinnies Corporate Eatout

LATE ITEM

313

Cr K Milne
Cr R Byrnes

RESOLVED that Item a16 being a late Addendum be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

314

Cr K Milne
Cr P Allsop

PROPOSED that Council determines to book a table (of 10) for the inaugural Vinnies Corporate Eatout at Kingscliff at a cost of \$800.

AMENDMENT

315

Cr W Polglase
Cr P Allsop

RESOLVED that this report be received and noted.

The Amendment was **Carried**

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

AGAINST VOTE - Cr R Byrnes, Cr R Cooper

ABSENT. DID NOT VOTE - Cr J Owen

The Amendment on becoming the Motion was **Carried** - (Minute No 315 refers)

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

AGAINST VOTE - Cr R Cooper

ABSENT. DID NOT VOTE - Cr J Owen

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

- 17 **[PR-CM] Development Application DA16/0724 for a Dwelling and Secondary Dwelling at Lot 83 DP 1030322 No. 8 Eclipse Lane, Casuarina**

This item was dealt with earlier in the meeting (Minute No 298 refers).

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

- 18 **[CNR-CM] Appointment of Additional Representatives to the Tweed Coast and Waterways Committee**

316

**Cr K Milne
Cr R Cooper**

RESOLVED that:

1. Council appoints Peter Comerford, representative of power boating user groups and Bruce Peat, representative of the Kingscliff locality to the Tweed Coast and Waterways Committee.
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).

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

317

**Cr R Byrnes
Cr R Cooper**

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, to enable confidential discussion of the item.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen***

318

**Cr C Cherry
Cr K Milne**

RESOLVED that the Committee resumes in Open Council.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen***

AMENDMENT

319

**Cr P Allsop
Cr W Polglase**

PROPOSED that Council appoints Eddie Norris, representative of power boating user groups and Bruce Peat, representative of the Kingscliff locality to the Tweed Coast and Waterways Committee.

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 Amendment was **Lost** on the Casting Vote of the Mayor.

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

The Motion was **Carried** (Minute No 319 refers)

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

19 [CNR-CM] Support for Australian Research Council Grant Application - Artificial Surfing Reef

320

Cr C Cherry
Cr W Polglase

RESOLVED that Council does not provide in principle support for a prototype Artificial Surf Reef at this time due to estimated costs in the order of \$100,000 not being appropriate in the current post flood financial circumstances.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

PROCEDURAL MOTIONS

321

Cr K Milne
Cr C Cherry

RESOLVED that Items 20 to 30, with the exception of Item(s) a23, be considered in block.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

322

Cr K Milne
Cr C Cherry

RESOLVED that Items 20 to 30, with the exception of Item(s) a23, be moved in block.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

20 **[CNR-CM] Draft Policy - Wildlife Protection Areas**

323

Cr K Milne
Cr C Cherry

RESOLVED that:

1. Council endorses the public exhibition of the draft policy "*Wildlife Protection Areas*" places the policy on exhibition for 28 days and submissions to be received for a period of 42 days.
2. A further report be brought back to Council following the exhibition of the draft policy "*Wildlife Protection Areas*" detailing the outcomes of community and stakeholder consultation.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

21 **[CNR-CM] Submissions to the NSW Biodiversity and Land Management
Legislation Review**

324

Cr K Milne
Cr C Cherry

RESOLVED that Council notes the submissions prepared and submitted on Wednesday 21 June 2017 to the NSW Government in relation to the current review of biodiversity and land management legislation in NSW.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

22 [CNR-CM] Community Sponsorship Policy

325

Cr K Milne
Cr C Cherry

RESOLVED that Council exhibits the draft Community Sponsorship Policy Version 1.1 for a period of 28 days and 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
ABSENT. DID NOT VOTE - Cr J Owen

23 [CNR-CM] Essential Energy - Easement on Council Land - Lot 100 DP 1192162

326

Cr K Milne
Cr C Cherry

RESOLVED that:

1. Council approves the creation of easements benefiting Essential Energy within Lot 100 DP 1192162 at Kings Forest.
2. All necessary documentation is executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

a23 [CNR-CM] Support the Removal of Single Use Plastic Bags

LATE ITEM

327

**Cr K Milne
Cr C Cherry**

RESOLVED that Item a23 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen***

328

**Cr K Milne
Cr C Cherry**

RESOLVED that Council writes to the NSW Premier, the Hon. Gladys Berejiklian MP and Environment Minister, the Hon. Gabrielle Upton MP, to support the banning of single use light weight plastic bags.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen***

REPORTS FROM THE DIRECTOR ENGINEERING

24 [E-CM] Water Supply and Sewerage Benchmarking Report 2015-2016

329

**Cr K Milne
Cr C Cherry**

RESOLVED that the Water Supply and Sewerage NSW Benchmarking 2015-2016 report be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

25 [E-CM] High Water Consumption and High Sewerage Usage Charges for Non-Residential Development

330

Cr K Milne
Cr C Cherry

RESOLVED that Council provides the following assistance to businesses that discharge Liquid Trade Waste to Sewer in their transition to High Consumption Charge and High Sewerage Usage Charge.

1. Offering the choice to buy more ET entitlements upfront or transition to the High Consumption and High Sewerage Usage Charges.
2. Waiving the \$451 Section 305 Application fee.
3. Providing assistance to businesses in completing applications for a Certificate of Compliance.
4. Providing businesses with a 12 month grace period from the date their Certificate of Compliance is issued before activating the High Water Consumption and or High Sewerage Usage Charges for the property.
5. Offering Council funded audits of water consumption and sewerage usage to work with businesses to identify where they can reduce water consumption and therefore sewerage discharge and save money.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

26 [E-CM] RFO2017001 Hastings Point Wastewater Treatment Plant - Sludge Lagoon Upgrade

331

**Cr K Milne
Cr C Cherry**

RESOLVED that, in respect to Contract RFO2017001 Hastings Point Waste Water Treatment Plant – Sludge Lagoons Upgrade:

1. Council awards the contract to BD Plumbing & Roofing (ABN 68 605 343 851) for the amount of \$1,000,000 (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 at finalisation of the contract.
- 3 ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The Motion was **Carried**

**FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen**

27 [E-CM] RFO2017077 Office Refurbishment Buchanan Street Depot

332

**Cr K Milne
Cr C Cherry**

RESOLVED that in respect to Contract RFO2017077 Office Refurbishment Buchanan Street Depot:

1. Council awards the contract to Desire Contractors Pty Ltd ABN 77 167 694 055 for the amount of \$155,914.54 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.

3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr J Owen

28 [E-CM] RFO2017067 Tumbulgum Road Murwillumbah Riverbank Stabilisation

333

Cr K Milne

Cr C Cherry

RESOLVED that in respect to Contract RFO2017067 Tumbulgum Road Murwillumbah Riverbank Stabilisation:

1. Council awards the contract to GEO Stabilise Pty Ltd ABN 47 166 054 842 for the amount of \$485,639.88 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at mid contract and finalisation of the contract.
3. 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

ABSENT. DID NOT VOTE - Cr J Owen

29 [E-CM] EOI-RFO2017082 Expressions of Interest (EOI) for Road Flood Damage Restoration Contractors

That item was dealt with at Addendum Item a29 (Minute No 334 refers).

a29 [E-CM] EOI-RFO2017082 Expressions of Interest (EOI) For Road Flood Damage Restoration Contractors

LATE ITEM

334

**Cr K Milne
Cr C Cherry**

RESOLVED that Item a29 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

**FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen**

335

**Cr K Milne
Cr C Cherry**

RESOLVED that, in respect to Contract EOI-RFO2017082 Expressions of Interest (EOI) for Road Flood Damage Restoration Contractors:

1. Council awards the contract as a Panel of Providers arrangement to the following companies:

Bidder	ABN	Offered Amount
Civil Mining & Construction Pty Ltd	18 102 557 175	Not Applicable
Coastal Works	79 126 214 487	Not Applicable
G & R Brown & Sons Pty Ltd	33 154 911 609	Not Applicable
Hazell Bros Group Pty Ltd	46 145 228 986	Not Applicable
SEE Civil Pty Ltd	88 115 963 427	Not Applicable
Skeen Constructions	42 122 970 978	Not Applicable

2. Council gives no Guarantee to any amount of works under this Panel of Providers contract agreement.

3. 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.
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

ABSENT. DID NOT VOTE - Cr J Owen

30 [E-CM] RFO2017030 Registration for Interest for Contract Truck Haulage and Plant and Equipment for Tweed and Byron Shire Councils

336

**Cr K Milne
Cr C Cherry**

RESOLVED that in respect to Contract RFO2017030 Registration for Interest for Contract Truck Haulage and Plant and Equipment Hire for Tweed and Byron Shire Councils, Council accepts the Offer from Sharp Mini Excavator Hire for inclusion on the panel of providers.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr J Owen

31 [E-CM] Jack Julius Park

337

**Cr C Cherry
Cr K Milne**

RESOLVED that:

1. Council responds to the Caveat placed on Jack Julius Park, Kingscliff by putting our submission to the Caveator with the intent of procuring from them a Withdrawal of Caveat as per Option 2 being as advised by the NSW Land and Property Information Office to Council on March 10, 2017, requesting a response from the Caveator within 60 days.
2. A report be brought back to Council subsequent to the 60 day period.

The Motion was **Carried**

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

REPORTS FROM THE DIRECTOR CORPORATE SERVICES

32 [CS-CM] 2017/2018 Annual Loan Borrowing Program

338

**Cr K Milne
Cr C Cherry**

RESOLVED that

1. The General Manager and Manager Financial Services be authorised to negotiate acceptance of the loan quotations for 2017/2018 totalling \$1,976,000.
2. Relevant loan documentation is to be executed under the Common Seal of Council.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen***

33 [CS-CM] Draft Events Sponsorship Policy Version 2.0

339

**Cr K Milne
Cr C Cherry**

RESOLVED that Council:

1. Places the draft Events Sponsorship Policy, Version 2.0 on public exhibition for a period of 28 days, commencing Monday 24 July 2017, and accepts public submissions for a period of 42 days, up until Monday 4 September 2017 as per Section 160 of the Local Government Act 1993.
2. Notes the Events Sponsorship Guidelines, Version 1.1.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen***

34 [CS-CM] Applications for 2017/2018 Events Sponsorship Funding

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

340

**Cr K Milne
Cr R Byrnes**

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, to enable confidential discussion.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen***

RESUMPTION OF STANDING ORDERS**341**

Cr K Milne
Cr R Byrnes

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

342

Cr C Cherry
Cr R Byrnes

RESOLVED that:

1. Council allocates the following support under the 2017/2018 Events Sponsorship Policy funding round:

Applicant	Cash	Resource (formerly in-kind)
Caldera Environment Centre Inc. <i>(World Environment Day Festival)</i>	\$5,000	\$2,500
Coolangatta-Mt Warning Dragon Boat Club Inc. <i>(Bridge to Bridge and Corporate Regatta)</i>	\$600	Nil
Creative Caldera <i>(Murwillumbah Art Trail)</i>	\$10,000*	Nil
Murwillumbah Rowing Club <i>(Head of the Tweed 2018)</i>	\$1,500	Nil
Tweed District Orchid Society Inc.	\$1,500	Nil
Tweed River Agricultural Society <i>(Murwillumbah Show)</i>	\$7,500	Nil
Tweed Valley Adventist College and Murwillumbah Churches Together <i>(Carols at the College)</i>	\$2,000	Nil
Tweed Valley Equestrian Group (TVEG) <i>(TVEG Winter Series)</i>	\$750	Nil
TOTAL	\$28,850	\$2,500

* Conditions apply

2. Any funding or Council resource support (formerly in-kind) provided to an applicant is conditional upon the terms detailed in the funding agreement between Council and the successful applicant.

