



TWEED
SHIRE COUNCIL

Mayor: Cr K Milne

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

Minutes

Ordinary Council Meeting Thursday 2 February 2017

held at **Council Chambers, Murwillumbah Civic & Cultural Centre, Tumbulgum Road, Murwillumbah** commencing at 5.00pm following the Planning Committee meeting

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 6.03pm.

IN ATTENDANCE

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

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

SUSPENSION OF STANDING ORDERS

4

Cr K Milne
Cr C Cherry

RESOLVED that Standing Orders be suspended to deal with Items 9 and 10 of the Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous

9 **[NOM] Rezoning of Commercial Water Extraction on Rural Land**

5

Cr K Milne
Cr C Cherry

PROPOSED that:

1. Clause 7.15 be removed from the LEP and therefore remove the blanket permissibility for water bottling facilities in the RU2 Rural Landscape zone; and
2. A report be prepared and submitted to the March Planning Committee Meeting which provides details of those lands that currently have a lawful water bottling facility, a current development approval, or a current development application for a water bottling facility, which can be used to assist Council to determine any further "savings" protection for these existing operations in the LEP amendment; and
3. Following the determination of this matter at the March Planning Committee Meeting, the Department of Planning and Environment be notified of Council's decision to prepare a planning proposal; and
4. The Office of Water be invited to provide advice to Council on groundwater extraction issues in the Tweed Shire, including details on:

- The number and quantities of all the current water licences including non-activated licences;
- The long term sustainability of extraction allocations and whether there is any over allocation if all the historic licences were to be activated;
- The science behind the Water Sharing Plan and risks with the science;
- The cost of a licence and returns to the wider community;
- The veracity of reporting, monitoring and compliance; and
- Advice on whether there have been many breaches of licences of groundwater extraction in the Tweed Shire.

AMENDMENT 1

6

Cr R Byrnes
Cr P Allsop

RESOLVED that the Office of Water be invited to provide advice to Council on groundwater extraction issues in the Tweed Shire, including details on:

- The number and quantities of all the current water licences including non-activated licences;
- The long term sustainability of extraction allocations and whether there is any over allocation if all the historic licences were to be activated;
- The science behind the Water Sharing Plan and risks with the science;
- The cost of a licence and returns to the wider community;
- The veracity of reporting, monitoring and compliance; and
- Advice on whether there have been many breaches of licences of groundwater extraction in the Tweed Shire.

Amendment 1 was **Carried**

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

Amendment 1 on becoming the Motion was **Carried** - (Minute No 6 refers)

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

10 **[NOM] Landscaping**

7

Cr K Milne
Cr R Byrnes

RESOLVED that Council brings forward a report to the Council meeting on 16 March 2017 that includes:

1. The potential to enhance the landscaping at the new north bound service station at Chinderah.
2. The capacity for Council to require/request the developer to undertake this enhancement.
3. Preliminary cost estimates if Council was to undertake this enhancement.
4. Developing a policy to ensure dense landscaping, where appropriate, is prioritized in the future.

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

FURTHER SUSPENSION OF STANDING ORDERS

8

**Cr K Milne
Cr J Owen**

RESOLVED that Standing Orders be suspended to deal with Item 8 of the Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous

8 [NOM] Social Media Communication Policy

9

**Cr R Byrnes
Cr J Owen**

RESOLVED that Council extends its Communications/Media Policy to include social media, specifically creating a Tweed Shire Council official Facebook Page and Twitter Page.

The Motion was **Carried**

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

AGAINST VOTE - Cr R Cooper

ADJOURNMENT OF MEETING

Adjournment for dinner at 6.44pm.

RESUMPTION OF MEETING

The Meeting resumed at 7.33pm

RESUMPTION OF STANDING ORDERS

10

**Cr P Allsop
Cr R Cooper**

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE - Unanimous

CONFIRMATION OF MINUTES

1 **[CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 15 December 2016**

11

**Cr J Owen
Cr C Cherry**

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 15 December 2016 be adopted as a true and accurate record of proceedings of that meeting.
2. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (f) matters affecting the security of the council, councillors, council staff or council property.

The Motion was **Carried**

FOR VOTE - Unanimous

2. [CONMIN-CM] Adoption of the Recommendations of the Planning Committee Meeting held Thursday 2 February 2017

This item was dealt with later in the meeting. (Minute No 30 refers)

LATE ITEM

12

Cr C Cherry

Cr K Milne

RESOLVED that Item a2 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

a2 [CONMIN-EXT] Confirmation of Minutes of the Extraordinary Council Meeting held Tuesday 24 January 2017

13

Cr C Cherry

Cr K Milne

RESOLVED that:

1. The Minutes of the Ordinary and Confidential Extraordinary Council Meetings held Tuesday 24 January 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

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Cr J Owen declared a Non-Significant, Non-Pecuniary Interest in Item 5 [CNR-CM] Lease to SALT Surf Life Saving Club. The nature of the interest is that he is a member of the Salt Surf Life Saving Club.

