

**Mayor:** Cr K Milne

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

# Minutes

## **Ordinary Council Meeting Thursday 16 August 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 5.30pm.

### **IN ATTENDANCE**

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

Also present were Mr Troy Green (General Manager), Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), Mr Michael Chorlton (Acting Director Corporate Services), Mr Shane Davidson (Executive Officer), Ms Stephanie Papadopoulos (Manager Corporate Governance), Fran Silk (Project Leader Social and Media) 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, Pastor John Harris:

*"God, You are the Creator of heaven and earth. By Your will and Your word they were formed. It is by the word of Your power that all things are maintained and sustained. You hold our world in Your mighty hand as You watch over all things, yet you also know and care about the details of each individual human life."*

*God, we begin by praying for our state, the lack of rain and the plight of farmers. You promise in Your word that "As long as the earth endures, seedtime and harvest, cold and heat, summer and winter, day and night will never cease". Thank you that You never break Your promise - thank you that you will send the rains we need. As the hardships the farmers have and still face are discussed, give wisdom, compassion and a generous heart to those commissioned to help them. May we all in this community also have and exercise compassion and generosity to them."*

*Father God, we pray for the communities this Council represents and serves. Many needs are obvious to us and there will be many more we're not aware of. We pray for people who are homeless; those who are unemployed; families that struggle with domestic issues; children who lack loving homes; communities experiencing strife; businesses that are struggling; those who are lonely, home-bound and isolated. God, each need is known by You. May we all take responsibility in our communities and seek to make a difference."*

*As this Council meets to address some of these needs may each individual involved be able to lay aside differences and personal preferences to focus and work together on what is best for the community and the individuals. Let openness and honesty together with due consideration prevail. Grant wisdom and courage to do what is right"*

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*by You. When issues seem impossible to resolve may hope remain and let us never forget that if we seek for You, we will find You.*

*We thank you for all Your blessings abundantly poured out each day and we ask these things in the name of Your Son, Jesus Christ, AMEN".*

## **CONFIRMATION OF MINUTES**

### **1 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 19 July 2018**

**398**

**Cr R Byrnes  
Cr P Allsop**

**RESOLVED** that:

1. The Minutes of the Ordinary and Confidential Council Meeting held Thursday 19 July 2018 be adopted as a true and accurate record of proceedings of that meeting.
2. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (f) matters affecting the security of the council, councillors, council staff or council property.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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### **2 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 2 August 2018**

**399**

**Cr R Byrnes  
Cr P Allsop**

**RESOLVED** that:

1. The Minutes of the Ordinary and Confidential Council Meeting held Thursday 2 August 2018 be adopted as a true and accurate record of proceedings of that meeting.
2. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (f) matters affecting the security of the council, councillors, council staff or council property.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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## **DISCLOSURE OF INTEREST**

**Cr C Cherry** wishes to declare a non-significant non-pecuniary interest in Item 12. The nature of the interest is that Cr Cherry's children attend a school in the vicinity of the subject site. Cr Cherry will manage the interest by remaining in the Chamber for discussion and voting on the merits item.

**Cr C Cherry** wishes to declare a non-significant non-pecuniary interest in Item 32 (Motion Number 10). The nature of the interest is that Cr Cherry's family own a holiday park in the shire. Cr Cherry will manage the interest by vacating the Chamber for discussion and not voting on this item.

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

Nil.

## **SCHEDULE OF OUTSTANDING RESOLUTIONS**

### **3 [SOR-CM] Schedule of Outstanding Resolutions at 16 August 2018**

This item was received and noted.

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## **MAYORAL MINUTE**

### **4 [MM-CM] Mayoral Minute for July 2018**

**400**

**Cr K Milne**

**RESOLVED** that:

1. The Mayoral Minute for the month of July 2018 be received and noted.
  2. The attendance of Councillors at nominated Conferences be authorised as follows:
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2-3 Sept - 13<sup>th</sup> Mosquito Control Association of Australia Conference - Peppers Salt Resort, Bells Boulevard, Kingscliff.  
*Cr W Polglase will be attending for Day 1 only of the program.*

28-29 May 2019 - World business Congress, Sydney.  
*Cr P Allsop will be attending with the General Manager.*

The Motion was **Carried**

***FOR VOTE - Unanimous***

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## RECEIPT OF PETITIONS

### 5 [ROP-CM] Receipt of Petitions at 16 August 2018

There were no Petitions received or tabled at the time of the meeting.

