

**Mayor:** Cr K Milne

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

# Minutes

## **Ordinary Council Meeting Thursday 15 February 2018**

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

# Principles for Local Government

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

## Guiding Principles for Tweed Shire Council

### (1) Exercise of functions generally

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

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

### (2) Decision-making

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

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

### (3) Community participation

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

The Meeting commenced at 5.52pm.

### **IN ATTENDANCE**

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

Also present were Mr Troy Green (General Manager), Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), Mr Michael Chorlton (Executive Manager Finance, Revenue and Information Technology), Mrs Suzanne Richmond (Executive Manager People, Communication and Governance), Mr Shane Davidson (Executive Officer), Ms Fran Silk (Communications Officer - Media and Social), Mr Neil Baldwin (Manager Corporate Governance) and Mrs Meredith Smith (Minutes Secretary).

### **ABORIGINAL STATEMENT**

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

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

### **PRAYER**

The meeting opened with a Prayer by Council's Chaplain, Chris Lindsay from St Andrew's Presbyterian Church, Murwillumbah.

*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 seeking 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 weigh up diverse interests and govern for the wider benefit of our community and natural environment.*

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

*In the name of Jesus Christ, we ask these things,*

*Amen.*

## CONFIRMATION OF MINUTES

**1 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Wednesday 13 December 2017**

1

**Cr C Cherry  
Cr K Milne**

**RESOLVED** that:

1. The Minutes of the Ordinary and Confidential Council Meetings held Wednesday 13 December 2017 be adopted as a true and accurate record of proceedings of that meeting.
2. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (f) matters affecting the security of the council, councillors, council staff or council property.

The Motion was **Carried**

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

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## APOLOGIES

Attendee Cr P Allsop has informed the General Manager that his absence is caused by being on leave outside the Shire.

2

**Cr C Cherry  
Cr K Milne**

**RESOLVED** that the apology of Cr P Allsop be accepted and the necessary leave of absence be granted.

The Motion was **Carried**

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

## DISCLOSURE OF INTEREST

**Cr J Owen** wishes to declare a pecuniary interest in Item 51, Minutes of the Sport Advisory Committee Meeting held Monday 11 December 2017. The nature of the interest is that Cr Owen works for the Seagulls Rugby League Football Club, mentioned in the Minutes. Cr Owen will manage the interest by leaving the Chamber, therefore taking no part in discussion or voting on this item.

**Cr K Milne** wishes to declare a perceived non-pecuniary interest in Item 33, [E-CM] Provision of Wholesale Water Supply and Wastewater Services. The nature of the interest is that Cr Milne was involved in previous legal matters with the Chairman of the subject company. Cr Milne will manage the interest by remaining in the Chamber for discussion and voting on this item.

**T Green** (General Manager) wishes to declare a non significant, non pecuniary interest in Item 17, [PR-CM] 420-434 Terranora Road Terranora - Plan Made by the Department of Planning and Environment. The nature of the interest is that Mr Green was a former resident of the locality, the subject of the report. Mr Green will manage the interest by not taking part in any discussion on this item.

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

Nil.

## SUSPENSION OF STANDING ORDERS

3

**Cr K Milne**  
**Cr J Owen**

**RESOLVED** that Standing Orders be suspended to deal with Item 25 and 26 of the Agenda due to significant community interest.

The Motion was **Carried**

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

**25**           **[E-CM] Tweed Valley Rail Trail Grant Funding**

4

**Cr C Cherry**  
**Cr K Milne**

**PROPOSED** that Council:

1. Thanks the Federal government for their generous support for our community.
2. Accepts the offer of funding of \$6.518 million for the Tweed Valley Rail Trail under the Federal Government's Regional Jobs and Investment Packages – North Coast.
3. Acknowledges the Tweed communities strong desire to protect the rail corridor land in perpetuity.
4. Executes the necessary documentation under the Common Seal of Council to construct the Bike Trail alongside the rail tracks from Murwillumbah to Crabbes Creek in the rail corridor while ensuring the protection of the rail corridor for future transport needs.

## **AMENDMENT 1**

**5**

**Cr R Byrnes  
Cr R Cooper**

**PROPOSED** that Council:

1. Accepts the offer of funding of \$6.518 million for the Tweed Valley Rail Trail under the Federal Government's Regional Jobs and Investment Packages – North Coast.
2. Executes all necessary documentation under the Common Seal of Council.
3. In accepting the grant funds, further representations are made by Council to the Premier, State Member and Minister to:
  - a) Highlight that the business plan includes a reliance of an annual contribution from state government to fund operations and maintenance of the regional tourism facility
  - b) Established Trust that has the authority to provide Governance oversight and management should and when the Rail Trail be extended through to Casino or to a point outside of the Tweed Shire.
  - c) To ensure that appropriate legislation is in place that would:
    - i. Maintain the corridor in public ownership in perpetuity for exclusive use as a Rail Trail, for the Return of Rail or public transport
    - ii. Allow under lease or license to the Trust uses complementary to the success of the Rail Trail (for example rail carriages used on parts of the disused line that would add character and services to the rail trail such as a coffee cart, art and craft, bike hire, accommodation, etc) and that income derived from these be quarantined for maintenance of the Rail Trail, Corridor and associated infrastructure (former stations).
    - iii. Require an Act of Parliament as opposed to Ministerial approval for the sale of any part of the corridor.

4. Investigates the future utilisation of the proposed Rail Trail for driverless electric carts to provide an alternative tourism opportunity and in doing so writes to Elon Musk and Tesla to gauge his and their interest in support of such a proposal.

Amendment 1 was **Carried** and became the Motion

**FOR VOTE - Cr R Byrnes, Cr R Cooper, Cr J Owen, Cr W Polglase**

**AGAINST VOTE - Cr C Cherry, Cr K Milne**

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

## **AMENDMENT 2**

**6**

**Cr K Milne**

**Cr C Cherry**

**PROPOSED** that Council:

1. Thanks the Federal government for their generous support for our community.
2. Accepts the offer of funding of \$6.518 million for the Tweed Valley Rail Trail under the Federal Government's Regional Jobs and Investment Packages – North Coast.
3. Acknowledges the Tweed communities strong desire to protect the rail corridor land in perpetuity.
4. Executes the necessary documentation under the Common Seal of Council to investigate costings for a Bike Trail alongside the rail tracks from Murwillumbah to Crabbes Creek in the rail corridor while ensuring the protection of the rail corridor for future transport needs and retain the tracks in-situ.

Amendment 2 was **Lost**

**FOR VOTE - Cr C Cherry, Cr K Milne**

**AGAINST VOTE - Cr R Byrnes, Cr R Cooper, Cr J Owen, Cr W Polglase**

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

### AMENDMENT 3

7

**Cr K Milne**  
**Cr C Cherry**

**RESOLVED** that Council:

1. Accepts the offer of funding of \$6.518 million for the Tweed Valley Rail Trail under the Federal Government's Regional Jobs and Investment Packages – North Coast.
2. Executes all necessary documentation under the Common Seal of Council.
3. In accepting the grant funds, further representations are made by Council to the Premier, State Member and Minister to:
  - a) Highlight that the business plan includes a reliance of an annual contribution from state government to fund operations and maintenance of the regional tourism facility
  - b) Established Trust that has the authority to provide Governance oversight and management should and when the Rail Trail be extended through to Casino or to a point outside of the Tweed Shire.
  - c) To ensure that appropriate legislation is in place that would:
    - i. Maintain the corridor in public ownership in perpetuity for exclusive use as a Rail Trail, for the Return of Rail or public transport
    - ii. Allow under lease or license to the Trust uses complementary to the success of the Rail Trail (for example rail carriages used on parts of the disused line that would add character and services to the rail trail such as a coffee cart, art and craft, bike hire, accommodation, etc) and that income derived from these be quarantined for maintenance of the Rail Trail, Corridor and associated infrastructure (former stations).
    - iii. Require an Act of Parliament as opposed to Ministerial approval for the sale of any part of the corridor.
4. Investigates the future utilisation of the proposed Rail Trail for driverless electric carts to provide an alternative tourism opportunity and in doing so writes to Elon Musk and Tesla to gauge his and their interest in support of such a proposal.
5. In the tender process for this project the specification is for an on-formation construction and that Council will allow for alternatives to be submitted based on the trail being constructed primarily in the off-the-track formation and to retain the tracks in-situ.

Amendment 3 was **Carried** on the casting vote of the Mayor

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



Amendment 3 on becoming the Motion was **Carried** on the casting vote of the Mayor - (Minute No 7 refers)

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

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## **ADJOURNMENT OF MEETING**

Adjournment for dinner at 7.25pm.

## **RESUMPTION OF MEETING**

The Meeting resumed at 8.13pm

## **26 [E-CM] Tweed Valley Rail Trail Community Consultation**

**8**

**Cr K Milne**  
**Cr C Cherry**

**RESOLVED** that the report be received and noted.

The Motion was **Carried**

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

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## **SUSPENSION OF STANDING ORDERS**

**9**

**Cr K Milne**  
**Cr C Cherry**

**RESOLVED** that Standing Orders be further suspended to deal with Items 5, 12, 13, 21 and 53 of the Agenda due to community interest.

The Motion was **Carried**

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

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**5 [NOM] Private Native Forestry Hewittville Limpinwood - Rural Zones**

10

**Cr K Milne  
Cr C Cherry**

**RESOLVED** that Council seeks legal advice about options in regard to concerns with the Hewittville Private Native Forestry at Limpinwood in the rural zones, including but not limited to whether:

1. Approval under other legislation may be required in the rural zones particularly in relation to threatened species, Aboriginal cultural heritage, impacts on water quality, etc;
2. The matter should be referred to the Federal Government under the Environment Protection Biodiversity Conservation Act; and
3. There is a capacity for Council to act on potential breaches of the State Government licence or to challenge that approval.
4. Council brings forward a report on the environmental values of the Hewitville property.

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***

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

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**12 [PR-CM] Development Application DA16/0795 for a Two Lot Subdivision and Use of an Existing Structure as a Dwelling at Lot 7 DP 1178620; No. 2041 Kyogle Road Terragon**

11

**Cr C Cherry  
Cr K Milne**

**RESOLVED** that Council:

Approves the application subject to the conditions below previously brought to Council at the Planning Committee meeting of 2 November 2017.