Cr J Owen advised he will manage the Interest by leaving the chamber and take no part in discussion and voting on this matter.

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

Nil.

SCHEDULE OF OUTSTANDING RESOLUTIONS

Nil.

MAYORAL MINUTE

3 [MM-CM] Mayoral Minute - Notification of Conferences and Seminars Occurring Prior to the next Council Meeting

14

Cr K Milne

RESOLVED that the report on the Notification of Conferences be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

4 [MM-CM] Mayoral Minute - Alliance for Gambling Reform

15

Cr K Milne

RESOLVED that the Alliance for Gambling Reform briefing on Thursday 16 February 2017 in Sydney is noted and this falls on the same day as the February Council meeting.

The Motion was **Carried**

FOR VOTE - Unanimous

RECEIPT OF PETITIONS

Nil.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

5 [CNR-CM] Lease to SALT Surf Life Saving Club

DECLARATION OF INTEREST

Cr J Owen declared a Non-Significant, Non-Pecuniary Interest in this Item. The nature of the interest is that he is a member of the Salt Surf Life Saving Club.

Cr J Owen managed the Interest by leaving the chamber and taking no part in discussion and voting on this matter.

16

Cr K Milne

Cr W Polglase

RESOLVED that :

1. Council approves entering into a lease with SALT Surf Life Saving Club over part of Lot 173 DP 1075495 and part Lot 901 DP 1066477 for a term of ten years and an option for a further ten years; and a five year licence over an area of road reserve at a peppercorn rental.
2. Council approves proceeding with the closure of part of Bells Boulevard to facilitate a long term lease over the closed road.
3. All documentation be executed under the Common Seal of Council.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr J Owen

REPORTS FROM THE DIRECTOR CORPORATE SERVICES

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

17

Cr W Polglase

Cr K Milne

RESOLVED that Council receives and notes the Local Government Reforms – Fit for the Future Update report.

The Motion was **Carried**

FOR VOTE - Unanimous

7 [CS-CM] Related Party Transactions Policy

18

Cr K Milne

Cr C Cherry

RESOLVED that:

1. Council adopts the Related Party Disclosures Policy Version 1.0.
2. In accordance with Section 161 of the Local Government Act 1993 the requirement of public exhibition be dispensed with as the Policy is an outcome of the Australian Accounting Standard and relates directly to Councillors and staff.

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

8. [NOM] Social Media Communication Policy

This item was dealt with earlier in the meeting. (Minute No 9 refers)

9. [NOM] Rezoning of Commercial Water Extraction on Rural Land

This item was dealt with earlier in the meeting. (Minute No 6 refers)

10. [NOM] Landscaping

This item was dealt with earlier in the meeting. (Minute No 7 refers)

ORDERS OF THE DAY

Nil.

QUESTIONS ON NOTICE

Nil.

DELEGATE REPORTS

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

11 [SUB-TYC] Minutes of the Tweed Shire Youth Council Meeting held Wednesday 23 November 2016

19

**Cr J Owen
Cr K Milne**

RESOLVED that the Minutes of the Tweed Shire Youth Council Meeting held Wednesday 23 November 2016 be received and noted.

The Motion was **Carried**

FOR VOTE - Unanimous

12 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 8 December 2016

20

**Cr C Cherry
Cr J Owen**

RESOLVED that:

1. The Minutes of the Local Traffic Committee Meeting held Thursday 8 December 2016 be received and noted; and
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2. The Executive Management Team's recommendations be adopted as follows:

A1. [LTC] Blakeney's Road and Tweed Valley Way, Stokers Siding

That:

1. *The installation of a "stop" sign on Stokers Road at the intersection of Tweed Valley Way is not supported as available sight distance is adequate for the "give way" sign.*
2. *The approach to the intersection be modified to encourage vehicles to be at right angles to Tweed Valley Way to reduce impact with vehicles exiting Blakeney's Road.*
3. *The shrubs on the north east side of Tweed Valley Way be reduced to improve sight distance for motorists exiting Blakeney's Road.*

A2. [LTC] Murwillumbah Cycle Club Events - 2017

That the proposed Murwillumbah Cycle Club Events - 2017 be supported, subject to:

1. *NSW Police approval being obtained.*
2. *Endorsement of the events by Bicycle NSW.*
3. *Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.*
4. *Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents for the Tyalgum Cup and Lundberg Drive races.*
5. *The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the commencement of the season and one week before the Tyalgum Cup and Lundberg Drive races. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.*
6. *Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.*
7. *Adequate public liability insurance being held by the event organiser.*
8. *All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.*
9. *Consultation with emergency services and any identified issues addressed.*
10. *Arrangements made for private property access and egress affected by the events.*
11. *That the applicant organise for the events 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 events' details.*
12. *The submission and approval of a Community Event application/Major Event application for the Tyalgum Cup races and Lundberg Drive races and compliance with any conditions imposed therein.*

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

A3. [LTC] Kingscliff Triathlon 25 March to 26 March 2017

That the proposed Kingscliff Triathlon on Saturday 25 March to Sunday 26 March 2017 be supported subject to:

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

A4. [LTC] Seaview Road, Banora Point

That a "road ends" sign be installed on Seaview Road when approaching the gated community.

The Motion was **Carried**

FOR VOTE - Unanimous

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

21

Cr K Milne
Cr P Allsop

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

The Motion was **Carried**

FOR VOTE - Unanimous

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:-

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR CORPORATE SERVICES IN COMMITTEE

C1 [CS-CM] Community Membership on Council Committees

REASON FOR CONFIDENTIALITY:

This report contains information on members of the community who have applied for a position on a Council Committee and discussion on the merits of the nominees would be prejudicial if they occurred within the ordinary council meeting.

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: -

SUSPENSION OF STANDING ORDERS IN COMMITTEE

C 5

That Council discuss each Committee separately in the Committee of the Whole.

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

It was noted that Cr C Cherry declared a non-pecuniary non-significant interest in the selection of the members of the Tweed Coast and Waterways Committee as she is the Chair of the Pottsville Community Association and will vacate the Chamber and take no part in the discussion or voting on this matter.

C 6

That the following community members be appointed to the Tweed Coast and Waterways Committee

Tweed Coast and Waterways	Ms Lindy Smith; Mr Scott Peterson; Mr Bill Fenelon; Dr Samuel Dawson; Mr Hamish Brace; Mr Robert Quirk; Ms Rhonda James; Mr William Hoskins; Mr David Cranwell and Mr John Harbison.
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The Motion was **Carried** on the Casting Vote of the Mayor.

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

RESUMPTION OF STANDING ORDERS

C 7

That Standing Orders be resumed.

The Motion was **Carried**

FOR VOTE - Unanimous

C 8

That Council:

1. Makes the following appointments to the following various committees:

Committee	Community Members
Aboriginal Advisory	Representatives from: Tweed Byron Aboriginal Land Council.

Committee	Community Members
	Tweed Wollumbin Aboriginal Education Consultative Group. Tweed Aboriginal Corporation for Sport. Tweed Aboriginal Co-operative Society Limited. Canowindra Tweed Byron Aged and Disabled Aboriginal Corporation. Bugalwena Aboriginal Health Service. Australian Unity Home Care Services – North Coast Aboriginal Branch.
Audit	Mr Colin Wight; Mr Andrew MacLeod; Mr Brian Wilkinson.
Community Halls	Representatives from - Chillingham; Crabbes Creek; Crystal Creek; Doon Doon; Fernvale; Limpinwood; Piggabeen; Pottsville Beach and Tumbulgum Community Hall Committees.
Equal Access Advisory	Mrs Una Cowdroy; Mrs Wendy Gilbert; Mrs Suzanne Hudson; Mrs Beverley Kelso; Mrs Milena Morrow; Mrs Christine Vannucci; Mr Nathan Quinell; Mrs Prospero Aplet
Floodplain Management	Mr Robert Quirk; Dr Samuel Dawson; Ms Felicia Cecil; Mr Michael Allen; Mr Max Boyd; Mr Dion Andrews.
Sports Advisory	Mr Mervyn Edwards; Ms Helen Rigney; Mr Robert Nienhuis; Mr Linton Alford; Mr Dion Andrews; Mr David Buckland; Mr Bruce Campbell; Ms Gillian Austin.
Tweed Coast and Waterways	Ms Lindy Smith; Mr Scott Peterson; Mr Bill Fenelon; Dr Samuel Dawson; Mr Hamish Brace; Mr Robert Quirk; Ms Rhonda James; Mr William Hoskins; Mr David Cranwell and Mr John Harbison.
Tweed Coast Koala Management	Mrs Lorraine Vass, Mrs Jenny Hayes (Team Koala), Ms Rhonda James, Mr William Hoskins, Mr David Norris.
Tweed Regional Art Gallery Advisory	Mr Mark Cora; Ms Louise Devine; Ms Arabella Douglas Harris; Mrs Shirley Kennedy; Mr Hobie Porter; Mr Martin Sullivan; Mrs Jennifer Unwin.
Tweed Regional Museum Advisory	Mr Christian Ellis; Mr Chris Core; Mr Ian Fox; Ms Marion Mewett; Mr Gary Fidler; Mrs Sandra Flannery.