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## SUSPENSION OF STANDING ORDERS

401

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

**RESOLVED** that Standing Orders be suspended to deal with Items 10, 11, 12, 13, 14 and 20 of the Agenda.

The Motion was **Carried**

***FOR VOTE - Unanimous***

### 10 [GM-CM] Draft Filming Policy, Version 1.0

402

**Cr C Cherry**  
**Cr R Cooper**

**RESOLVED** that Council places the draft Filming Policy, Version 1.0 on public exhibition for a period of 28 days, and accepts public submissions for a period of 42 days, as per Section 160 of the Local Government Act 1993.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**11 [PR-CM] Development Application DA18/0030 Alterations to an Existing Residential Flat Building Unit (Unit 5) Comprising Two Additional Bedrooms, Construction of a Laundry Room, Alterations to Kitchen and Bathroom and Creation of a Car Parking Space at Lot**

**403**

**Cr P Allsop  
Cr J Owen**

**RESOLVED** that:

A. Development Application DA18/0030 for alterations to an existing residential flat building unit (unit 5) at Lot 5 SP 16028; No. 5/14 Boundary Street, Tweed Heads be approved subject to the following conditions:

**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects prepared by Zone Planning dated March 2018 (Ref Z17291), further information received 16 July 2018 and the following Plans except where varied by the conditions of this consent:

- Site Plan Sheet 1 of 2 prepared by Gavin Duffie dated 15 December 2017;
- No 01 Driveway – Proposed uncovered car parking spaces dated 14 June 2018 annotated in red;
- No 01 Floor Plans – Main Level Floor Plan prepared by Gold Coast Building Designers dated 4 March 2018 annotated in red;
- Garage Level Floor Plan Sheet 2 of 2 prepared by Gavin Duffie dated 15 December 2017 annotated in red;

[GEN0005]

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

[GEN0115]

3. A construction certificate for proposed works including the reconfiguration of the garage level, is required to be obtained within 90 days from the date of this consent. Construction certificate plans are to include only one laundry within the unit.

[GENNS01]

4. A final occupation certificate is to be obtained within 6 months from the date of this consent.

[GENNS01]

#### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. Section 7.11 Contributions

Payment of the following contributions pursuant to Section 7.11 of the Act and the relevant Contribution Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 7.11 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

These charges include indexation provided for in the Section 7.11 Contribution Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 7.11 Contribution Plan current at the time of the payment.

A copy of the Section 7.11 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

- |   |       |
|---|-------|
| (a) Open Space (Casual):<br>0.2917 ET @ \$624 per ET<br>(\$502 base rate + \$122 indexation)<br>CP Plan No. 5           | \$182 |
| (b) Open Space (Structured):<br>0.2917 ET @ \$714 per ET<br>(\$575 base rate + \$139 indexation)<br>CP Plan No. 5       | \$208 |
| (c) Shirewide Library Facilities:<br>0.2917 ET @ \$933 per ET<br>(\$792 base rate + \$141 indexation)<br>CP Plan No. 11 | \$272 |
| (d) Bus Shelters:<br>0.2917 ET @ \$71 per ET<br>(\$60 base rate + \$11 indexation)<br>CP Plan No. 12                    | \$21  |



(e)	Eviron Cemetery: 0.2917 ET @ \$135 per ET (\$101 base rate + \$34 indexation) CP Plan No. 13	\$39
(f)	Community Facilities (Tweed Coast - North) 0.2917 ET @ \$1539 per ET (\$1,305.60 base rate + \$233.40 indexation) CP Plan No. 15	\$449
(g)	Extensions to Council Administration Offices & Technical Support Facilities 0.2917 ET @ \$2187.14 per ET (\$1,759.90 base rate + \$427.24 indexation) CP Plan No. 18	\$637.99
(h)	Cycleways: 0.2917 ET @ \$526 per ET (\$447 base rate + \$79 indexation) CP Plan No. 22	\$153
(i)	Regional Open Space (Casual) 0.2917 ET @ \$1215 per ET (\$1,031 base rate + \$184 indexation) CP Plan No. 26	\$354
(j)	Regional Open Space (Structured): 0.2917 ET @ \$4264 per ET (\$3,619 base rate + \$645 indexation) CP Plan No. 26	\$1,244

[PCC0215]

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

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

**BELOW IS ADVICE ONLY**

The Section 64 Contributions for this development at the date of this approval have been estimated as:

Water: 0.17 ET @ \$13,632 = \$2,317.45

Sewer: 0.25 ET @ \$6,549 = \$1,637.25

[PCC0265]

7. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water and sewerage works prior to the issue of a Construction Certificate.

[PCC1195]
8. Prior to the release of the construction certificate details demonstrating compliance with the following requirements are to be submitted to and approved by the nominated PCA.
9. These works are to ensure Unit 5 is provided with a satisfactory level of fire safety/BCA compliance;
  - a) The existing fire rated ceiling to Unit 5 is damaged in places. Repair works are required to ensure the ceiling has a minimum resistance to the incipient spread of fire of not less than 60 minutes.
  - b) Smoke alarms are to be installed in Unit 5 (garage level and main level) in accordance with Part E Volume 1 of the BCA. Details of the proposed location and design of the smoke alarms are to be submitted to and approved by the nominated PCA prior to works commencing. Upon installation a certificate from a licensed electrician certifying that the smoke alarms have been connected to the consumer mains power is to be submitted to the PCA.
  - c) The window (installed without approval) located in the northern wall of the workshop/garage to Unit 5 is required to achieve an FRL of 90/90/90. This window is to be removed and the opening filled with masonry work having a minimum FRL of 90/90/90. Alternatively the opening is to be protected in accordance with Part C3 of the BCA.
  - d) The windows to all bedrooms of Unit 5 (Third floor) are to be provided with protection in accordance with the requirements of D2.24 of the BCA.