## **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 **6 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. A report from an Accredited Building Surveyor detailing works required to the existing structure on proposed Lot 17 (including shipping containers to be utilised as bedrooms) to ensure the structure is able to comply with the requirements of the National Construction Code for Class 1 buildings.
- B. Plans of construction for the existing structure for proposed Lot 17 (floor plan, elevations, roof plans, sections etc.) that include any alterations that may be required to comply with the National Construction Code and BASIX requirements.
- C. An application for a Building Certificate for the existing structure for proposed Lot 17 is to be made to Council with the following information and reports:
  - i. A report from a Geotechnical Engineer that details the soil conditions at the perimeter of the existing structure.
  - ii. A report from a Structural Engineer that details the structural adequacy of the existing structure and that details any structural alterations that may be required to be completed to it prior to Occupation.
  - iii. The submission of an energy efficiency report from an energy efficiency specialist specifying that the existing structure is able to comply with BASIX requirements. Particular reference should also be made to the habitable use of shipping containers that form part of the existing structure. Such report should also be accompanied by the actual BASIX Certificate for the existing structure.
  - iv. Certification in relation to the adequacy of; smoke alarms, termite protection, glazing and waterproofing.
  - v. A report from a quantity surveyor that details the value of all unauthorized building works on the site.
  - vi. A Certificate of Compliance from a licensed plumber for all plumbing and drainage works on the site.

- vii. Clothes washing facilities shall be demonstrated to the satisfaction of the General Manager or his delegate.
- D. An individual Site Based Koala Plan of Management (SBKPoM) shall be submitted to Council for approval by the General Manager or his delegate. The SBKPoM shall be prepared generally in accordance with Section 2 of the Department of Urban Affairs and Planning (DoUA&P) Circular No. B35 dated 22 March 1995 and the National Parks and Wildlife Service and DoUA&P Further Guidelines on Preparing a Koala Plan of Management dated 1999. The SBKPoM shall be prepared by a suitably qualified professional.

### **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. This consent authorises the subdivision of Lot 7 DP 1178620 into two future allotments and the ongoing use of an existing structure on future Lot 17 for the purposes of a dwelling. The development shall be completed in accordance with the amended development application and Subdivision Plan No 21303 prepared by B & P Surveys and dated 5 July 2016, and any other plans ultimately approved as per Schedule A above, including Plans of Management, and Floor Plans, Elevations, Roof Plans, Sections for the existing structure on new Lot 17, except where varied by the conditions of this consent.

[GENNS01]
2. The future house on proposed Lot 18 is to be the subject of a Development Application/Complying Development Certificate Approval as statutorily required only after the subdivision is registered and Lot 18 is lawfully created.

[GENNS02]
3. The subdivision is to be carried out in accordance with Tweed Shire Council's Development Control Plan Part A5 - Subdivision Manual and Council's Development Design and Construction Specifications.

[GEN0125]
4. A roof catchment water supply source shall be provided for the domestic purposes where a Council reticulated supply is unavailable. Any domestic water supply roof collection system should be fitted with a first flush device and adequately maintained to ensure a safe and suitable drinking water supply, where applicable. The minimum storage tank capacity shall reflect the dry seasonal periods experienced in the locality and shall be in addition to any fire fighting capacity requirements stipulated by the NSW Rural Fire Services. The minimum storage capacity required shall be 15,000L per bedroom with a minimum 20,000L to be provided.

[GEN0310]
5. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications for the following required works:

- (a) Provision of a standard rural residential access to service both identified dwelling sites, in accordance with Council's Development Control Plan - Section A2 "*Site Access and Parking Code*" and Council's "*Driveway Access to Property - Design Specification*" (current version).
  - (b) Bitumen or concrete sealing of the accesses from the existing road carriageway to the property boundary.
- [GENNS03]
6. Erosion and Sediment Control shall be designed, installed and maintained in accordance with Tweed Shire Council Development Design Specification D7 - Stormwater Quality and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".
- [GENNS04]
7. Prior to the issue of a building certificate the applicant is required to lodge an application to install/operate an onsite sewerage management system under Section 68 of the Local Government Act 1993, for the existing structure for proposed Lot 17 and pay the appropriate fee and be issued with an approval.
- Any approval to install an on site sewage treatment and disposal system shall comply with the recommended on site sewage treatment and disposal method as detailed in the Onsite Sewage Management Design Report HMC Environmental, April 2016 (HMC 2016.099.02 Revised) including all recommendations of that report and any addendum to the report or to the satisfaction of Councils General Manager or his delegate.
8. With reference to Figure 2 of *Habitat Restoration Plan Terragon dated January 2017 prepared by Bushland Restoration Services* all 'Vegetation Community' types identified as 1 to 7 on that plan are to collectively form and be described as the 'conservation area' for the purposes of this consent. The conservation area shall be protected and managed as a natural area for conservation in perpetuity. The conservation area shall be the subject of a habitat restoration program implemented in accordance with an approved Habitat Restoration Plan.

#### **PRIOR TO COMMENCEMENT OF WORK**

9. Any further construction works in accordance with a development consent must not be commenced until:
- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
  - (b) the person having the benefit of the development consent has:
    - (i) appointed a principal certifying authority for the building work, and
    - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
  - (c) the principal certifying authority has, no later than 2 days before the building work commences:
    - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
    - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

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

[PCW0215]

10. A Tree Survey Plan (TSP) shall be submitted to Council for approval by the General Manager or his delegate prior to the commencement of any works. The TSP shall be of appropriate scale identifying the following trees considered necessary to be removed to enable establishment of a bushfire asset protection zone (APZ) to the proposed dwelling on Lot 17 in accordance with the relevant NSW Rural Fire Service (NSW RFS) General Terms of Approval (GTA):

- Any local native trees greater than 200 mm diameter girth (measured at 1.4 m above ground)
- Any locally recognised preferred Koala food trees regardless of height or girth being either *Eucalyptus robusta* (Swamp Mahogany) (including hybrids), *Eucalyptus tereticornis* (Forest Red Gum), *Eucalyptus propinqua* (Small-fruited Grey Gum) or *Eucalyptus microcorys* (Tallowwood)

The TSP shall:

- (a) Be prepared in liaison with a NSW Bushfire Planning & Design accredited professional;
  - (b) Demonstrate the minimum extent of disturbance necessary to achieve required asset protection zone standards;
  - (c) Details of any earthworks required to comply with the NSW RFS GTA specifically terracing to enable suitable access to enable the ongoing maintenance of the APZ;
  - (e) Where possible seek to retain within the asset protection zone local preferred Koala food trees and/or trees with hollows or evidence of arboreal fauna occupation/use
  - (f) Provide species name, common name, height and girth and description of habitat features of each tree identified to be removed
  - (g) Be overlaid on the proposed plan of development to show the dimensions and outline of the APZ in accordance with the NSW RFS GTA's
11. A Vegetation and Fauna Management Plan (V&FMP) shall be prepared by a suitably qualified ecologist to be implemented during the construction and operational phase (where specified) of the development. The V&FMP shall be submitted and approved by Council's General Manager or delegate prior to the commencement of any works. The V&FMP shall integrate and be consistent with key elements of the approved Tree Survey Plan, approved Site Based Koala Plan of Management and Habitat Restoration Plan. The following (but not be limited to) details shall be addressed in the V&FMP.

### Vegetation Management

- a. Particulars and locations of vegetation to be removed and vegetation to be retained in order to facilitate the development;
- b. A statement of the reasons why the damage is necessary and any relevant factors associated with the purpose of the proposed damage;
- c. Details of all proposed infrastructure, site access and services;
- d. Details of strategies and methods to be implemented to protect vegetation to be retained generally consistent with *Australian Standard AS 4970-2009 Protection of trees on development sites*;
- e. Quantification of compensatory planting applied to all trees identified to be removed on the approved TSP. Compensatory plantings shall:
  - i. Be calculated at a ratio of 1:16 (remove:replace);
  - ii. Aim to replace the same species removed;
  - iii. Be installed within the approved conservation zone in accordance with the Habitat Restoration Plan;
- f. Methods for the reuse of felled vegetation from the subject site;
- g. Disposal methods for remaining debris after the above methods have been employed;
- h. Specify that all trees to be removed are to be clearly marked prior to any clearing activity.

#### Fauna Management

- a. Identification of known and potential habitat trees (displaying values such as hollows, fissures, nests, drays, arboreal termitaria used as nests etc.) and description of fauna species known/likely to utilise habitat features;
  - b. Information on how trees are to be inspected for denning or nesting animals including constraints for inspecting trees (to provide acceptable alternative methods) and summary of removal and relocation methods for each faunal group (including observed species and species likely to occur in the area to be disturbed);
  - c. Considerations relating to time periods for when fauna is to be removed/flushed prior to clearing;
  - d. Details of special equipment required (such as cameras, elevated platforms etc.);
  - e. Identification of general locations that wildlife will be relocated/translocated to if required (based on habitat requirements);
  - f. Specify that a suitably qualified ecologist who holds a fauna survey licence is required to manage wildlife onsite during any tree removal and/or disturbance to wildlife habitat. Fauna management methods employed should be generally consistent with the *Draft Queensland Code of Practice for the Welfare of Wild Animals Affected by Clearing and Other Habitat and Wildlife Spotter/Catchers* (Hangar & Nottidge 2009) Where translocation is required the proponent shall seek any relevant permits from the state regulating agency (Office of Environment & Heritage). It is the responsibility of the proponents to ensure all relevant licences have been obtained prior to any fauna interactions;
12. A Habitat Restoration Plan (HRP) shall be prepared for the following areas of the approved conservation area (pursuant to Condition 8) as described in Figure 3 of *Habitat Restoration Plan Terragon dated January 2017 prepared by Bushland Restoration Services*:

Work Zone 4; and  
Work Zone 6; and  
Work Zones 8 – fronting Kyogle Road.

The HRP shall be prepared by a person suitably qualified in Bushland Regeneration or Ecological Restoration and with knowledge and experience in local vegetation communities (e.g. wetlands, rainforest, open woodland) and generally reflect. The HRP shall be submitted and approved by Council's General Manager or delegate prior to the commencement of any works on site and shall include the following:

- a. An appraisal of the present condition of areas the subject of restoration activity
  - b. Details of any previous habitat restoration works
  - c. Details of the approach to habitat restoration generally consistent with that prescribed in the *Habitat Restoration Plan Terragon dated January 2017 prepared by Bushland Restoration Services* for each respective works zone detailed above
  - d. Plan overlaying an aerial photograph of the site which divides the area into zones for regeneration and zones for planting, including connections between existing vegetation where appropriate
  - e. Management strategy for each of the zones, including the approach, methods and techniques to be used for habitat restoration
  - f. Detail a revegetation schedule of one (1) plant per square metre including compensatory planting as specified in the Vegetation and Fauna Management Plan
  - g. Schedule of local native plant species to be used for planting
  - h. Program of works to be undertaken to remove invasive weed species;
  - i. Schedule of timing of proposed works
  - j. Set of performance criteria to achieve site capture over a five (5) year management period
  - k. Maintenance, monitoring and reporting schedule with developer commitment for a period of not less than five (5) years
  - l. An adaptive management statement detailing how potential problems arising may be overcome and requiring approval of the General Manager or delegate for such changes.
13. All pre-construction vegetation and fauna management measures shall be satisfactorily completed in accordance with the approved Vegetation and Fauna Management Plan.
  14. Certification from a Fire Protection Association Australia (FPA Australia) accredited Bushfire Planning And Design (BPAD) certified practitioner, must be submitted to Council, confirming that the dwelling, associated access and Asset Protection Zones in accordance with approved Tree Survey Plan on Lot 17 complies with the Rural Fire Service's General Terms of Approval imposed under Section 100B of the Rural Fires Act 1997 on the consent.
  15. Environmental restoration works shall be completed to a level specified in the approved Habitat Restoration Plan prior to the issue of the first of any occupation certificate or release of subdivision certificate, whichever occurs first, and shall be maintained at all times in accordance with the approved plans.