3. Council endorses the:
 - a. Engagement of a Consultant to work with Council and the event organisers of the Banana Festival and the Murwillumbah Agricultural Show to prepare a Business Plan for these events.
 - b. Allocate funds from the 2017/2018 Events Sponsorship budget to engage the consultant.
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
ABSENT. DID NOT VOTE - Cr J Owen

PROCEDURAL MOTIONS

343

Cr K Milne
Cr R Byrnes

RESOLVED that Items 35 to 43, with a correction to the Minutes of Item 43 (Dion Andrews to be noted as present), be considered in block.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

344

Cr K Milne
Cr R Byrnes

RESOLVED that Items 35 to 43, with a correction to the Minutes of Item 43 (Dion Andrews to be noted as present), be moved in block.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

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

345

**Cr K Milne
Cr R Byrnes**

RESOLVED that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 30 June 2017 totalling \$288,445,462 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen***

DELEGATE REPORTS

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

36 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held Monday 24 April 2017

346

**Cr K Milne
Cr R Byrnes**

RESOLVED that the Minutes of the Minutes of the Sports Advisory Committee Meeting held Monday 24 April 2017 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen***

37 [SUB-CHAC] Minutes of the Community Halls Advisory Committee (CHAC) Meeting held Wednesday 3 May 2017

347

**Cr K Milne
Cr R Byrnes**

RESOLVED that the Minutes of the Community Halls Advisory Committee (CHAC) Meeting held Wednesday 3 May 2017 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen***

38 [SUB-TCKMC] Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 9 May 2017

348

**Cr K Milne
Cr R Byrnes**

RESOLVED that the Minutes of the Tweed Coast Koala Management Committee meeting held Tuesday 9 May 2017 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen***

39 [SUB-EAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 10 May 2017

349

**Cr K Milne
Cr R Byrnes**

RESOLVED that:

1. The Minutes of the Equal Access Advisory Committee Meeting held Wednesday 10 May 2017 be received and noted; and
-

2. The Executive Management Team's recommendations be adopted as follows:
 4. Amendment to the Access and Inclusion Plan 2014-2018 in line with Disability Inclusion Action Plan process

That Council:

1. *Produces documents in accessible formats and in particular documents associated with the EAAC area.*
2. *Investigates the use of software which provides verbal descriptions of images in any publications or documentation.*

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

40 [SUB-TSYC] Minutes of the Tweed Shire Youth Council Meeting held Wednesday 24 May 2017

350

Cr K Milne
Cr R Byrnes

RESOLVED that the Minutes of the Tweed Shire Youth Council Meeting held Wednesday 24 May 2017 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

41 [SUB-TCWC] Minutes of the Tweed Coast and Waterways Committee Meeting held Wednesday 14 June 2017

351

**Cr K Milne
Cr R Byrnes**

RESOLVED that:

1. The Minutes of the Tweed Coast and Waterways Committee Meeting held Wednesday 14 June 2017 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

A3. Riparian Rehabilitation and Stabilisation Projects

That Council invites the incoming Local Land Services Board to visit at their earliest convenience, to meet with Councillors, Executive, relevant staff and Tweed Coast & Waterways Committee members and to undertake a site inspection of Tweed catchment riparian restoration sites that deliver improved agricultural outcomes. The purpose is to demonstrate the value of collaborative projects, and the positive relationship between rural landowners and Council and innovative funding mechanisms.

The Motion was **Carried**

**FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen**

42 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 16 June 2017

352

**Cr K Milne
Cr R Byrnes**

RESOLVED that the Minutes of the Aboriginal Advisory Committee Meeting held Friday 16 June 2017 be received and noted.