Further to the above fire upgrading, the option is available to submit a fire engineering report containing an alternative solution addressing the Performance Requirements contained in Volume 1 of the Building Code of Australia relating to the non-compliance issues arising from the above BCA assessment. This report is to be submitted to the nominated PCA for assessment and determination prior to issue of the Construction Certificate.

[PCCNS01]

#### PRIOR TO COMMENCEMENT OF WORK

10. The erection of a structure (Unit 5 - ground and third floors) 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]

11. 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]

12. Residential building work:

- (a) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - \* in the name and licence number of the principal contractor, and
    - \* the name of the insurer by which the work is insured under Part 6 of that Act,

(ii) in the case of work to be done by an owner-builder:

- \* the name of the owner-builder, and
- \* if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.

(b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0235]

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]

## DURING CONSTRUCTION

14. All proposed works are to be carried out in accordance with the conditions of development consent, any approved Management Plans, approved Construction Certificate, drawings and specifications.

[DUR0005]

15. During construction, all works required by other conditions or approved management plans or the like shall be installed and operated in accordance with those conditions or plans.

[DUR0015]

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. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 6.6 of the Environmental Planning and Assessment Act 1979.

[DUR0405]

20. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Work Health and Safety Regulation 2011.

[DUR0415]

21. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Work Health and Safety Regulation 2011.

The proponent shall also observe the guidelines set down under the Department of Environment and Climate Change publication, "A Renovators Guide to the Dangers of Lead" and the Workcover Guidelines on working with asbestos.

[DUR0645]

22. 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]

23. 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]

24. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

- (a) internal drainage, prior to slab preparation;
- (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
- (c) external drainage prior to backfilling.
- (d) completion of work and prior to occupation of the building.

[DUR2485]

25. Plumbing

- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
- (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the Plumbing Code of Australia and AS/NZS 3500.

[DUR2495]

26. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.

[DUR2525]

27. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-

- \* 45°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- \* 50°C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

[DUR2555]

#### PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

28. Prior to issue of an Occupation Certificate, all works/actions/inspections etc required at that stage by other conditions or any approved Management Plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

29. 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 6.9 and 6.10 unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

30. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.

[POC0225]

31. 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]

32. 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]

33. Prior to the issue of a final Occupation Certificate, all conditions of consent are to be met.

[POC1055]

34. Prior to the issue of an occupation certificate, a copy of the by-laws for Strata Plan 16028 shall be submitted to the Principal Certifying Authority demonstrating that an exclusive use by-law has been made for the exclusive use by Unit 5 of part of the common property (driveway) for the purposes of a car parking space.

[POCNS01]

#### USE

35. Unit 5 is to be used as a single dwelling unit. The garage level is not to be used or adapted for separate residential habitation or occupation. The unit is to include only one laundry.

[USE0465]

- B. A Penalty Infringement Notice be issued to the owner of Lot 5 SP16028 for undertaking development without consent.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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## **12 [PR-CM] Development Application DA18/0082 for a Telecommunications Facility at Lot 6 DP 866255; No. 233 Byangum Road Murwillumbah**

**Cr C Cherry** wishes to declare a non-significant non-pecuniary interest in Item 12. The nature of the interest is that Cr Cherry's children attend a school in the vicinity of the subject site. Cr Cherry will manage the interest by remaining in the Chamber for discussion and voting on the merits this item.

**404**

**Cr J Owen**  
**Cr P Allsop**

**PROPOSED** that Development Application DA18/0082 for a telecommunications facility at Lot 6 DP 866255; No. 233 Byangum Road MURWILLUMBAH be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects prepared by Urbis and dated January 2018 and Site Layout Plan No S2646-P1 Rev 05 and Site Elevation Plan No S2646-P2 Rev 05 prepared by Nokia Networks Pty Ltd and dated 8 June 2018, 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. Any necessary adjustment or modification of existing services is to be undertaken in accordance with the requirements of the relevant authority, at the Developer's expense.

[GEN0135]
4. The owner is to ensure that the proposed structure 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. Vegetation management is to be undertaken in accordance with the Arboricultural Impact Assessment dated 24 June 2018 prepared by Independent Arboricultural Services pursuant to amendments prescribed in Condition 11. Pruning of trees shall be limited to those trees identified as Tree 819 and Tree 820 in Site Photos (pp. 22 and 23) of the report. No vegetation shall be removed to facilitate or maintain the development unless otherwise approved by Council's General Manager or delegate.