16. A building certificate for the existing dwelling on future Lot 17 shall not be issued an Engineering Report demonstrates it is safe for habitation and certification from a Fire Protection Association Australia (FPA Australia) accredited Bushfire Planning and Design (BPAD) certified practitioner that all Bushfire safety requirements related to the safe habitation of the existing building have been met are submitted to Council.
17. The existing dwelling on future Lot 17 cannot be occupied until a building certificate is issued.

### **DURING CONSTRUCTION**

18. 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]

19. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:

- Noise, water or air pollution.
- Dust during filling operations and also from construction vehicles.
- Material removed from the site by wind.

[DUR1005]

20. The spa pool is to be installed and access thereto restricted in accordance with Council's "Code for the Installation of New Swimming Pools" and Australian Standard AS 1926.1 - 2012 & AS 1926.2 -2007, the Swimming Pool Act 1992 and the Swimming Pool Regulation 2008. Once your pool or spa is complete please register it at [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au).
21. The habitat restoration works shall be maintained at all times to the satisfaction of the Council's General Manager or delegate.
22. All operations must comply with the approved Vegetation and Fauna Management Plan. In the event that any threatened species, populations, ecological communities or their habitats not addressed in the report are discovered during operations appropriate Plans of Management for those species must be formulated to the satisfaction of the General Manager or delegate and/or if required the Department of Environment and Heritage. No further site clearing will take place until any respective Plan(s) of Management is/are approved
23. The conservation zone shall be afforded adequate protection during the construction phase.

24. A suitably qualified ecologist who holds a fauna survey licence (NSW) must be engaged to supervise any tree removal works onsite. Immediately following completion of tree clearing activity the qualified ecologist shall provide a final report to Council specifying the following:
- a. Brief summary of any fauna handling, mortality or other relevant fauna related incidents that may have occurred during tree removal
  - b. Inventory of species encountered during tree removal
  - c. If relocation was required, list of species and relocation location.

#### **PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE**

25. 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]
26. 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**

27. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like. [USE0125]
28. 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]
29. The additional shipping containers located on Lot 17 marked as 'Storage Containers' on the site plan submitted on 22 May 2017 (on either side of the spa), shall not to be used or adapted for separate residential habitation or occupation. [USE0465]
30. The building on future Lot 17 is to be used for single dwelling purposes only. [USE0505]
31. Bushfire asset protection zones are to be maintained around the house site at all times to the satisfaction of the NSW Rural Fire Service. [USE0575]
32. The use of the site must be consistent with the approved Plans of Management. [SENS02]

#### **PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

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33. Prior to issue of a Subdivision Certificate, all works/actions/inspections etc. required by other conditions or approved Management Plans or the like shall be completed in accordance with those conditions or plans.

[PSC0005]

34. Section 94 Contributions

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

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's receipt confirming payment.

**A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT**

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

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

- |   |              |
|---|--------------|
| (a) Tweed Road Contribution Plan:<br>6.5 Trips @ \$2723 per Trips<br>(\$2,534 base rate + \$189 indexation)<br>S94 Plan No. 4<br>Sector13_4 | \$12,400.43* |
| (b) Open Space (Casual):<br>1 ET @ \$564 per ET<br>(\$502 base rate + \$62 indexation)<br>S94 Plan No. 5                                    | \$400.44*    |
| (c) Open Space (Structured):<br>1 ET @ \$645 per ET<br>(\$575 base rate + \$70 indexation)<br>S94 Plan No. 5                                | \$457.95*    |
| (d) Shirewide Library Facilities:<br>1 ET @ \$869 per ET<br>(\$792 base rate + \$77 indexation)<br>S94 Plan No. 11                          | \$616.99*    |
| (e) Eviron Cemetery:<br>1 ET @ \$127 per ET<br>(\$101 base rate + \$26 indexation)<br>S94 Plan No. 13                                       | \$90.17*     |

- |  |             |
|--|-------------|
| (f) Community Facilities (Tweed Coast - North)<br>1 ET @ \$1457 per ET<br>(\$1,305.60 base rate + \$151.40 indexation)<br>S94 Plan No. 15  | \$1,034.47* |
| (g) Extensions to Council Administration Offices<br>& Technical Support Facilities<br>1 ET @ \$1935.62 per ET<br>(\$1,759.90 base rate + \$175.72 indexation)<br>S94 Plan No. 18 | \$1,374.29* |
| (h) Regional Open Space (Casual)<br>1 ET @ \$1132 per ET<br>(\$1,031 base rate + \$101 indexation)<br>S94 Plan No. 26  | \$803.72*   |
| (i) Regional Open Space (Structured):<br>1 ET @ \$3974 per ET<br>(\$3,619 base rate + \$355 indexation)<br>S94 Plan No. 26   | \$2,821.54* |

\* Includes adjustments which effect compliance with the Directions from the Minister for Planning in relation to the maximum contribution payable per dwelling dated 13 January 2009 and 19 July 2009.

[PSC0175]

35. Any damage to property (including Kyogle Road) as a result of the development is to be rectified to the satisfaction of the General Manager or his delegate prior to the issue of a Subdivision Certificate. Any work carried out by Council to remove material from the roadway will be at the Developer's expense and any such costs are payable prior to the issue of a Subdivision Certificate.

[PSC0725]

36. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of this Development Consent have been complied with.

[PSC0825]

37. Prior to the issue of the Subdivision Certificate, certification from a Fire Protection Association Australia (FPA Australia) accredited Bushfire Planning And Design (BPAD) certified practitioner, must be submitted to the PCA, confirming that the subject development (including driveway access to dwelling sites) complies with the Rural Fire Service's General Terms of Approval imposed under Section 100B of the Rural Fires Act 1997 on the consent.

[PSC0830]

38. The creation of Easements for services, Rights of Carriageway and Restrictions as to user (including restrictions associated with planning for bushfire) as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:

- (a) Positive Covenant over the subject land (as applicable) to ensure that the required provisions of the "Planning for Bushfire Protection 2006 "Guidelines and

the General Terms of Approval of the Consent as imposed under Section 100B of the Rural Fires Act 1997 are enforced in perpetuity.

- (b) Restriction As To User to notify future owners that reticulated sewer is not available to the site and any future dwelling will be required to provide On-Site Sewerage Management in accordance with Council's On-Site Sewerage Management policy.
- (c) Restriction As To User to notify future owners that reticulated water supply is not available to the site and any future dwelling will be required to provide a roofwater supply system in accordance with Council's policies and Bushfire Planning requirements (the minimum storage capacity required shall be 15,000L per bedroom with a minimum 20,000L to be provided).
- (d) Restriction as to user regarding the 'Conservation Area' pursuant to Condition 8 of this consent – this area must be subject to an approved ecological restoration program (undertaken in accordance with an approved habitat restoration plan) and managed for conservation purposes in perpetuity.

Burden: Part Lot 12. Benefit: Tweed Shire Council

- (e) Restriction as to user regarding the 'Conservation Area' pursuant to Condition 8 of this consent – The following activities are not permitted within this area.
  - i. Clearing, lopping or removal of any native plants, whether existing at the date of this approval or planted pursuant to conditions of this approval;
  - ii. Erection of any fixtures or improvements, including buildings or structures;
  - iii. Construction or maintenance of access trails or paths, other than tracks for non-motorised recreational access and bush regeneration purposes, unless otherwise established prior to issue of this consent;
  - iv. Depositing of any fill, soil, rock, rubbish, ashes, garbage, waste or other material foreign to the protected area
  - v. Keeping or permitting the entry of domestic animals or any other animals that are not indigenous to the conservation area; and
  - vi. Performance of any other acts which may have detrimental impact on the values of the conservation area. The area must be managed in accordance with the approved habitat restoration plan for the life of the development and the use of the premises.

Burden: Part Lot 17 and Part Lot 18. Benefit: Tweed Shire Council

- (f) Restriction as to user – all fauna management measures prescribed in the approved Site Based Koala Plan of Management shall be complied with at all times

Burden: Lot 17 and Lot 18. Benefit: Tweed Shire Council

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating a Right Of Carriageway or Easement shall make provision for maintenance of the Right Of Carriageway or Easement by the owners from time to time of the land

benefited and burdened and are to share costs equally or proportionally on an equitable basis (as applicable).

Any Section 88B Instrument creating Restrictions as to user, Right Of Carriageway or Easements which benefit Council shall contain a provision enabling such Restrictions, Easements or Rights Of Carriageway to be revoked, varied or modified only with the consent of Council.

[PSC0835]

39. Submit to Council's Property Officer for approval an appropriate plan indicating the street/road address number to both proposed and existing lots. In accordance with clause 60 of the Surveying and Spatial Information Regulation 2012 the Plan of Subdivision (Deposited Plan) shall show the approved street address for each lot in the new Deposited Plan.
40. Furthermore, prior to the issue of a Subdivision Certificate, each lot shall have its' address number displayed in accordance with Council's procedure on street numbering.
41. Prior to registration of the Plan of Subdivision, a **Subdivision Certificate** shall be obtained.

[PSC0845]

The following information must accompany an application:

- (a) original Plan of Subdivision prepared by a registered surveyor and 2 copies of the original plan together with any applicable 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.
  - (b) all detail as tabled within Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, CL 5.7.6 and Councils Application for Subdivision Certificate including the attached notes.
42. Any boundary fence encroaching into the Kyogle Road road reserve along the developments, deemed by Council to be a safety risk is to be relocated to the correct alignment prior to issuing a Subdivision Certificate. Any road widening deemed necessary shall be dedicated at no cost to Council.
  43. The production of written evidence from the local telecommunications supply authority certifying that the provision of telecommunications at the front boundary of both allotments has been completed.

[PSC0885]

[PSC0945]

Unless agreed otherwise by Council, an acceptable form is Telstra's "*Telstra Network Infrastructure Letter*" or NBN's "*Provisioning of Telecommunication Services - Confirmation of final payment*" letter (for small subdivisions) / "*Certificate of Practical Completion of NBN network infrastructure*" letter (for large subdivisions) (as applicable to the development).