2. The relevant Committee Terms of Reference be updated to reflect the number of representatives to be appointed.
3. Thanks the applicants who expressed their interest in membership of the Committees.

4. Council does not appoint membership to the Australia Day Committee and undertakes a review of Council's Australia Day function and the future role of community representatives in any future Australia Day Committees.

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

C2 [CS-CM] RFP2015090 Human Resources/Payroll System

REASON FOR CONFIDENTIALITY:

This report highlights commercial prices following tender submissions and subsequent negotiations.

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.
- (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 9

That, in relation to RFP2015090 Human Resources/Payroll System:

1. Council accepts the offer from Frontier Software (ABN 57 005 751 879) for the human resources and payroll component in the amount of \$418,259; and
2. Council accepts the offer from Enfinit Software Limited for the time and attendance solution 'Timefiler' to a maximum amount of \$156,420.
3. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract.

The Motion was **Carried**

FOR VOTE - Unanimous

SUSPENSION OF STANDING ORDERS

22

Cr C Cherry
Cr P Allsop

RESOLVED that Standing Orders be suspended to deal with the Confidential Items on the Planning Committee Agenda.

The Motion was **Carried**

FOR VOTE - Unanimous

RESUMPTION OF STANDING ORDERS

23

Cr K Milne
Cr C Cherry

RESOLVED that Standing Orders be resumed in Open Council.

The Motion was **Carried**

FOR VOTE - Unanimous

2 **[CONMIN-CM] Adoption of the Recommendations of the Planning Committee Meeting held Thursday 2 February 2017**

24

Cr P Allsop
Cr K Milne

RESOLVED that the recommendations of the Ordinary Planning Committee Meeting held Thursday 2 February 2017 be adopted.

1 **[PR-PC] Development Application DA16/0733 for Markets - Knox Park at Lot 2 DP 1220632 Brisbane Street, Murwillumbah**

That Development Application DA16/0733 for markets - Knox Park at Lot 2 DP 1220632 Brisbane Street, Murwillumbah be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects prepared by Tweed Shire Council and undated, except where varied by the conditions of this consent.

[GEN0005]

2. 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]
3. Hours of operation of the market are restricted to the third Saturday of each month between 7am and 6pm which involves operating from 8am to 5pm and set up and pack up times to the satisfaction of the General Manager or his delegate, unless otherwise stated in the adopted market management plan. [USE0185]
4. Any premises used for the storage, preparation or sale of food are to comply with the *Food Act* 2003, FSANZ Food Safety Standards and any other requirements of Councils Environmental Health Officer included in this approval. [USE0835]
5. The market shall be operated strictly in accordance with the Local Government Act Section 68 approval to operate conditions of approval and the adopted/approved Market Management Plan to the satisfaction of the General Manager or his delegate.
6. Current public liability insurance shall be maintained by the market operator at all times that a market is conducted.
7. The market operator or their employee shall be present to supervise the site at all times during the market operations.
8. The market shall be subject to periodic inspection by Council's Authorised Officer.
9. The sale of food is permissible subject to compliance with the NSW Food Authority's Food Handling Guidelines for Temporary Events and the NSW Food Act 2003 to the satisfaction of the General Manager or his delegate. All food businesses and vendors shall be registered with Council to the satisfaction of the General Manager or his delegate. [USENS01]
10. The area utilised for markets shall be maintained in a clean and tidy manner. All waste materials and miscellaneous items shall be removed from the Park after the completion of market operation to the satisfaction of the General Manager or his delegate.
11. Prior to the commencement of use an Approval to engage in a trade or business on community land under Section 68 of the Local Government Act 1993 shall be obtained from Council. [USENS02]
12. The market operator must liaise with Council's park management staff regarding condition of the grounds, particularly after rain. Should the grounds not be considered suitable for the activity, Council will retain the right to close the park to the market until the grounds are suitable. [USENS03]
13. Car parking on the site must remain available for vehicles. No stalls are to be located within the Knox Park car park.

14. Markets are to have a maximum of 50 stalls, unless an adequate traffic assessment supporting the proposal is approved by the General Manager or his delegate and forms part of the Market Management Plan.
15. An Evacuation Management Plan shall be developed and approved by the General Manager or delegate prior to issue of approval under Section 68 of the Local Government Act 1993.