[GENNS01]
6. The development shall be carried out in accordance with the recommendations of the Bushfire Protection Assessment Report prepared by Ecological Australia and dated 25 June 2018.
  - (a) An Asset Protection Zone of 10m is to be provided around the telecommunications mast and equipment shelter as identified in the Bushfire Protection Assessment Report.
  - (b) An Asset Protection Zone is to be implemented and maintained in a manner that it is free of surface/elevated fuels and contains minimum canopy cover.
  - (c) Construction material shall be able to withstand 40kW/m<sup>2</sup> of radiant heat and withstand ember penetration of the structure (ODU).
  - (d) External cabling to be underground where possible, or shielded, as outlined in Section 2.3 of the Bushfire Protection Assessment Report.
  - (e) Electricity shall be underground wherever practicable. Where overhead electrical transmission lines are installed:



- No lines are to be installed with short pole spacing, unless crossing gullies, and
- No part of a tree shall be closer to a powerline than the distance specified in the *ISSC 3 Guide for the Management of Vegetation in the Vicinity of Electricity Assets* (ISSC 2016).

[GENNS02]

#### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. Prior to the issue of a Construction Certificate, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved by the Principle Certifying Authority. The CEMP shall be consistent with the Guideline for the Preparation of Environmental Management Plans (DIPNR, 2004). A copy of the approved plan shall be submitted to Council. The Plan shall address, but not be limited to, the following matters where relevant:

- a) Hours of work;
- b) Contact details of site manager;
- c) Traffic and pedestrian management;
- d) Noise and vibration management;
- e) Construction waste management;
- f) Erosion and sediment control; and,
- g) Flora and fauna management.

[PCC0125]

8. A Traffic Control Plan in accordance with AS1742 and the latest version of the NSW Government Roads and Maritime Services (RMS) publication "Traffic Control at Work Sites" shall be prepared by an RMS accredited person and shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Safe public access shall be provided at all times.

[PCC0865]

9. The Structural elements of the telecommunications facility are to be designed by a practising Structural Engineer after consideration of a soil report from a NATA accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0945]

10. Erosion and Sediment Control shall be provided in accordance with the following:

- (a) The Construction Certificate Application must include a detailed Erosion and Sediment Control Plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
- (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

11. Prior to issue of a Construction Certificate the Arboricultural Impact Assessment dated 24 June 2018 prepared by Independent Arboricultural Services is to be amended and

submitted for the approval of Council's General Manager or his delegate showing the following:

- (a) Alignment of tree protection fencing in accordance with Australian Standard AS4970:2009 Protection of trees on development sites.
- (b) An amended plan of proposed areas of low pressure water excavation (as shown on Page 8 of the report) for any underground services, earth electrode and associated conductor cable installation within the Tree Protection Zone.

The Construction Certificate shall not be issued until the approval of the General Manager or his delegate has been issued.

[PCCNS01]

12. Prior to issue of a Construction Certificate final engineering drawings shall be submitted for the approval of the General Manager or his delegate demonstrating the following:

- (a) No above or underground structures or services within the Structural Root Zone of Tree 820 (*Eucalyptus microcorys*) and 819 (*Lophostemon confertus*)
- (b) Minimal encroachment of underground services within the Tree Protection Zone of Tree 820.
- (c) That earthworks are to be minimised to avoid unnecessary soil disturbance within Tree Protection Zones to be retained and protected.

[PCCNS02]

13. Prior to the issue of a Construction Certificate, the applicant should submit a schedule of finishes and colours for the telecommunications mast and the equipment shelter to the General Manager or his delegate for approval. The colour scheme shall be such that the colour and reflectivity shall be no more than 2 degrees/10% contrast of hues and tones of the surrounding background with particular regard to the backdrop when viewed from the Tweed Regional Art Gallery Observation Deck. The 256 grayscale chart in the *NSW Government, Department of Planning and Environment, 2015. Wind Energy: Visual Assessment Bulletin AB01 for State Significant Wind Energy* shall be used as a reference to measure contrast.

[PCCNS03]

#### PRIOR TO COMMENCEMENT OF WORK

14. 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]

15. The erection of the structure and associated equipment in accordance with this 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, 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]
16. 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]
17. 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]
18. The telecommunications facility and ancillary facilities are to be installed in accordance with the applicable specifications (if any) of the manufacturers for the installation of such equipment.
- [DURNS02]

#### DURING CONSTRUCTION

19. All proposed works are to be carried out in accordance with the conditions of development consent, any approved Management Plans, approved Construction Certificate, drawings and specifications.

[DUR0005]

20. Should any Aboriginal object or cultural heritage (including human remains) be discovered all site works must cease immediately and the Tweed Byron Local Aboriginal Land Council (TBLALC) Aboriginal Sites Officer (on 07 5536 1763) are to be notified. The find is to be reported to the Office of Environment and Heritage. No works or development may be undertaken until the required investigations have been completed and any permits or approvals obtained, where required, in accordance with the National Parks and Wildlife Act, 1974.

[DUR0025]

21. 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 5.00pm

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]

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

[DUR0375]

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

[DUR0395]

24. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 6.6 of the Environmental Planning and Assessment Act 1979.

[DUR0405]

25. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Work Health and Safety Regulation 2011.

[DUR0415]

26. Excavation

(a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with WorkCover 2000 Regulations.

(b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

[DUR0425]

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

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

[DUR1005]

28. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. Such materials shall either be recycled or disposed of in a manner acceptable to Councils General Manager or his delegate.

[DUR1015]

29. 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]

30. 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]

31. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials.