The NBN letter must reference:

- Over which Lot and Deposited Plan the agreement applies to,
- Identification of the number of lots to be serviced.

[PSC1165]

44. The production of written evidence from the local electricity supply authority certifying that the reticulation of overhead electricity (rural subdivisions) and energising has been provided to each allotment.

An acceptable form is Essential Energy's "Notice of Arrangement".

Unless agreed otherwise by Council, the form must reference:

- Over which lot and deposited plan did the arrangement for the provisioning of electricity (and street lighting, as applicable) apply to,
- Identification of the proposed lots to be created that have been serviced, or the development stage to which the arrangement applies,

Should any electrical supply authority infrastructure (sub-stations, switching stations, cabling etc) be required to be located on Council land (existing or future), then Council is to be included in all negotiations. Appropriate easements are to be created over all such infrastructure, whether on Council lands or private lands.

Compensatory measures may be pursued by the General Manager or his delegate for any significant effect on Public Reserves or Drainage Reserves.

45. Environmental restoration works shall be completed to a level specified in the approved Habitat Restoration Plan prior to the release of subdivision certificate and shall be maintained at all times in accordance with the approved plans.

[PSC1175]

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

1. The development proposal is to comply with the subdivision layout identified on the drawing prepared by B & P Surveys titled 'Proposed Subdivision of Lot 7 in DP 1178620, 2041 Kyogle Road, Terragon' referenced M30653, sheet 1 of 2, revision D and dated 5th July, 2016.

### **Asset Protection Zones**

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

2. At the issue of subdivision certificate and in perpetuity, the land surrounding the dwelling on proposed Lot 17 shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones' as follows:

- north for a distance of 52 metres as an IPA;
  - south for a distance of 21 metres as an IPA;
  - east for a distance of 62 metres as an IPA; and
  - west for a distance of 52 metres as an IPA.
3. A restriction to the land use, pursuant to section 88B of the 'Conveyancing Act 1919', shall be placed upon proposed Lot 18 identifying:
- a building envelope as identified on the plan prepared by B & P Surveys titled 'Proposed Subdivision of Lot 7 in DP 1178620, 2041 Kyogle Road, Terragon' referenced M30653, sheet 1 of 2, revision D and dated 5th July, 2016; and
  - an asset protection zone around the building envelope for a distance of 19 metres to the north and east and 21 metres to the south and west.

The terms of the restriction to land use shall require the above noted building envelope and asset protection zone to be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'. The asset protection zones shall be established prior to the issue of a subdivision certificate.

4. For asset protection zones (APZ) on slopes greater than 18 degrees, the property shall be landscaped or managed (e.g. terracing) with suitable access being provided to the APZ to ensure the ongoing maintenance of the area. Details of landscaping plans are to be submitted for approval to Council/or the principal certifier with the construction certificate.

## **Water and Utilities**

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

5. In recognition that no reticulated water supply is available to the development, a total of 20,000 litres firefighting water supply shall be provided to the dwelling on proposed Lot 17 for fire fighting purposes. The fire fighting water supply shall be installed and maintained in the following manner:
- a) Fire fighting water supply tank(s) shall be located not less than 5 metres and not more than 20 metres from the approved structure.
  - b) New above ground fire fighting water supply storage's are to be manufactured using non combustible material (concrete, metal, etc). Where existing fire fighting water supply storage's are constructed of combustible (polycarbonate, plastic, fibreglass, etc) materials, they shall be shielded from the impact of radiant heat and direct flame contact.
  - c) Non combustible materials (concrete, metal, etc) will only be used to elevate or raise fire fighting water supply tank(s) above the natural ground level.



- d) A 65 mm metal Storz outlet with a gate or ball valve shall be fitted to any fire fighting water supply tank(s) and accessible for a fire fighting truck.
- e) The gate or ball valve, pipes and tank penetration are adequate for the full 50 mm inner diameter water flow through the Storz fitting and are constructed of a metal material.
- f) All associated fittings to the fire fighting water supply tank(s) shall be non-combustible.
- g) Any below ground fire fighting water supply tank(s) constructed of combustible (polycarbonate, plastic, fibreglass, etc) materials shall be shielded from the impact of radiant heat and direct flame contact.
- h) A hardened ground surface for fire fighting truck access is to be constructed up to and within 4 metres of the fire fighting water supply (tank or Storz fitting).
- i) Any fire fighting water supply tank(s) located below ground shall be clearly delineated to prevent vehicles being driven over the tank.
- j) All water supplies for fire fighting purposes shall be clearly signposted as a fire fighting water supply.
- k) Below ground fire fighting water supply tank(s) shall have an access hole measuring a minimum 200 mm x 200 mm to allow fire fighting trucks to access water direct from the tank.
- l) Fire fighting water supply tank(s) and associated fittings, located within 60 metres of a bushfire hazard and on the hazard side of an approved building, shall be provided with radiant heat shielding to protect the tank from bush fire impacts and maintain safe access to the water supply for fire fighters.
- m) A minimum 5hp or 3kW petrol or diesel powered pump(s) shall be made available to the water supply. A 19mm (internal diameter) fire hose(s) and/or reel(s) shall be connected to the pump. Fire hose(s) and/or reel(s) must be installed so that each elevation of the building can be reached by a fire hose(s). The fire hose(s) and/or reel(s) must be constructed in accordance with 'AS/NZS 1221:1997, Fire hose reels' and shall be installed in accordance with 'AS 2441:2005 Installation of fire hose reels'.
- n) Pumps are to be shielded from the direct impacts of bush fire.
- o) A Static Water Supply (SWS) sign shall be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:
  - i. Markers must be fixed in a suitable location so as to be highly visible; and
  - ii. Markers should be positioned adjacent to the most appropriate access for the water supply.

Note: The definition of below ground dedicated fire fighting water supply tank(s) is when the outlet valve is located below natural ground level.

6. In recognition that the dwelling on proposed Lot 17 may be connected to a gas supply, the following requirements are to be complied with:
  - a) Reticulated or bottled gas is to be installed and maintained in accordance with the current Australian Standard AS/NZS 1596: 'The storage and handling of LP gas' and the requirements of relevant authorities. Metal piping is to be used.
  - b) All fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and be shielded on the hazard side of the installation.
  - c) Gas cylinders kept close to the building shall have release valves directed away from the building. Connections to and from gas cylinders are to be metal.
  - d) Polymer sheathed flexible gas supply lines to gas meters adjacent to building are not to be used.
7. Any alteration to electricity supply shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

### **Access**

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

8. Property access road to the dwelling on proposed Lot 17 shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006', except:
  - an alternative property access road is not required;
  - reversing bay may be provided in lieu of a loop road around the dwelling or a turning circle. Where a reversing bay is provided it shall be not less than 6 metres wide and 8 metres deep with an inner minimum turning radius of 6 metres and outer minimum radius of 12 metres; and
  - where the grade of the property access road exceeds 10 degrees, the section of the road shall be sealed with a bitumen surface.

### **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:

9. Construction of the dwelling on proposed Lot 17 shall comply with Sections 3 and 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

## Landscaping

10. Landscaping to proposed Lot 17 is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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

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

12

**Cr C Cherry**

**Cr R Cooper**

**RESOLVED** that:

1. Council receives and notes the Operational Management Plan (with one amendment to the main water tank pumps being reduced in hours of operation from 7am to 10pm to 7am to 7pm) which satisfies the request made by Council at the meeting of 3 August 2017.
2. Development Application DA17/0347 for the installation of plant shelter and the production and processing of edible flowers in conjunction with an existing rural industry at Lot 3 DP 1191598; No. 67 Howards Road, Burringbar, be approved subject to the following conditions:

### GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and the following plans:
  - Site plan Dwg No. 22196B prepared by B&P Surveys and dated 13 September 2017;
  - Footing layout Dwg No. P-02 prepared by Rob Aungle & Associates and dated 16 March 2017;
  - Framing plan Dwg No. P-03 prepared by Rob Aungle & Associates and dated 16 March 2017;

except where varied by the conditions of this consent.

[GEN0005]

2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.  
[GEN0115]
3. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.  
[GEN0135]
4. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.  
[GEN0300]
5. Landscaping of the site shall be carried out in accordance with the submitted/approved landscaping plans.  
[GENNS01]
6. The following activities are not permitted within the 20m riparian corridor (as detailed in the General Terms of Approval issued by Department of Primary Industries - Water) where associated with this development:
  - a) Clearing, lopping or removal of any native plants;
  - b) Erection of any fixtures or improvements including building or structures (unless required to improve stormwater and/or sediment and erosion control management);
  - c) Depositing of any fill, soil, rock rubbish, ashes, garbage, waste, or other foreign material; and
  - d) Performance of any other acts which may have detrimental impact on the values of the riparian corridor.  
[GENNS02]
7. The attached GTA issued by DPI Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to DPI Water for a Controlled Activity approval after consent has been issued and before the commencement of any work or activity.  
[GENNS03]

#### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

8. A detailed plan of landscaping is to be submitted and approved by Council's General Manager or delegate prior to the issue of a Construction Certificate which addresses the following:
  - a. An appropriate screen planting on the southern boundary adjacent to and as a minimum, for the length of proposed plant shelter.
  - b. Future landscaping is to contain no noxious or environmental weed species and a minimum 80% of total plant numbers comprised of local native species.  
[PCC0585]

9. Prior to the issue of a construction certificate for the plant shelter, an application is required to be submitted to Council to seek approval for the stockpiling bays and any other unapproved structures that are not exempt development and are not shown on the plans for DA13/0712.

[PCCNS01]

#### PRIOR TO COMMENCEMENT OF WORK

10. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]

11. The erection of a building in accordance with a development consent must not be commenced until:

- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
- (b) the person having the benefit of the development consent has:
  - (i) appointed a principal certifying authority for the building work, and
  - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- (c) the principal certifying authority has, no later than 2 days before the building work commences:
  - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
  - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
  - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
  - (ii) notified the principal certifying authority of any such appointment, and
  - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

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

[PCW0225]

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

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

[PCW0255]

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

[PCW0995]

#### DURING CONSTRUCTION

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

[DUR0005]

16. Commencement of work, including the switching on and operation of plant, machinery and vehicles is limited to the following hours, unless otherwise permitted by Council:

Monday to Saturday from 7.00am to 6.00pm  
No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

17. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

[DUR0375]

18. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0395]

19. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:

- Noise, water or air pollution.
- Dust during filling operations and also from construction vehicles.
- Material removed from the site by wind.

[DUR1005]

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

[DUR2015]

21. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blown from the site.

[DUR2185]

#### PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

22. Prior to issue of an occupation certificate, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

23. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

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

[POC0355]

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

[POC0475]

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

[POC1055]

#### USE

27. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.