[USENS04]

2 [PR-PC] Development Application DA16/0692 for Markets - Phillip Street Reserve at Lot 7069 DP 1113590 Coronation Avenue, Pottsville

DECLARATION OF INTEREST

Cr C Cherry declared a Non-Significant, Non-Pecuniary Interest in this item. Cr C Cherry advised that she is a volunteer at these markets.

Cr C Cherry managed the Interest by staying in the Chamber and voting on the merits of the matter.

That Development Application DA16/0692 for markets - Phillip Street Reserve at Lot 7069 DP 1113590 Coronation Avenue, Pottsville be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects prepared by Tweed Shire Council and undated, except where varied by the conditions of this consent.
[GEN0005]
2. 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]
3. Hours of operation of the market are restricted to the first and third Sunday of each month between 7am and 6pm which involves operating from 8am to 5pm and set up and pack up times to the satisfaction of the General Manager or his delegate, unless otherwise stated in the adopted market management plan.
[USE0185]
4. Any premises used for the storage, preparation or sale of food are to comply with the *Food Act 2003* and Food Safety Standards Code and any other requirements of Councils Environmental Health Officer included in this approval.
[USE0835]
5. The market shall be operated strictly in accordance with the Local Government Act Section 68 approval to operate conditions of approval and the adopted/approved Market Management Plan to the satisfaction of the General Manager or his delegate.
6. Current public liability insurance shall be maintained by the market operator at all times that a market is conducted.

7. The market operator or their employee shall be present to supervise the site at all times during the market operations.
8. The market shall be subject to periodic inspection by Council's Authorised Officer.
9. The sale of food is subject to compliance with the NSW Food Authority's Food Handling Guidelines for Temporary Events and the NSW Food Act 2003 to the satisfaction of the General Manager or his delegate. All food businesses and vendors shall be registered with Council.
[USENS01]
10. The area utilised for markets shall be maintained in a clean and tidy manner. All waste materials and miscellaneous items shall be removed from the Park after the completion of market operation to the satisfaction of the General Manager or his delegate.
11. Prior to the commencement of use an Approval to engage in a trade or business on community land under Section 68 of the Local Government Act 1993 shall be obtained from Council.
[USENS02]
12. The market operator must liaise with Council's park management staff regarding condition of the grounds, particularly after rain. Should the grounds not be considered suitable for the activity, Council will retain the right to close the park to the market until the grounds are suitable.
[USENS03]
13. An Evacuation Management Plan shall be developed and approved by the General Manager or delegate prior to issue of approval under Section 68 of the Local Government Act 1993.
14. A traffic controller directing pedestrians crossing Coronation Avenue is required onsite during hours of operation of the market. This requirement to be included within any Traffic Management Plan that forms part of the Market Management Plan to be approved by Council under Section 68 of the Local Government Act 1993.
[USENS04]

3 [PR-PC] Development Application DA16/0689 for Markets - Recreation Ground at Part Lot 1 DP 1082080 No. 6 Park Street, Tweed Heads

That Development Application DA16/0689 for markets - Recreation Ground at Part Lot 1 DP 1082080 No. 6 Park Street, Tweed Heads be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects prepared by Tweed Shire Council, undated, except where varied by the conditions of this consent.
[GEN0005]

2. 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]
3. Hours of operation of the market are restricted to Sundays between 7am and 6pm which involves operating from 8am to 5pm and set up and pack up times to the satisfaction of the General Manager or his delegate, unless otherwise stated in the adopted market management plan. [USE0185]
4. Any premises used for the storage, preparation or sale of food shall comply with the *Food Act* 2003 and Food Safety Standards Code and any other requirements of Council's Environmental Health Officer included in this approval. [USE0835]
5. The market shall be operated strictly in accordance with the Local Government Act Section 68 approval to operate conditions of approval and the adopted/approved Market Management Plan to the satisfaction of the General Manager or his delegate.
6. Current public liability insurance shall be maintained by the market operator at all times that a market is conducted.
7. The market operator or their employee shall be present to supervise the site at all times during the market operations.
8. The market shall be subject to periodic inspection by Council's Authorised Officer.
9. The sale of food is permissible subject to compliance with the NSW Food Authority's Food Handling Guidelines for Temporary Events and the NSW Food Act 2003 to the satisfaction of the General Manager or his delegate. All food businesses and vendors shall be registered with Council to the satisfaction of the General Manager or his delegate. [USENS01]
10. The area utilised for markets shall be maintained in a clean and tidy manner. All waste materials and miscellaneous items shall be removed from the Park after the completion of market operation to the satisfaction of the General Manager or his delegate.
11. Prior to the commencement of use an Approval to engage in a trade or business on community land under Section 68 of the Local Government Act 1993 shall be obtained from Council. [USENS02]
12. The market operator must liaise with Council's Park Management Staff regarding condition of the grounds, particularly after rain. Should the grounds not be considered suitable for the activity, Council will retain the right to close the park to the market until the grounds are suitable. [USENS03]
13. An Evacuation Management Plan shall be developed and approved by the General Manager or his delegate prior to issue of the Section 68 approval. [USENS04]