[DUR2205]

32. The exportation or importation of waste (including fill or soil) from or to the site must be in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW Environmental Protection Authority "Waste Classification Guidelines".

[DURNS01]

#### PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

[POC0005]

34. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 6.9 and 6.10 unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

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

[POC0355]

36. Prior to the issue of a final Occupation Certificate, all conditions of consent are to be met.

[POC1055]

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37. Prior to the issue of an Occupation Certificate or immediately prior to the commissioning of telecommunication facility whichever occurs first, the nominated Project Arborist shall provide to Council's General Manager or delegate a certification report that includes the following information:
- (a) Confirmation that all works have been undertaken in accordance with Australian Standard AS4970 - 2009 *Protection of trees on development sites*, industry best standards, the approved Arboricultural Impact Assessment Dated 24 June 2018 prepared by Independent Arboricultural Services and details of any remedial actions recommended by the Project Arborist to avoid/minimise disturbance of existing vegetation.
  - (b) A brief assessment of the condition of the trees, details of any deviations from approved essential tree protection management actions/measures and if applicable evaluation of any remedial actions undertaken to mitigate impact on existing vegetation as a result of project works.

[POCNS01]

#### USE

38. 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]
39. 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]
40. 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]
41. All wastes shall be collected, stored, and disposed of to the satisfaction of the General Manager or his delegate.
- [USE0875]
42. In the event that the telecommunications facility is no longer required or the equipment becomes obsolete, it is to be removed and the site restored, to a condition that is similar to its condition before the facility was constructed.
- [USENS01]
43. The installation of the communications infrastructure must be in compliance with the following:
- (a) ARPANSA, Australian Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency fields - 3khz to 300GHz, in Radiation Protection

Standard RPS3 2002, ARPANSA ; Australian, clause 5.7, pages 28-29, as amended from time to time: and

- (b) The Australian Communication Industry Forum Code 'ACIF' C564:2004 (December 2004).

[USENS02]

44. The applicant is to provide certification to the General Manager or his delegate of the operation of the telecommunications facility in accordance with the approved electromagnetic energy (EME) levels within thirty (30) days after the operation of the tower, and again at a twelve month interval.

[USENS03]

45. The telecommunications facility is not to cause adverse radio frequency interference with any airport, port or Commonwealth Defence navigational or communications equipment.

[USENS04]

## AMENDMENT

405

Cr R Byrnes  
Cr R Cooper

**RESOLVED** that this item be deferred for a Workshop with the proponent and that an invitation be forwarded to the Principal and the President of the Parents and Citizens Association of the Adventist College and a representative from the Australian Radiation Protection and Nuclear Safety Authority to also attend.

The Amendment was **Carried**

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

The Amendment on becoming the Motion was **Carried** - (Minute No 405 refers)

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

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**13 [PR-CM] Development Application DA18/0133 for a 72 lot Subdivision (Seabreeze Estate Stages 18A and 18B) at Lot 1747 DP 1215252; Seabreeze Boulevard Pottsville**

**406**

**Cr C Cherry  
Cr R Byrnes**

**RESOLVED** that Development Application DA18/0133 for a 72 lot subdivision (Seabreeze Estate stages 18A and 18B) at Lot 1747 DP 1215252; Seabreeze Boulevard Pottsville be refused for the following reasons:

1. Pursuant to Section 4.15 (1)(a)(iii) The proposal is not consistent with Section B15 of Council's Development Control Plan, which identifies the site as a potential school site;
2. Pursuant to Section 4.15 (1) (a) (iii) the proposal is not consistent with Section B21 of Council's Development Control Plan, which identifies the site as a potential school site;
3. Pursuant to Section 4.15 (1) (b) the proposal provides for prohibited location of driveway access for lots 1815 and 1816;
4. Pursuant to Section 4.15 (1) (b) the proposal provides for potential non-compliant access to lots 1815, 1816, 1817, 1818, 1853, 1854, 1855, 1856 & 1857;
5. Pursuant to Section 4.15 (1) (b) the proposal provides for an inadequate stormwater quality treatment;
6. Pursuant to Section 4.15 (1) (c) the proposal is considered to allow for an unacceptable level of settlement as identified within the Geotechnical report;
7. Pursuant to Section 4.15 (1) (e) the proposal is considered not to be in the public interest.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**14 [PR-CM] Development Application DA18/0278 for the Use of an Additional (Third) Bedroom in Unit 6 at Lot 6 SP 16028 and the Provision of a Car Parking Space on the Driveway No. 6/14 Boundary Street, Tweed Heads**

**407**

**Cr P Allsop  
Cr J Owen**



**RESOLVED** that:

- A. Development Application DA18/0278 for the use of an additional (third) bedroom in Unit 6 at Lot 6 SP 16028 and the provision of a car parking space on the driveway; No. 6/14 Boundary Street TWEED HEADS be approved subject to the following conditions:

**GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects prepared by Zone Planning and dated March 2018 (Ref Z18067) and Plan Nos 01 Driveway (dated 14 June 2018), 01 Floor Plans (dated 4 March 2018), 03 Kitchen cabinetry (dated 18 April 2018) and 05 Bathroom (dated 18 April 2018), prepared by Gold Coast Building Designers, 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]

**DURING CONSTRUCTION**

3. 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]

4. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Work Health and Safety Regulation 2011.