[USE0125]

28. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises. [USE0145]
29. Except as may be expressly provided in a licence approval under the Protection of the Environment Operations Act 1997 (POEO) Act, the licence holder must comply with section 120 of the POEO Act 1997 prohibiting the pollution of waters. [USE0155]
30. All deliveries to the premises are to occur only within the approved operating hours of 7:00am to 5:00pm Monday to Sunday, unless otherwise approved by Councils General Manager or his delegate. Urgent or medical related deliveries exempted. [USE0195]
31. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises. [USE0225]
32. Any vehicles that remain on site for periods in excess of two (2) minutes are required to switch off their engines. [USE0255]
33. The use of mechanical plant is limited to a small electric pump for irrigation. The use of mechanical plant shall not be used outside of the approved hours of operation. Notwithstanding this requirement, all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise. [USENS01]

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

Condition Number	Details
	Design of works and structures
GT0009-00004	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Crown Lands and Water Division, and obtained, for a controlled activity approval under the Water Management Act 2000.
GT0006-00001	Erosion and sediment controls The following plan(s): - Erosion and Sediment Controls Plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.



Condition Number	Details
GT0014-00003	A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Crown Lands and Water Division as part of a controlled activity approval. B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land.
GT0021-00004	The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.
Plans, standards and guidelines	
GT0002-00045	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 170347 provided by Council to Crown Lands and Water Division. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Crown Lands and Water Division, Murwillumbah Office, must be notified in writing to determine if any variations to the GTA will be required.
GT0005-00012	A. The application for a controlled activity approval must include the following plan(s): - construction plans - showing all excavation for footings and utilities for the structure. B. The plan(s) must be prepared in accordance with Crown Lands and Water Division's guidelines located on the website <a href="http://www.water.nsw.gov.au/water-licensing/approvals/controlled-activity">www.water.nsw.gov.au/water-licensing/approvals/controlled-activity</a>
GT0008-00005	A. Before the proposed activity can commence, a riparian corridor must be clearly marked, protected and maintained in accordance with a plan submitted as part of the controlled activity approval, and approved by Crown Lands and Water Division. B. The corridor must extend for: i. a width of 20 m, measured horizontally landward from the highest bank of the river, and ii. the length of the site directly affected by the activity.
GT0010-00003	All documents submitted to Crown Lands and Water Division as part of an application for a controlled activity approval must be prepared by a suitably qualified person.
GT0012-00002	Any proposed controlled activity must be carried out in

Condition Number	Details
	accordance with plans submitted as part of a controlled activity approval application, and approved by Crown Lands and Water Division.
	Rehabilitation and maintenance
GT0023-00001	Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).
	Reporting requirements
GT0016-00002	The consent holder must inform Crown Lands and Water Division in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.

#### SCHEDULE 1

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

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

The Motion was **Carried**

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

---

21 [CNR-CM] Park Naming - Kingscliff

13

Cr W Polglase  
Cr J Owen

**RESOLVED** that Council:

1. Adopts the name "Rowan Robinson Park" for the new foreshore redevelopment park.
  2. The RSL be requested to prepare a plaque for installation in the Park.
-

3. An acknowledgement of the local aboriginal clan also be provided.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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

---

**53 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 14 December 2017**

**14**

**Cr K Milne**

**Cr R Cooper**

**RESOLVED** that:

1. The Minutes of the Local Traffic Committee Meeting held 14 December 2017 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:

**SECTION A - FORMAL ITEMS SECTION - DELEGATIONS FOR REGULATORY DEVICES FOR ENDORSEMENT BY COUNCIL:**

**A1 [LTC] Tweed Valley Banana Festival 24 and 25 August 2018**

*That the temporary road closures on 24 and 25 August 2018 associated with the Tweed Valley Banana Festival be supported subject to standard conditions.*

*That the proposed Tweed Valley Banana Festival on 24 and 25 August 2018 be supported subject to standard conditions of approval, NSW Police approval being obtained, community and business consultation and advertising in the Tweed Link.*

1. *NSW Police approval being obtained.*
2. *Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.*
3. *Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents.*
4. *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.*

5. *Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.*
6. *Adequate public liability insurance being held by the event organiser.*
7. *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.*
8. *Consultation with emergency services and any identified issues addressed.*
9. *Arrangements made for private property access and egress affected by the event.*
10. *That the applicant organise for the event to be listed on Council's Calendar of Events web page. Go to [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.*
11. *The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.*
12. *The event be conducted and signposted (in accordance with RMS Guide to Traffic Control at Worksites) and a copy of this plan be submitted to Council at least 2 weeks prior to the event.*
13. *A report be provided to Council, by the event organiser, within 2 weeks of conduct of the event, showing compliance with the above conditions.*

A2 [LTC] Murwillumbah Cycle Club Events - 2018

*That the proposed Murwillumbah Cycle Club Events - 2018 be supported, subject to:*

1. *NSW Police approval being obtained.*
  2. *Endorsement of the events by Cycling Queensland.*
  3. *Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.*
  4. *Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents 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](http://www.tweed.nsw.gov.au) Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the 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] Stuart Street, Tweed Heads

*That yellow No Stopping lines be installed on Stuart Street within 10 m of Navigation Lane and continue into Navigation Lane on both sides to the entrance of the Ultima car park.*

A4 [LTC] Tweed Coast Holiday Parks Kingscliff Triathlon 18 March 2018

*That the conduct of the Tweed Coast Holiday Parks Kingscliff Triathlon Sunday 18 March 2018 be supported subject to Standard Conditions.*

1. *NSW Police approval being obtained.*
2. *Endorsement of the event by Triathlon 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](http://www.tweed.nsw.gov.au) Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.*
12. *The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.*

13. *The event be conducted and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites) in accordance with the current RMS Guidelines for Bicycle Road Races to ensure consistency across the network.*
14. *A report be provided to Council, by the event organiser, within 2 weeks of conduct of the event, showing compliance with the above conditions.*
15. *A review is conducted of the triathlon course, by the event organiser in consultation with Police and Council officers, to reduce the impact on the Kingscliff business community.*

A5 [LTC] Wharf Street, Tweed Heads

*That the existing "No Parking, Taxi Limousine Excepted" signs adjacent to Twin Towns Services Club on Wharf Street be replaced with "No Parking" and an additional supplementary sign be installed "Drop Off / Pick Up Only".*

The Motion was **Carried**

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

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## **RESUMPTION OF STANDING ORDERS**

15

**Cr K Milne**  
**Cr C Cherry**

**RESOLVED** that Standing Orders be resumed.

The Motion was **Carried**

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

## **SCHEDULE OF OUTSTANDING RESOLUTIONS**

**2 [SOR-CM] Schedule of Outstanding Resolutions as at 15 February 2018**

The Schedule of Outstanding Resolutions was received and noted.

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## MAYORAL MINUTE

### 3 [MM-CM] Mayoral Minute for December 2017 and January 2018

16

Cr K Milne

**RESOLVED** that:

1. The Mayoral Minute for the months of December 2017 and January 2018 be received and noted and that Councillors Owen and Polglase be included as attending the Kingscliff Australia Day Event.
2. The Council Meeting scheduled for 15 March 2018 be held 22 March 2018 in the Harvard Room, Tweed Heads Administration Offices.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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

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## RECEIPT OF PETITIONS

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

17

Cr C Cherry

Cr K Milne

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

- Petition containing 84 signatures received on 20 December 2017 advising as follows:

"PROPOSED USE OF BORDER PARK AS A CAR PARK  
(Park and Ride Facility)

As a resident of the locality near the land known as Border Park, I hereby object to the development proposed by the Tweed Council Draft DCP Section A17 Border Park for the following reasons:

- Access to the Border Park **must not** be obtained via Binya Avenue, as proposed, at it is a narrow local road which is not suited to further traffic increases. Access to the site must be via the highway, west of the site.
-

- Traffic sight lines entering and exiting our property are already currently extremely compromised by the amount of on street parking within our street including Binya Avenue, Korina Avenue & Appel Street. The proposed increase traffic and vehicle movement with buses and cars will be dangerous to cars accessing and exiting our property.
- Construction of a new access to the Highway is essential. There is no valid reason as to why a temporary access could not be provided west of the site.
- The draft DCP does not offer assurance that the carpark use is limited to duration of the Commonwealth Games. The draft DCP contains statements that the use of the site for park-and-ride "may not be limited to the duration of the games", which indicates that on-going use of Border park for a 'park and ride facility' could occur. This is not acceptable unless alternate access is provided.
- The Commonwealth Games is to be held during the NSW school term, and school children will be using Binya Avenue whilst the games are taking place. The additional traffic would make the area unsafe for school children. Also, the bus route (and numerous vehicles access the 'Park & Ride' facility) would access Border Park through a school zone, which is highly undesirable.
- The proposed access through Binya Avenue and Appel Street will adversely affect the amenity of the locality and create a dangerous traffic situation.
- Korina Avenue residents will also be affected as this street is part of the traffic route that vehicles travel that access the Border Park site.
- The vehicular access gate at the Round-a-Boat to the Kirra Shores complex is often congested with vehicles accessing the complex. Additional traffic and buses will create a significant traffic congestion within the quiet residential street which is not suitable or designed for large traffic volumes and buses.
- We are not 'anti-carpark' or 'anti park-and-ride' however we are against development which will create significant traffic along Binya Avenue and within the Kirra and Tweed Heads area."
- Petition containing 55 signatures received on 23 January 2018 from the resident of "Elizabeth Grove", 19-27 Elizabeth Street, Pottsville advising as follows:

*" 'Poor vision for drivers when exiting "Elizabeth Grove'*

*We, the undersigned, implore Council to address the problem of drivers having no line-of-sight when exiting the complex of 45 units, due to vehicles being parked on Elizabeth Street, on each side of our driveway."*



- Petition containing 23 signatures received on 29 January 2018 addressed to the "Traffic Committee" advising as follows:

*"We would like to lodge a protest against the amount of traffic which does not adhere to the 50 klm speed limit in Scenic Drive, Bilambil Heights area. It starts at the first turn off to Simpson Drive and continues up the hill and Bilambil Road.*

*We have all witnessed traffic (trucks, cars, motorbikes) exceeding the speed limit which does create a dangerous situation for all residences getting in and out of their driveways.*

*We are requesting some sort of speed cameras to be put in place so that the area for residences is not so hazardous."*

The Motion was **Carried**

**FOR VOTE - Unanimous**

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

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## **5 [NOM] Private Native Forestry Hewittville Limpinwood - Rural Zones**

This item was dealt with earlier in the Meeting (Minute No 10 refers).