4 [PR-PC] Development Application DA16/0707 for Markets - Jack Bayliss Park and Lions Park Kingscliff at Reserve 1001008 Tweed Coast Road, Kingscliff

That Development Application DA16/0707 for Markets – Jack Bayliss Park and Lions Park Kingscliff at Reserve 1001008 Tweed Coast Road, Kingscliff be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects (SEE) prepared by Tweed Shire Council undated, except where varied by the conditions of this consent. [GEN0005]
2. The use of the subject site for the purpose of temporary markets will cease if the land becomes unsuitable due to coastal processes or coastal hazards. [GENNS01]
3. Prior to the commencement of use an Approval to engage in a trade or business on community land under Section 68 of the Local Government Act 1993 shall be obtained from Council.
4. An evacuation management plan shall be developed and approved by the General Manager or delegate prior to issue of the Section 68 approval for the Market activity. This plan must incorporate the bushfire protection plan reviewed by the Rural Fire Service dated December 2016.
5. The markets shall be conducted strictly in accordance with the Local Government Act Section 68 approval to operate conditions and the adopted/approved Market Management Plan to the satisfaction of the General Manager or his delegate. [POCNS01]
6. 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]
7. Hours of operation of the business are restricted to the following hours:

Day Markets

- 26 bi-weekly events, second and fourth Saturday of the month, 8am to 5pm operating hours;
- Not prior to 7am setup and departure no later than 6.30pm,

Night Markets

- 12 monthly night events, first Friday of the month, 5pm to 9pm operating hours;
- Not prior to 4pm setup and departure no later than 10.30pm,

To the satisfaction of the General Manager or his delegate, unless otherwise stated in the approved market management plan.

[USE0185]

8. Any premises used for the storage, preparation or sale of food are to comply with the *Food Act 2003* and other requirements of Councils Environmental Health Officer included in this approval.
[USE0835]
9. Current public liability insurance shall be maintained by the market operator at all times that a market is conducted.
10. The market operator or their employee shall be present to supervise the site at all times during the market operations.
11. The market shall be subject to periodic inspection by Council's Authorised Officer.
12. The sale of food is permissible subject to compliance with the NSW Food Authority's Food Handling Guidelines for Temporary Events and the NSW Food Act 2003 to the satisfaction of the General Manager or his delegate. All food businesses and vendors shall be registered with Council to the satisfaction of the General Manager or his delegate.
[USENS01]
13. The area utilised for markets shall be maintained in a clean and tidy manner. All waste materials and miscellaneous items shall be removed from the Park after the completion of market operation to the satisfaction of the General Manager or his delegate.
14. Amplified music such as a musician or band is permissible at the 'night market' only. Amplified music shall be performed in accordance with the acoustic report Proposed Lantern Markets, Lot 2 DP 1122062, Marine Parade, Kingscliff - Acoustic Report, Acoustic Works 19/12/2012. Amplified music shall be modified in accordance with any instruction by Council's Authorised Officer.
[USENS02]
15. All vegetation shall be retained and afforded adequate protection during operation of all approved events
16. The applicant shall incorporate a fauna management component of a Market Management Plan (MMP) to address the management and protection of the threatened Bush Stone-curlew (*Burhinus grallarius*) known to occur on the subject site. The component of the MMP shall be prepared by a suitably qualified consultant to include the following details:
 - Inspection and reporting protocol to be undertaken within a buffer area of 200m from the event site prior to each event to determine presence/absence of Bush-stone Curlew
 - Site specific management protocol to be implemented where Bush-stone Curlew are present within the event site or the 200m buffer zone. Management measures to be prescribed are to include (but not be limited to):

- Installation of temporary awareness signage at strategic locations around the event site reinforcing:
 - The importance/significance of Bush Stone-curlew
 - The requirement for all domestic animals to be appropriately controlled and 'on-leash'
 - Driver awareness around car-parking areas
 - In the event where birds are reported nesting, the provision for adequate buffers (as determined by Council's General Manager or delegate) around the area where birds are nesting shall be provided. Buffers shall be appropriately fenced, signposted to exclude all infrastructure/activity associated with the event.
 - Post event reporting requirements.
17. All operations must comply with the fauna management component of the approved Market Management Plan.
18. This consent restricts the day time markets to 124 stalls within the mapped area and 50 stalls for the night time markets within the mapped area.