The proponent shall also observe the guidelines set down under the Department of Environment and Climate Change publication, "A Renovators Guide to the Dangers of Lead" and the Workcover Guidelines on working with asbestos.

[DUR0645]

5. 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]

6. 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]
7. Council is to be given 24 hours notice for the following inspection:
  - (a) completion of work and prior to occupation of the building. [DUR2485]
8. Plumbing
  - (a) A plumbing permit is to be obtained from Council.
  - (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the Plumbing Code of Australia and AS/NZS 3500. [DUR2495]

#### PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

9. Prior to issue of an Occupation Certificate, all works/actions/inspections etc required at that stage by other conditions or any approved Management Plans or the like shall be completed in accordance with those conditions or plans.

An Occupation Certificate shall be obtained within three (3) months of the date of this consent. [POC0005]
10. 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 6.9 and 6.10 unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units). [POC0205]
11. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards. [POC0225]
12. 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]
13. Section 7.11 Contributions  

Payment of the following contributions pursuant to Section 7.11 of the Act and the relevant Contribution Plan.

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 7.11 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

These charges include indexation provided for in the Section 7.11 Contribution Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 7.11 Contribution Plan current at the time of the payment.

A copy of the Section 7.11 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

- |   |       |
|---|-------|
| (a) Open Space (Casual):<br>0.1667 ET @ \$624 per ET<br>(\$502 base rate + \$122 indexation)<br>CP Plan No. 5                                 | \$104 |
| (b) Open Space (Structured):<br>0.1667 ET @ \$714 per ET<br>(\$575 base rate + \$139 indexation)<br>CP Plan No. 5                             | \$119 |
| (c) Shirewide Library Facilities:<br>0.1667 ET @ \$933 per ET<br>(\$792 base rate + \$141 indexation)<br>CP Plan No. 11                       | \$156 |
| (d) Bus Shelters:<br>0.1667 ET @ \$71 per ET<br>(\$60 base rate + \$11 indexation)<br>CP Plan No. 12  | \$12  |
| (e) Eviron Cemetery:<br>0.1667 ET @ \$135 per ET<br>(\$101 base rate + \$34 indexation)<br>CP Plan No. 13                                     | \$23  |
| (f) Community Facilities (Tweed Coast - North)<br>0.1667 ET @ \$1539 per ET<br>(\$1,305.60 base rate + \$233.40 indexation)<br>CP Plan No. 15 | \$257 |

- (g) Extensions to Council Administration Offices  
& Technical Support Facilities  
0.1667 ET @ \$2187.14 per ET \$364.60  
(\$1,759.90 base rate + \$427.24 indexation)  
CP Plan No. 18
- (h) Cycleways:  
0.1667 ET @ \$526 per ET \$88  
(\$447 base rate + \$79 indexation)  
CP Plan No. 22
- (i) Regional Open Space (Casual)  
0.1667 ET @ \$1215 per ET \$203  
(\$1,031 base rate + \$184 indexation)  
CP Plan No. 26
- (j) Regional Open Space (Structured):  
0.1667 ET @ \$4264 per ET \$711  
(\$3,619 base rate + \$645 indexation)  
CP Plan No. 26

[POC0395]

- 14. 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]
- 15. Prior to the issue of a final Occupation Certificate, all conditions of consent are to be met.  
[POC1055]
- 16. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

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

**BELOW IS ADVICE ONLY**

The Section 64 Contributions for this development at the date of this approval have been estimated as:

Water: 0.17 ET @ \$13,632 = \$2,317.45  
Sewer: 0.25 ET @ \$6,549 = \$1,637.25

[POCNS01]

17. Prior to the issue of an occupation certificate a building certificate is to be obtained in respect of the unauthorised building works including the creation of a third bedroom. [POCNS02]
18. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act in respect of the water and sewerage works already carried out to the kitchen, bathroom and laundry prior to the issue of an Occupation Certificate. This application in to include certification in respect of AS 3500 from a licenced plumber. [POCNS03]
19. Prior to the issue of an occupation certificate, a copy of the by-laws for Strata Plan 16028 shall be submitted to the Principal Certifying Authority demonstrating that an exclusive use by-law has been made for the exclusive use of part of the common property (driveway) for the purposes of a car parking space. [POCNS04]
20. To ensure that Unit 6 is provided with a satisfactory level of fire safety/NCC compliance the following works are required:
- i) the existing penetrations are to be removed and a ceiling having a minimum 60 minute incipient rating reinstated, or the penetrations protected in order to achieve a resistance to the incipient spread of fire of not less than 60 minutes.

Prior to the issue of an occupation certificate details demonstrating compliance with the above mentioned requirement is to be submitted to Tweed Shire Council.