## **ORDERS OF THE DAY**

### **6 [NOM] Public Dog Park**

**18**

**Cr C Cherry**

**Cr K Milne**

**RESOLVED** that Council

1. Notes the current Management Comments regarding investigation into provision of an off-leash public dog park in Murwillumbah conducted as part of the Open Space Strategy and the projected cost of approximately \$35,000 plus maintenance to establish a fenced off dog park in Murwillumbah as per the request in the residents petition received by Council on 13 December 2017.
2. Acknowledges the community's desire for a fenced off-leash dog park in the Murwillumbah area and continues to work toward provision of this service.

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**

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

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**7 [NOM] Land Audit - Tiny Homes**

**19**

**Cr R Byrnes**

**Cr R Cooper**

**RESOLVED** that a report be generated by Council listing available and appropriate Council land for the purpose and utilisation of a 'Tiny Homes' project of a small scale that can be managed by a *not for profit* organisation or Housing NSW. Further, that Council writes to the NSW State Government requesting a list of available and appropriate State owned/Crown Land for the purpose of a 'Tiny Homes' project.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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

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**8 [NOM] Seniors Exercise Equipment**

**20**

**Cr C Cherry**

**Cr K Milne**

**RESOLVED** that Council:

1. Acknowledges the positive health impacts Seniors Exercise Equipment can have on community members and supports their installation.
  2. Acknowledges the Management Comments regarding the provision of Seniors Exercise Equipment in public parks and the need to take a strategic approach to their location in the Shire.
  3. Notes the space requirements and costings of approximately \$60,000-\$70,000 for provision of such equipment.
-

4. Includes the possible location of future Seniors Exercise Equipment in the upcoming Draft Open Space Strategy

The Motion was **Carried**

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

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## QUESTIONS ON NOTICE

Nil.

## REPORTS THROUGH THE GENERAL MANAGER

### REPORTS FROM THE GENERAL MANAGER

#### 9 [GM-CM] Regional Cities NSW

22

**Cr K Milne**  
**Cr W Polglase**

**RESOLVED** that:

1. The Mayor and/or the General Manager meet with current Inland Forum members and other regional cities in Sydney on Thursday 1 March 2018 to discuss participation in Regional Cities NSW.
2. A further report will be prepared following the initial meeting to determine Council's commitment to this forum, including estimated on going costs.

The Motion was **Carried**

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

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10 [GM-CM] Northern Rivers Joint Organisation

22

Cr W Polglase  
Cr J Owen

**RESOLVED** that Council does not join the Joint Organisation until it has an opportunity to consider the Regulation in draft form.

Cr R Cooper left the meeting temporarily at 9.21pm.

The Motion was **Carried**

**FOR VOTE - Unanimous**  
**ABSENT. DID NOT VOTE - Cr P Allsop, Cr R Cooper**

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11 [GM-CM] Destination Tweed - 2016-17 Audited Financial Statements

23

Cr C Cherry  
Cr K Milne

**RESOLVED** that:

1. Council receives and notes the 2016/17 audited financial statements for Destination Tweed.
2. ATTACHMENTS 1 and 2 ARE CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (c) *information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

The Motion was **Carried**

**FOR VOTE - Unanimous**  
**ABSENT. DID NOT VOTE - Cr R Cooper, Cr P Allsop**

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## REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

- 12 [PR-CM] Development Application DA16/0795 for a Two Lot Subdivision and Use of an Existing Structure as a Dwelling at Lot 7 DP 1178620; No. 2041 Kyogle Road Terragon**

This item was dealt with earlier in the meeting (Minute No 11 refers).

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

This item was dealt with earlier in the meeting (Minute No 12 refers).

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- 14 [PR-CM] Development Application DA17/0498 for Shop Top Housing, Serviced Apartments, Swimming Pool and Demolition of Existing Structures at Lot 1 DP 169524; No. 26 Marine Parade Kingscliff**

Cr R Cooper has returned from temporary absence at 09:23 PM

**24**

**Cr R Cooper**  
**Cr R Byrnes**

**RESOLVED** that:

- A. Development Application DA17/0498 for a shop top housing, serviced apartments, swimming pool and demolition of existing structures at Lot 1 DP 169524; No. 26 Marine Parade KINGSCLIFF be refused for the following reasons:
1. Pursuant to Section 79C (1) (a)(i) the proposed development is not considered to be in accordance with State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development.
  2. Pursuant to Section 79C (1) (a)(i) the proposed development exceeds the building height limit prescribed by Clause 4.3 (Height of Building) of Tweed Local Environmental Plan 2014 and the applicant has not satisfactorily justified the departure from the development standard as required by clause 4.6 of the Tweed Local Environmental Plan 2014.
  3. Pursuant to Section 79C (1) (a)(i) the proposed development is unsuitable taking into consideration the objectives of and matters identified in Clause 7.2 (Earthworks) of Tweed Local Environmental Plan 2014.

4. Pursuant to Section 79C (1) (a)(i) the development proposal is not considered to be consistent with Clause 7.10(e) (Essential Services) of Tweed Local Environmental Plan 2014 as vehicular access to and from the site with sight distances at Marine Parade is considered to be dangerous and not compliant.
  5. Pursuant to Section 79C (1) (a)(iii) the proposed development is contrary to the provisions of Tweed Shire Council Development Control Plan Section A1 – Part C Residential and Tourist Code.
  6. Pursuant to Section 79C (1) (a)(iii) the proposed development is contrary to the provisions of Tweed Shire Council Development Control Plan Section A2- Site Access and Parking Code, as car parking provisions and minimum sight distance to access the site at Marine Parade, is not considered adequate.
  7. The proposed development will have unacceptable amenity impacts (section 79C(1)(b) Environmental Planning and Assessment Act 1979).
  8. The development is not considered to be in the public interest given the number and scale of variations to development standards and controls required, as well as the extent of general public concern raised over the proposal (Section 79C(1)(e) Environmental Planning and Assessment Act 1979).
- B. Council, in respect of the Class 1 Appeal lodged in the NSW Land and Environment Court regarding Councils refusal of DA17/0498 for the shop top housing and serviced apartments development, associated swimming pool and demolition of existing structures at Lot 1 DP 169524; No. 26 Marine Parade KINGSCLIFF endorse the following:
1. Refuse the development application and;
  2. Provide delegation under Section 377(1) of the Local Government Act 1993 to Council's General Manager to provide instruction to Councils solicitor in the LEC Class 1 appeal (including in any Section 34 conference);
- C. ATTACHMENT 3 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.

The Motion was **Carried**

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

**AGAINST VOTE - Cr J Owen, Cr W Polglase**

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

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15 [PR-CM] Plan of Management - Lot 13 DP 1014470 - Casuarina Way, Casuarina

25

Cr W Polglase  
Cr J Owen

**RESOLVED** that pursuant to Section 40 of the Local Government Act 1993, Council adopts the Plan of Management for Lot 13 DP 1014470, located at Casuarina Way, Casuarina.

The Motion was **Carried**

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

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16 [PR-CM] Tweed Development Control Plan (DCP) Section A17 Business, Enterprise Corridor and Industrial Zones - Amendment Part 8.2 Border Park Site, Binya Avenue, Tweed Heads

26

Cr W Polglase  
Cr J Owen

**RESOLVED** that:

1. The draft *Tweed Development Control Plan 2008*, s A17, Business, Enterprise Corridor and Industrial Zones, Part 8.2 – ‘Border Park’, as amended, and provided as Attachment 2 to this report, enabling the determination of a development application for demolition only, is endorsed; and
2. In accordance with the *Environmental Planning and Assessment Regulation 2000* (NSW) Clause 21(2) a notice be placed in a local newspaper advising of the reasons for the making of the development control plan and its date of commencement, within 28 days of Council’s decision; and
3. In accordance with the *Environmental Planning and Assessment Regulation 2000* (NSW) Clause 25AB provide the Secretary of the Department of Planning and Environment with a copy within 28 days of the making of the development control plan; and
4. Any and all steps required to repeal the development control plan be commenced once consent has been granted for demolition or where no development application has been received at the period ending 12 months from the date of commencement of the development control plan.

The Motion was **Carried**

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

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**17 [PR-CM] 420-434 Terranora Road Terranora - Plan Made by the Department of Planning and Environment**

**T Green** (General Manager) wishes to declare a non significant, non pecuniary interest in this item. The nature of the interest is that Mr Green was a former resident of the locality, the subject of the report. Mr Green will manage the interest by not taking part in any discussion on this item.

**27**

**Cr K Milne**  
**Cr R Byrnes**

**RESOLVED** that:

1. The content of the report in respect of the planning proposal for Lots 2-8 DP 28597, being 420-434 Terranora Road, Terranora is received and noted; and
2. The Mayor writes to the Minister for Planning, the Hon. Anthony Roberts MP, raising awareness of Council's concerns surrounding the exercise of the Minister's call-in powers and the appointment of the Department of Planning and Environment as relevant planning authority in this instance and in like cases when it is clear that the expertise for determining highly complex development matters of local significance rests squarely with the local council.

The Motion was **Carried**

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

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**18 [PR-CM] Tweed Shire Council Submission to the Department of Planning & Environment on the proposed North Byron Parklands Cultural Events Site (State Significant Development - SSD 8169)**

This item was dealt with in conjunction with Addendum Item 55 (Minute No 62 refers)

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**19 [PR-CM] Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards**

**28**

**Cr K Milne  
Cr R Cooper**

**RESOLVED** that Council notes the November and December 2017 and January 2018 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

The Motion was **Carried**

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

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

**20 [CNR-CM] Art in the Park - The Sacred Littoral Art Project**

Cr W Polglase temporarily left the meeting at 09:36 PM.

**29**

**Cr J Owen  
Cr K Milne**

**RESOLVED** that Council

1. Acknowledges the withdrawal of Murwillumbah District Business Chamber from the Sacred Littoral Project.
2. Endorses transferring the management of the Sacred Littoral Project from Murwillumbah District Business Chamber to Creative Caldera subject to formalised agreement with Creative Caldera, which will ensure probity, risk management and on appropriate approved project plan to be actioned under delegation by the General Manager.

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

Cr W Polglase has returned from temporary absence at 09:37 PM

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**21 [CNR-CM] Park Naming - Kingscliff**

This item was dealt with earlier in the meeting (Minute No 12 refers).

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**PROCEDURAL MOTIONS**

**30**

**Cr K Milne  
Cr R Cooper**

**RESOLVED** that Items 22 to 54, with the exception of Items 51 - (Items 25, 26 and 53 were previously dealt with), be considered in block.

The Motion was **Carried**

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

**31**

**Cr K Milne  
Cr R Cooper**

**RESOLVED** that 22 to 54, with the exception of Item 51 (Items 25, 26 and 53 were previously dealt with), be moved in block.