[USENS03]

5 [PR-PC] Development Application DA16/0822 for a Temporary Farmers Market at Lot 102 DP 873985 No. 806 Cudgen Road, Cudgen; Lot 2 DP 803772 No. 806 Cudgen Road, Kingscliff

That Development Application DA16/0822 for a farmers market at Lot 102 DP 873985 No. 806 Cudgen Road, Cudgen; Lot 2 DP 803772 No. 806 Cudgen Road, Kingscliff be approved subject to the following conditions:

1. The development shall be completed in accordance with the Statement of Environmental Effects undated, and Plans identified as follows:
- Village Farm Markets Site Plan;
 - Toilet Facilities Plan;
 - Car parking South Plan;
 - Car parking North Plan; and
 - Traffic Management Plan;

prepared by the applicant, except where varied by the conditions of this consent.

[GEN0005]

2. The market stalls shall be limited to 100 stalls within the sealed carpark area nominated on the approved site plan.
3. Signage for the operation shall be limited to one small directional sign on the street frontage fence. No signage is permitted within the road reserve.

4. The development the subject of this consent is to cease 3 years from the date of commencement. In this regard the proponent is to advise Council in writing of the date of the first market day.
5. This market shall be limited to stalls selling fresh food or homemade foods for consumption, farmers produce and ready to consume food and beverages. The market is not permitted to include stalls selling handicraft, clothing, second hand items, jewelry, arts and crafts or homewares.
6. This development the subject of this consent is to cease if the approved educational facility expands normal classes to Saturdays or the current landuse changes.
7. An evacuation management plan shall be developed and approved by the General Manager or delegate prior to commencement of the approved use. This plan shall incorporate the Bushfire protection plan and any requirements of the Rural Fire Service.
8. Current public liability insurance shall be maintained by the market operator at all times during the market operations.
[GENNS01]
9. 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]
10. The $L_{Aeq, 15 \text{ min}}$ noise level emitted from the premises shall not exceed the background noise level (L_{A90}) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) at the boundary of any affected residence.
[USE0165]
11. Hours of operation of the business are restricted as follows:
 - Setup no earlier than 6am,
 - Market operation from 7am to 11am
 - Pack Up completed no later than 3.00pm
 - The market is to operate on Saturdays only

unless otherwise approved in writing by the Director Planning and Regulation.

[USE0185]

12. Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified and practicing acoustic consultant. The NIS is to be submitted to the satisfaction of the General Manager or his delegate. It is to include recommendations for noise attenuation. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council's authorised officer.
[USE0245]
13. Any premises used for the storage, preparation or sale of food are to comply with the *Food Act* 2003, FSANZ Food Safety Standards and Guidelines for Food

Businesses at Temporary Events, Department of Primary Industries June 2016 and other requirements of Councils Environmental health Officer.

[USE0835]

14. No intensification of use beyond the provision of the market management plan is permitted without the approval of the General Manager or his delegate.
[USE0855]
15. All wastes shall be collected, stored and disposed of to the satisfaction of the General Manager or his delegate. Separate receptacles shall be provided for garbage and recycling for the duration of the market for patrons. The site shall be left in a clean and tidy manner.
[USE0875]
16. The markets shall be operated in accordance with the Market Management Plan, Village Farm Markets and Site Plan (16 November 2016) submitted in support of the development application, to the satisfaction of the General Manager or his delegate. The location of the market within the property shall not be modified without the prior written consent of Council.
17. Live or amplified music shall not be played prior to 9.00am and shall not be audible from habitable rooms of any residence.
18. Generators shall be shielded so as not to be audible within the habitable room of any residence.
19. The Market Manager or their employee shall be present at the market at all times to supervise operation of the markets.
20. Markets generally, and food businesses in particular, shall be subject to periodic inspection by Council's Environmental Health Officer. Such inspections shall be subject to inspection fees in accordance with Council's adopted Management Plan and Fees and Charges.
[USENS01]
21. The applicant to develop a waste and sustainability plan of management, to submit to a Council meeting within 6 months of the date of this determination, for implementation by 2018. This plan to identify methods of waste reduction including **consideration** of separation of compost and recycling from general waste, and elimination of unsustainable waste, including but not limited to plastic bags and containers, plastic lined takeaway coffee cups and sugar sachets, plastic straws and polystyrene containers etc.
22. The applicant to submit a policy to a Council meeting within 6 months of the date of this determination, in regard to **consideration** for preference to local Tweed and regional stallholders and products, for implementation by 2018.
23. The applicant to submit a policy to a Council meeting within 6 months of the date of this determination, in regard to **consideration** of support for social and cultural advancement at the market, including payment for local musicians / entertainers and areas for social gathering, for implementation by 2018.