Further to the above fire upgrading, the option is available to submit a fire engineering report containing an alternative solution addressing the Performance Requirements contained in Volume 1 of the Building Code of Australia relating to the above mentioned non-compliance issue to Tweed Shire Council for assessment and determination prior to works commencing. [POCNS05]

- B. A Penalty Infringement Notice be issued to the owner of Lot 6 SP 160288 for undertaking development without consent.

## **AMENDMENT**

**408**

**Cr C Cherry**  
**Cr R Cooper**

**PROPOSED** that the original 3 month deferral of this item be retained to enable the NCAT Appeal decision to be determined.

The Amendment was **Lost**

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

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

The Motion was **Carried** (Minute No 407 refers)

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

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

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**20 [CNR-CM] Review of Dog Areas in Public Open Space - Updated Report**

**409**

**Cr K Milne  
Cr C Cherry**

**RESOLVED** that this item be deferred for a workshop with staff to provide further information on:

1. Records of people impacted by dog attacks;
2. Records of wildlife impacted;
3. Areas where threatened species occur; and
4. Options for alternative management strategies.

**AMENDMENT**

**410**

**Cr W Polglase  
Cr P Allsop**

**PROPOSED** that:

1. Council places on public exhibition the revised dog areas for 28 days with submissions to be received for a period of 42 days.
2. A further report is brought back to Council following the exhibition of the revised dog areas detailed the outcomes of community and stakeholder consultation.

The Amendment was **Lost**

**FOR VOTE - Cr J Owen, Cr W Polglase, Cr P Allsop**

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

The Motion was **Carried** (Minute No 409 refers)

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

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**411**

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

**RESOLVED** that the Suspension of Standing Orders be extended to deal with Item 16, 17, 18, 19 and 9.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**16 [CNR-CM] Access and Inclusion Plan 2014-2018 - Progress Report for 2017-2018 and Final Progress Report for this Plan**

**412**

**Cr W Polglase**  
**Cr C Cherry**

**RESOLVED** that Council receives and notes the Access and Inclusion Plan 2014-2018 progress report for the 2017-2018 year and the final progress report for this Plan.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**17 [CNR-CM] Draft Access and Inclusion Plan 2018-2021**

**413**

**Cr W Polglase**  
**Cr P Allsop**

**RESOLVED** that Council endorses the Draft Access and Inclusion Plan 2018-2021, the Executive Summary, Easy English version, Action Tables and Consultation Report for public exhibition for a period of 28 days, allowing 42 days for submissions.

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The Motion was **Carried**

**FOR VOTE - Unanimous**

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**18 [CNR-CM] Tweed Regional Museum Deductible Gift Recipient Policy**

**414**

**Cr W Polglase  
Cr J Owen**

**RESOLVED** that Council adopts the updated Tweed Regional Museum Gift Recipient (DGR) Fund Policy (Version 1.1)

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**19 [CNR-CM] Draft Biodiversity and Habitat Management Development Control Plan**

**415**

**Cr P Allsop  
Cr C Cherry**

**RESOLVED** that:

1. Council adopts the Tweed Development Control Plan, Section A19 - Biodiversity and Habitat Management (Biodiversity DCP), as amended in Attachment 1.
2. Public notification of the commencement of the Tweed Development Control Plan, Section A19 - Biodiversity and Habitat Management (Biodiversity DCP) be given in the Tweed Link within 28 days in accordance with Section 21(2) of the *Environmental Planning and Assessment Regulation 2000*.
3. A copy of the Tweed Development Control Plan, Section A19 - Biodiversity and Habitat Management (Biodiversity DCP) be referred NSW Department of Planning and Environment within 28 days of its commencement in accordance with Section 25AB of the *Environmental Planning and Assessment Regulation 2000*.

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**9 [GM-CM] Destination Tweed - Final Report 2018**

**416**

**Cr C Cherry**  
**Cr R Cooper**

**RESOLVED** that Council:

1. Receives and notes Destination Tweed's Final Report 2018.
2. Endorses payment of the final contract instalment in accordance with contract AC2010-073 Provision of Services for Economic Development Tourism Promotion.
3. ATTACHMENTS 2 and 3 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain:-
  - (c) *information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**RESUMPTION OF STANDING ORDERS**

**417**

**Cr K Milne**  
**Cr P Allsop**

**RESOLVED** that Standing Orders be resumed.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**SUSPENSION OF STANDING ORDERS**

**418**

**Cr P Allsop**  
**Cr C Cherry**

**RESOLVED** that Standing Orders be suspended to deal with Item 15 and 24 of the Agenda.

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The Motion was **Carried**

**FOR VOTE - Unanimous**

**15 [PR-CM] Affordable Housing Context and Options Paper**

**419**

**Cr K Milne  
Cr R Cooper**

**RESOLVED** that Council:

1. Receives and notes the attached Urbanista Context and Options Affordable Housing Paper;
2. Endorses the public exhibition of the attached draft Affordable, Attainable and Appropriate Housing Policy Statement for a period of 28 days allowing 42 days for submissions; and
3. Writes to the Minister for Families and Community Services and the local State Members, Geoff Provest and Thomas George highlighting Council's concerns with:
  - a) the rates of social housing in this Shire being at 2.8% of total dwellings compared to the State average of 4%;
  - b) the rates of unoccupied dwellings at 10%.7% compared to 7.7% for the Greater Sydney region and 9.9% for NSW overall;
  - c) the Tweed Heads area has been identified as one of the least affordable locations in Australia Outside of the major capital cities and rated as severely unaffordable; and
  - d) Provides this Options Paper to the State Members requesting their consideration and assistance to address these issues.
4. All reference to the Tweed Heads hospital site being for affordable housing is removed from the options paper prior to exhibition.
5. The draft Tweed Heads Regional City Action Plan be included in related legislation in the Policy document.
6. A further report be brought back to Council following the exhibition of the draft policy statement.