**22 [CNR-CM] Council Delegates Richmond Tweed Regional Library Committee**

**32**

**Cr K Milne  
Cr R Cooper**

**RESOLVED** that Council confirms:

1. The current two delegates Cr K Milne and Cr R Byrnes and the Alternate delegate, Cr C Cherry, to the Richmond Tweed Regional Library Committee.
2. The Manager Community and Cultural Services as the Senior Staff member on the Richmond Tweed Regional Library Senior Leaders Group.

The Motion was **Carried**

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

---

**23 [CNR-CM] Developer Contributions and Developer Charges for Community Organisations**

**33**

**Cr K Milne**  
**Cr R Cooper**

**RESOLVED** that Council adopts the Developer Contributions and Developer Charges for Community Organisations Policy Version 2.0.

The Motion was **Carried**

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

---

**24 [CNR-CM] Signing of Museum Service Agreement 2018**

**34**

**Cr K Milne**  
**Cr R Cooper**

**RESOLVED** that Council notes that the Museum Service Agreement 2018 between Council and the historical societies of Murwillumbah, Tweed Heads and Uki & South Arm has been signed by all parties.

The Motion was **Carried**

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

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**25 [E-CM] Tweed Valley Rail Trail Grant Funding**

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

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**26 [E-CM] Tweed Valley Rail Trail Community Consultation**

This item was dealt with earlier in the meeting (Minute No 8 refers).

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**REPORTS FROM THE DIRECTOR ENGINEERING**

**27 [E-CM] RFO2017187 Flood Repair Work Bundle 1 / Landslip Repairs by Soil Nails or Other**

**35**

**Cr K Milne  
Cr R Cooper**

**RESOLVED** that in respect to Contract RFO2017187 Flood Repair Work Bundle 1 / Landslip Repairs by Soil Nails or Other:

1. Council awards the offer to Australian Marine and Civil Pty Ltd, ABN: 66 601 876 680 for the amount of \$606,136.36 (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 P Allsop**

---

**28 [E-CM] RFO2017179 Tweed Shire Council Road Pavement Stabilisation Program 2017/2018**

**36**

**Cr R Cooper  
Cr K Milne**

**RESOLVED** that in respect to Contract RFO2017179 Tweed Shire Council Road Pavement Stabilisation Program 2017/2018:

1. Council awards the offer to Stabilised Pavements of Australia Pty Ltd (ABN 90 002 900 736, ACN 002 900 736) for the amount of \$700,438.75 (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 P Allsop**

---

**29 [E-CM] RFO2017199 Tweed Shire Council Road Rehabilitation Program 2017/2018 Asphalt Works**

**37**

**Cr R Cooper  
Cr K Milne**

**RESOLVED** that in respect to Contract RFO2017199 Tweed Shire Council Road Rehabilitation Program 2017/2018 Asphalt Works:

1. Council awards the offer to East Coast Asphalt and Concrete Edging Pty Ltd (ABN- 82 142 412 244 and ACN- 142 412 244) for the amount of \$722,530.45 (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 P Allsop**

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**30 [E-CM] RFO2017138 New Water Supply Reservoir - Chambers No. 2 Terranora Road, Terranora**

**38**

**Cr K Milne  
Cr R Cooper**

**RESOLVED** that, in respect to Contract RFO2017138 New Water Supply Reservoir - Chambers No.2 Terranora Road, Terranora :

1. The Offer from Stirloch Constructions ABN 70 082 616 840 be accepted to the value of \$2,025,633.63 (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 P Allsop**

---

**31 [E-CM] RFO2017082 Package 4- Road Flood Damage Restoration**

**39**

**Cr K Milne  
Cr R Cooper**

**RESOLVED** that Council considers an addendum report for RFO2017082 Package 4 - Road Flood Damage Restoration.

The Motion was **Carried**

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

---

**32 [E-CM] 2017/18 Floodplain Management Program Grant Offers**

**40**

**Cr K Milne  
Cr R Cooper**

**RESOLVED** that Council:

1. Endorses the General Manager's acceptance of grant funding offers under the New South Wales Government's Floodplain Management Grants program.
2. Acknowledges the Minister of Environment granting access to the Voluntary House Purchase and Voluntary House Raising funding pool for the identified Voluntary House Purchase and Voluntary House Raising projects.
3. Officers commence development of Voluntary House Purchase and Voluntary House Raising Schemes in consultation with New South Wales Office of Environment and Heritage (OEH) in order to enter into Funding Agreements with OEH.
4. Recognises that Voluntary House Purchase and Voluntary House Raising are costly, long term projects subject to further applications and limited funding and that Council will not be in a position to implement any raising or purchases for some time.

The Motion was **Carried**

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

---

**33 [E-CM] Provision of Wholesale Water Supply and Wastewater Services**

**Cr K Milne** wishes to declare a perceived non-pecuniary interest in this item. The nature of the interest is that Cr Milne was involved in previous legal matters with the Chairman of the subject company. Cr Milne will manage the interest by remaining in the Chamber for discussion and voting on this item.

**41**

**Cr K Milne**  
**Cr R Cooper**

**RESOLVED** that Council adopts the Provision of Wholesale Water Supply and Wastewater Services Policy version 1.0.

The Motion was **Carried**

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

---

**REPORTS FROM THE CORPORATE SERVICES**

**34 [CS-CM] Code of Conduct Complaints - 1 September 2016 to 31 August 2017**

**42**

**Cr K Milne**  
**Cr R Cooper**

**RESOLVED** that Council receives and notes the Code of Conduct Complaints for the period 1 September 2016 to 31 August 2017.

The Motion was **Carried**

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

---



**35 [CS-CM] Legal Services Register Report for the period 1 October to 31 December 2017**

**43**

**Cr K Milne  
Cr R Cooper**

**RESOLVED** that the report on the Legal Services Register Report for the period 1 October to 31 December 2017 be received and noted.

The Motion was **Carried**

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

---

**36 [CS-CM] Council Policies Review**

**44**

**Cr K Milne  
Cr R Cooper**

**RESOLVED** that Council adopts the following policies:

Cemeteries and Private Burials – Version 2.0  
Council Utilities – Work in Proximity – Version 1.3  
Driveway Access to Property – Design Specification – Version 1.5  
Financial Assistance to the Proponents of Recycled Water Scheme – Version 1.1  
Flood Risk Management – Version 1.1  
Naming of Streets and Roads – Version 1.2  
Rainwater Tanks in Areas with Reticulated Water – Version 3.1  
Riverbanks – Version 1.3

The Motion was **Carried**

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

---

**37 [CS-CM] Communications Policy Version 1.0**

**45**

**Cr K Milne  
Cr R Cooper**

**RESOLVED** that Council adopts the Communication Policy Version 1.0 and deletes the existing policies of:

Media Version 1.2;  
Online and Social Media Version 1.0; and  
Tweed Link Version 1.0.

The Motion was **Carried**

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

---

**38 [CS-CM] Lease to Surf Life Saving Far North Coast - Ed Parker Rotary Park, Kingscliff**

**46**

**Cr K Milne  
Cr R Cooper**

**RESOLVED** that Council approves giving public notice of its intention to enter into a lease with Surf Life Saving Far North Coast Branch for the training and boat storage facilities at Ed Parker Rotary Park, Sutherland Street, Kingscliff.

The Motion was **Carried**

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

---

39 [CS-CM] Compliments and Complaints Analysis Report for the period 1 July to 30 September 2017

47

Cr K Milne  
Cr R Cooper

**RESOLVED** that Council receives and notes the Compliments and Complaints Analysis Report for the period 1 July to 30 September 2017.

The Motion was **Carried**

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

---

40 [CS-CM] Compliments and Complaints Analysis Report for the period 1 October to 31 December 2017

48

Cr K Milne  
Cr R Cooper

**RESOLVED** that Council receives and notes the Compliments and Complaints Analysis Report for the period 1 October to 31 December 2017.

The Motion was **Carried**

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

---

41 [CS-CM] Quarterly Budget Review - December 2017

49

Cr K Milne  
Cr R Cooper

**RESOLVED** that the:

1. Quarterly Budget Review Statement as at 31 December 2017 be adopted.

2. Expenditure and income, as summarised below and detailed within the report be voted and adjusted in accordance with the revised total expenditure and income for the year ending 30 June 2018.

Description	Change to Vote	
	Deficit	Surplus
<b>General Fund</b>		
<u>Expenses</u>		
Employee costs	0	147,592
Materials & Contracts	227,797	0
Interest	0	0
Other Operating costs	988,550	0
Capital	0	271,347
Loan Repayments	0	0
Transfers to Reserves	878,681	0
	<u>2,095,028</u>	<u>418,939</u>
<u>Income</u>		
Rates and Annual Charges	0	200,000
Interest revenue	20,000	0
Operating Grants & Conts	0	318,581
Capital Grants & Conts	2,325,000	0
User Charges & Fees	0	60,000
Other Operating Revenue	0	2,533,296
Loan Funds	0	20,000
Recoupments	0	0
Transfers from Reserves	0	1,063,812
Asset Sales	174,600	0
	<u>2,519,600</u>	<u>4,195,689</u>
Net Surplus/(Deficit)		<u>0</u>
	Deficit	Surplus
<b>Sewer Fund</b>		
<u>Expenses</u>		
Employee costs	0	0
Materials & Contracts	228,051	0
Interest	0	0
Other Operating costs	0	0
Capital	396,048	0
Loan Repayments	0	0
Transfers to Reserves	0	345,257
	<u>624,099</u>	<u>345,257</u>

<u>Income</u>	0	0
Rates and Annual Charges	0	0
Interest revenue	0	0
Operating Grants & Conts	0	0
Capital Grants & Conts	0	0
User Charges & Fees	0	0
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	0	119,421
Transfers from Reserves	0	159,421
Asset Sales	0	0
	0	278,842
Net Surplus/(Deficit)		0
Water Fund		
<u>Expenses</u>		
Employee costs	0	0
Materials & Contracts	0	828,022
Interest	0	0
Other Operating costs	0	0
Capital	0	214,000
Loan Repayments	0	0
Transfers to Reserves	1,322,022	0
	1,322,022	1,042,022
<u>Income</u>		
Rates and Annual Charges	0	0
Interest revenue	0	0
Operating Grants & Conts	0	0
Capital Grants & Conts	0	0
User Charges & Fees	0	0
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	0	0
Transfers from Reserves	0	280,000
Asset Sales	0	0
	0	280,000
Net Surplus/(Deficit)		0

The Motion was **Carried**

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

**42 [CS-CM] Tweed Heads Administration Office - Brett Street, Tweed Heads**

**50**

**Cr K Milne  
Cr R Cooper**

**RESOLVED** that Council:

1. Approves the granting of a lease for office space in the Tweed Heads Administration Building located at Lot 2 in DP 1019160, for a term of two years commencing on 1 March 2018, with two options of one year each to Health Infrastructure for a commencing annual rental as set out in the body of the report with annual CPI increases; and
2. Executes all documentation under the Common Seal of Council.