6 [PR-PC] Development Application DA15/0532.01 for an Amendment to Development Consent DA15/0532 for Use of Part of Tavern Floor Area as a Retail Shop at Lot 2 Section 10 DP 2087 No. 9 Commercial Road, Murwillumbah

The General Manager vacated the Chamber at 5.31pm during discussion and voting on this item.

That:

1. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2. The report be received and noted.

The General Manager returned at 5.33pm

7 [PR-PC] Section 94 Contributions - Tweed Heads Bowls Club

That:

1. The amount of \$34,551.81 (Option B) is the outstanding Section 94 contribution for DA02/1282.
2. The General Manager advises the Tweed Heads Bowls Club in writing of the amount owing as resolved in 1 above and that payment is to be made to Council within thirty days of notification or prior to issue of a final occupation certificate whichever occurs first.
3. The General Manager negotiates a payment plan such as periodic instalments if requested by the Tweed Heads Bowls Club.

8 [PR-PC] Environmental Damage and Unauthorised Works at Lot 12 DP 1163855 Fraser Drive, Tweed Heads South

That:

1. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2. Council, in respect of the unauthorised erection of a container/sign at Lot 12 DP 1163855, Fraser Drive Tweed Heads South, endorse that, Council's solicitors' writes to the proponent seeking removal of the structure within 14 days, or otherwise Council will commence Class 4 civil proceedings in the NSW Land and Environment Court.

9 [PR-PC] Environmental Damage and Unauthorised Works at Lot 469 DP 1144944 off Henry Lawson Drive, Terranora

That:

1. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2. This item be deferred to the Planning Committee Meeting of 2 March 2017.

10 [PR-PC] Draft Preliminary Gold Coast Airport 2017 Master Plan

This report was dealt with in conjunction with Item a10 of the Agenda.

a10 [PR-PC] Draft Preliminary Gold Coast Airport 2017 Master Plan

RECOMMENDED that:

1. The attached submission in reply to the draft Gold Coast Airport 2017 Draft Preliminary Master Plan is to be updated to incorporate any additional matters or amendments resolved by Council at this meeting, and
2. Council appends the following to the draft submission to the GCA master plan as follows:

In the interests of residential amenity for Tweed residents, Council strongly reaffirms its position of opposition to any runway extension and reminds the GCA that the site is constrained by its proximity to high density residential and environmentally significant lands.

Council does not support the relocation of the runway 32 landing threshold 300m south and notes GCA's continued annual growth in passenger numbers under the current operational length of the runway.

Council requests that information is provided on the Obstacle Limitation Surface (OLS) required for the proposed relocation in regard to its further impact on the environment.

Due to the impact on residential amenity and the environment council opposes the increase from passenger numbers from 6 million existing to 16 million in this plans lifetime.

It is requested that all lands effected by PFAS be immediately remediated and management strategies developed for containment of affected surface and groundwater with monitoring programs and sampling results provided to council and state authorities.

Please correct the length of approved runway 14 to 2,342m on page 31, 2017 as it is inconsistent with MP 2011, p85 and effectively assumes a length that is not yet approved.

Council reaffirms its previous submission that environmental offsets should be located within the Cobaki Broadwater.

3. The draft submission, as amended by Council, be forwarded to the Gold Coast Airport Pty Ltd for their consideration and reply.

11 [PR-PC] Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards

That Council notes the December 2016 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

CONFIDENTIAL PLANNING COMMITTEE

CONFIDENTIAL PLANNING COMMITTEE ITEMS FOR CONSIDERATION

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

- C1 [PR-PC] Class 1 Appeal Development Application DA16/0527 for the Demolition of Existing Structures and Erection of a Residential Flat Building (Seven Units) and Swimming Pool at Lot 14 Section 5 DP 758571 No. 204 Marine Parade, Kingscliff**

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.

PC 2

That Council engages its solicitors and consultant experts (if required) to defend the Class 1 Appeal to the refusal of DA16/0527 for the Demolition of Existing Structures and Construction of a Residential Flat Building (Seven Units) and Swimming Pool at Lot 14 Section 5 DP 758571 No. 204 Marine Parade, Kingscliff.

C2 [PR-PC] Class 1 Appeal Development Application DA15/0641 for a Two Lot Subdivision at Lot 7 DP 1077697 No. 768-770 Casuarina Way, Casuarina

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.

PC 3

That Council engages its solicitors and consultant experts (if required) to defend the Class 1 Appeal to the refusal of DA15/0641 for a 2 lot subdivision at Lot 7 DP 1077697 No. 768-770 Casuarina Way, Casuarina.

FOR VOTE - Unanimous

There being no further business the Meeting terminated at 8.58pm



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

Chairman

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