The Motion was **Carried**

**FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen**

43 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held Monday 19 June 2017

353

**Cr K Milne
Cr R Byrnes**

RESOLVED that the Minutes of the Sports Advisory Committee Meeting held Monday 19 June 2017, with the attendance amended to reflect Dion Andrews as being present, be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen***

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

354

**Cr K Milne
Cr R Byrnes**

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 J Owen***

CONFIDENTIAL MATTERS

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE GENERAL MANAGER IN COMMITTEE

C1 [GM-CM] Tourism Promotion and Marketing Options

REASON FOR CONFIDENTIALITY:

This report deals with procurement options for Council and at this point of time it is best dealt with as a Confidential Item.

Local Government Act

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

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

AMENDMENT

C 64

That this item be deferred for a Workshop to be scheduled.

The Amendment was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr J Owen

The Amendment on becoming the Motion was **Carried** - (Minute No C64 refers)

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr J Owen

aC1 [GM-CM] Flood Mitigation Proposal

DECLARATION OF INTEREST

Cr P Allsop declared a Pecuniary Interest in Confidential **Item aC1**. The nature of the interest is that Cr P Allsop's spouse owns a property potentially affected by this Item's outcome. . Cr P Allsop will manage the Interest by vacating the Chamber and taking no part in the discussion or voting on the matter.

REASON FOR CONFIDENTIALITY:

Local Government Act

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

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

C 66

That Council Endorses the flood mitigation proposal to purchase Lot 519 Industry Central Murwillumbah up to the estimated value in the report and authorises the General Manager to pursue it, subject to suitable funding being available as detailed in the body of this report being forthcoming from State and/or Federal Government.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr J Owen

Cr P Allsop has returned from temporary absence at 9.43 PM

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C2 [PR-CM] Development Application DA03/0445.03 for an Amendment to Development Consent DA03/0445 for Use of an Existing Stock & Domestic Water Bore for the Purpose of a Rural Industry Comprising the Harvesting & Bottling of Mineral Water at Lot 1 DP 735658

REASON FOR CONFIDENTIALITY:

This report is confidential because there are elements of correspondence received which could be considered as commercial-in- confidence.

Local Government Act

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

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

C 67

That Council, in respect of the correspondence received on 14 June 2017 from the firm Holding Redlich on behalf of the owners of No. 477 Urliup Road, Urliup, declines the offer of \$400,000 made towards Urliup Road works, for the following reasons:

- the true cost and impact of the roadworks and vegetation clearing is unknown;
- the proposed works benefit a single private development and are not part of any road upgrade strategy of Council; and
- the amended proposal has not been publically exhibited.

The Motion was **Carried**

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

AGAINST VOTE - Cr W Polglase, Cr P Allsop

ABSENT. DID NOT VOTE - Cr J Owen

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

C3 [CNR-CM] Tweed Regional Gallery and Margaret Olley Arts Centre Air Conditioning

REASON FOR CONFIDENTIALITY:

Local Government Act

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

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

AMENDMENT

C 68

That the 2016/17 budget allocation of \$211,308 (A2266) be carried forward and an additional \$180,000 be allocated from the community facilities reserve and reported to the September Quarterly Budget Review to a tender to be issued for the Tweed Regional Gallery and Margaret Olley Arts Centre air climate control system.

The Amendment was **Carried**

FOR VOTE - Cr R Byrnes, Cr R Cooper, Cr W Polglase, Cr P Allsop

AGAINST VOTE - Cr C Cherry, Cr K Milne

ABSENT. DID NOT VOTE - Cr J Owen

The Amendment on becoming the Motion was **Carried** - (Minute No C68 refers)

FOR VOTE - Cr R Byrnes, Cr R Cooper, Cr W Polglase, Cr P Allsop

AGAINST VOTE - Cr C Cherry, Cr K Milne

ABSENT. DID NOT VOTE - Cr J Owen

355

Cr R Byrnes
Cr P Allsop

RESOLVED that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen

There being no further business the Meeting terminated at 10.09PM



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

Chairman