The Motion was **Carried**

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

---

**43 [CS-CM] Six Monthly Progress Report as at 31 December 2017**

**51**

**Cr K Milne  
Cr R Cooper**

**RESOLVED** that Council receives and notes the Six Monthly Progress Report as at 31 December 2017.

The Motion was **Carried**

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

---

**44 [CS-CM] Monthly Investment and Section 94 Development Contribution Report for Period ending 31 December 2017**

**52**

**Cr K Milne  
Cr R Cooper**

**RESOLVED** that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 31 December 2017 totalling \$292,650,855 be received and noted.

The Motion was **Carried**

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

---

**45 [CS-CM] Monthly Investment and Section 94 Development Contribution Report for Period Ending 31 January 2018**

This item was dealt with in conjunction with the Addendum Report at Item 57 (Minute No 66 refers).

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**DELEGATE REPORTS**

Nil.

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

**46 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 3 November 2017**

**53**

**Cr K Milne  
Cr R Cooper**

**RESOLVED** that:

1. The Minutes of the Aboriginal Advisory Committee Meeting held Friday 3 November 2017 be received and noted; and
  2. The Executive Leadership Team's recommendations be adopted as follows:
-

Business Arising from meeting held on 13 October 2017

BA1. Illegal Clearing - Lot 136 Boormans Road, Tyalgum

*That the Aboriginal Advisory Committee:*

- 1. Supports Council's resolution for revoking the private native forestry licence on privately owned land at Lot 136 Boormans Road, Tyalgum.*
- 2. Supports Council's motion for a moratorium on future private native forestry licences on privately owned land in the Tweed Shire.*
- 3. Requests that Council seeks information regarding Aboriginal Cultural Heritage and environmental concerns from the State Government about other private native forestry licences on privately owned land in the Tweed Shire.*
- 4. Requests that Council seeks detailed information including location and expiry dates of other private native forestry licences on privately owned land in the Tweed Shire.*
- 5. Notes that the works took place without recognition of the Aboriginal community and potential impacts to Aboriginal cultural heritage.*

Business Arising from meeting held on 4 August and 1 September 2017

BA2. Complying Development Issue

*That the Aboriginal Advisory Committee requests that Council investigates the provision for 'no parking' gold bitumen marking to prevent parking along the side of the road of the midden at Tweed Coast Road, Hastings Point.*

Business Arising from meeting held on 1 September 2017

BA3. Midden in Tweed Coast Road, Hastings Point

*That the Aboriginal Advisory Committee requests that Council investigates the provision for 'no parking' gold bitumen marking to prevent parking along the side of the road of the midden at Tweed Coast Road, Hastings Point.*

(c) Pottsville Wetlands - Renaming

*That the Aboriginal Advisory Committee endorses the renaming of the Pottsville Wetlands to 'Boorum Wetlands' (Tea Tree/Paperbark) together with interpretative signage reflecting the cultural meaning.*

General Business:

GB1. Kingscliff Foreshore Park - Naming

*That the Aboriginal Advisory Committee suggests that Kingscliff Foreshore Park currently known as Central Park be renamed 'Goodjinburra Park'.*



The Motion was **Carried**

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

---

**47 [SUB-TRMAC] Minutes of the Tweed Regional Museum Advisory Committee Meeting held Wednesday 8 November 2017**

**54**

**Cr K Milne  
Cr R Cooper**

**RESOLVED** that the Minutes of the Tweed Regional Museum Advisory Committee Meeting held Wednesday 8 November 2017 be received and noted.

The Motion was **Carried**

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

---

**48 [SUB-CHAC] Minutes of the Community Halls Advisory Committee (CHAC) Meeting held Wednesday 8 November 2017**

**55**

**Cr K Milne  
Cr R Cooper**

**RESOLVED** that the Minutes of the Community Halls Advisory Committee Meeting held Wednesday 8 November 2017 be received and noted.

The Motion was **Carried**

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

---

**49 [SUB-TRAG] Minutes of the Tweed Regional Gallery Advisory Committee meeting held Wednesday 15 November 2017**

**56**

**Cr K Milne  
Cr R Cooper**

**RESOLVED** that the Minutes of the Tweed Regional Gallery Advisory Committee meeting held Wednesday 15 November 2017 be received and noted.

The Motion was **Carried**

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

---

**50 [SUB-EAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 6 December 2017**

**57**

**Cr K Milne  
Cr R Cooper**

**RESOLVED** that the Minutes of the Equal Access Advisory Committee Meeting held Wednesday 6 December 2017 be received and noted.

The Motion was **Carried**

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

---

**51 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held Monday 11 December 2017**

**Cr J Owen** wishes to declare a pecuniary interest in this item. The nature of the interest is that Cr Owen works for the Seagulls Rugby League Football Club, mentioned in the minutes. Cr Owen will manage the interest by leaving the Chamber, therefore taking no part in discussion or voting on this item.

**58**

**Cr R Cooper**  
**Cr R Byrnes**

**RESOLVED** that the Minutes of the Sports Advisory Committee Meeting held Monday 11 December 2017 be received and noted.

The Motion was **Carried**

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

---

**52 [SUB-TCKMC] Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 12 December 2017**

**59**

**Cr K Milne**  
**Cr R Cooper**

**RESOLVED** that the Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 12 December 2017 be received and noted.

The Motion was **Carried**

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

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**53 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 14 December 2017**

This item was dealt with earlier in the meeting (Minute No 14 refers).

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**54 [SUB-TCWC] Minutes of the Tweed Coast and Waterways Committee Meeting held 13 December 2017**

**60**

**Cr K Milne  
Cr R Cooper**

**RESOLVED** that the Minutes of the Tweed Coast and Waterways Committee Meeting held 13 December 2017 be received and noted.

The Motion was **Carried**

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

---

Cr J Owen temporarily left the meeting at 09:40 PM.

**ADDENDUM ITEMS**

**55 ADDENDUM [PR-CM] Tweed Shire Council Submission to the Department of Planning & Environment on the proposed North Byron Parklands Cultural Events Site (State Significant Development - SSD 8169)**

Cr J Owen has returned from temporary absence at 09:45 PM

**LATE ITEM**

**61**

**Cr C Cherry  
Cr K Milne**

**RESOLVED** that Item 55 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 P Allsop**

62

**Cr C Cherry**  
**Cr K Milne**

**RESOLVED** that Council advises the NSW Department of Planning and Environment that Council objects to the State Significant Development Application and Modification 5 (Concept Plan) North Byron Parklands and forwards the attached submission to this report to the NSW Department of Planning and Environment.

**FOR VOTE - Cr C Cherry, Cr R Cooper, Cr K Milne, Cr J Owen**

**AGAINST VOTE - Cr R Byrnes, Cr W Polglase**

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

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**56            ADDENDUM [E-CM] RFO2017082 Package 4 - Road Flood Damage Restoration**

**LATE ITEM**

63

**Cr K Milne**  
**Cr C Cherry**

**RESOLVED** that Item 56 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

64

**Cr K Milne**  
**Cr R Byrnes**

**RESOLVED** that in respect to Contract RFO2017082 Package 4 Road Flood Damage Restoration:

1. Council awards the offer to Coastal Works, ABN 79 126 214 487, for the amount of \$1,127,543.70 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council six monthly and at finalisation of the contract.

3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-

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

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

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**57            ADDENDUM [CS-CM] Monthly Investment Report for Period ending 31 January 2018**

**LATE ITEM**

**65**

**Cr J Owen**  
**Cr R Byrnes**

**RESOLVED** that Item 57 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

**66**

**Cr J Owen**  
**Cr R Byrnes**

**RESOLVED** that in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 31 January 2018 totalling \$285,599,384 be received and noted.

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

---

**LATE ITEMS**

Nil.

**CONFIDENTIAL COMMITTEE**

**EXCLUSION OF PRESS AND PUBLIC**

67

**Cr R Byrnes**  
**Cr C Cherry**

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

The Motion was **Carried**

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

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

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

**C1 [PR-CM] 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 Sec 5 DP 758571; No. 204 Marine Parade Kingscliff**

**REASON FOR CONFIDENTIALITY:**

This application was the subject of a Class 1 Appeal.

**Local Government Act**

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

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

**C 2**

That:

1. Council notes the content of the report; and
2. The Director Planning and Regulation, in consultation with the Unit Coordinator Strategic Planning and Urban Design, consider the recommendations of Council's Legal and Urban Design Consultants in this matter and where appropriate report back to Council with recommendations for amendments to the Tweed LEP and Tweed DCP Section A1.

The Motion was **Carried**

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

***AGAINST VOTE - Cr W Polglase***

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

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

**C2 [CNR-CM] Park Naming - Murwillumbah**

**REASON FOR CONFIDENTIALITY:**

To avoid embarrassment to the nominator or family of the nominee should Council determine not to support the nomination.

**Local Government Act**

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

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

**C 3**

**Cr R Byrnes  
Cr R Cooper**

That Council receives and notes the report.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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

---



**C3 [CNR-CM] Park Naming - Banora Point**

**REASON FOR CONFIDENTIALITY:**

To avoid embarrassment to the nominator or family of the nominee should Council determine not to support the nomination.

**Local Government Act**

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

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

**C 4**

**Cr W Polglase  
Cr J Owen**

That Council calls for comments regarding the name change of Banora Green to John Baker Reserve in accordance with Council's Policy for the Naming of Public Parks.

The Motion was **Carried**

***FOR VOTE - Cr R Byrnes, Cr C Cherry, Cr J Owen, Cr W Polglase***

***AGAINST VOTE - Cr R Cooper, Cr K Milne***

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

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**REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE**

**C4 [E-CM] Purchase of Lot 6 DP 31026 - Bray Park**

**REASON FOR CONFIDENTIALITY:**

This report discusses commercially confidential information.

**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 5**

That Council:

1. Approves the purchase of Lot 6 DP 31026 for the amount set out in the body of the report.
2. Executes all necessary documentation under the Common Seal of Council.

The Motion was **Carried**

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

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**C5 [E-CM] Clarrie Hall Dam - Land Acquisition - 269 Doon Doon Road, Doon Doon**

**REASON FOR CONFIDENTIALITY:**

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

**Local Government Act**

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

**C 6**

That Council:

1. Approves entering into a contract for the purchase of an area of 52.41 hectares from 269 Doon Doon Road, Doon Doon comprised in Lot 4 in DP 838936 for the amount agreed and determined by valuation.
2. Executes all necessary documentation under the Common Seal of Council.

The Motion was **Carried**

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

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Cr K Milne  
Cr R Byrnes

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

The Motion was **Carried**

***FOR VOTE - Unanimous***

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

There being no further business the Meeting terminated at 10.14pm.



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

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**Chairman**

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