The Motion was **Carried**

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

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**24 [CNR-CM] Declaration of Wildlife Protection Areas**

**420**

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

**RESOLVED** that Council declares Koala Beach, Pottsville Environment Park and Pottsville Wetland (south) as Wildlife Protection Areas in accordance with Council's Wildlife Protection Areas Policy (November 2017).

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**RESUMPTION OF STANDING ORDERS**

**421**

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

**RESOLVED** that Standing Orders be resumed.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**ADJOURNMENT OF MEETING**

Adjournment for dinner at 7.16pm.

**RESUMPTION OF MEETING**

The Meeting resumed at 7.53pm

**ORDERS OF THE DAY**

**6 [NOM] Environmental Land Purchases**

**422**

**Cr K Milne  
Cr C Cherry**

**RESOLVED** that a report be brought forward on the potential for Council to purchase significant environmental areas for the purposes of appropriate rezoning and resale.

The Motion was **Carried**

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

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**7 [NOM] Natural Resource Management Budget**

**423**

**Cr K Milne  
Cr C Cherry**

**RESOLVED** that:

1. A report be brought forward on the impacts of increasing the proportion of funds allocated in the Council budget for Natural Resource Management from 4% to 5% of total rates ie a 1% increase in next years' budget, and
2. The Executive Leadership Team determines the most appropriate areas across a range of departments to source the funds from to assist in reversing the decline of threatened species.

The Motion was **Carried**

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

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**8 [NOM] Proposed Workshop - Recycled Products and Council Business**

**424**

**Cr C Cherry  
Cr K Milne**

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**RESOLVED** that staff hold a workshop with Councillors and bring forward a report on how more recycled products can be incorporated into Councils business potentially through:

1. Aligning processes with the ISO2400 Sustainable Procurement Standard 2017.
2. The incorporation of weighting criteria in the Procurement Policy and
3. Steps within the protocol to ensure that staff are making informed sustainable decisions
4. Training of staff to raise awareness of sustainable alternatives in alignment with the ISO standard.

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, Cr P Allsop**

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## QUESTIONS ON NOTICE

Nil.

## REPORTS THROUGH THE GENERAL MANAGER

### REPORTS FROM THE GENERAL MANAGER

#### 9 [GM-CM] Destination Tweed - Final Report 2018

This item was dealt with earlier in the Meeting (Minute No 416 refers).

#### 10 [GM-CM] Draft Filming Policy, Version 1.0

This item was dealt with earlier in the Meeting (Minute No 402 refers).

## REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

#### 11 [PR-CM] Development Application DA18/0030 Alterations to an Existing Residential Flat Building Unit (Unit 5) Comprising Two Additional Bedrooms, Construction of a Laundry Room, Alterations to Kitchen and Bathroom and Creation of a Car Parking Space at Lot 5 SP 16028 No. 5/14 Boundary Street, Tweed Heads

This item was dealt with earlier in the Meeting (Minute No 403 refers).

**12 [PR-CM] Development Application DA18/0082 for a Telecommunications Facility at Lot 6 DP 866255; No. 233 Byangum Road Murwillumbah**

This item was dealt with earlier in the Meeting (Minute No 405 refers).

**13 [PR-CM] Development Application DA18/0133 for a 72 lot Subdivision (Seabreeze Estate Stages 18A and 18B) at Lot 1747 DP 1215252; Seabreeze Boulevard Pottsville**

This item was dealt with earlier in the Meeting (Minute No 406 refers).

**14 [PR-CM] Development Application DA18/0278 for the Use of an Additional (Third) Bedroom in Unit 6 at Lot 6 SP 16028 and the Provision of a Car Parking Space on the Driveway No. 6/14 Boundary Street, Tweed Heads**

This item was dealt with earlier in the Meeting (Minute No 407 refers).

**15 [PR-CM] Affordable Housing Context and Options Paper**

This item was dealt with earlier in the Meeting (Minute No 419 refers).

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

**16 [CNR-CM] Access and Inclusion Plan 2014-2018 - Progress Report for 2017-2018 and Final Progress Report for this Plan**

This item was dealt with earlier in the Meeting (Minute No 412 refers).

**17 [CNR-CM] Draft Access and Inclusion Plan 2018-2021**

This item was dealt with earlier in the Meeting (Minute No 413 refers).

**18 [CNR-CM] Tweed Regional Museum Deductible Gift Recipient Policy**

This item was dealt with earlier in the Meeting (Minute No 414 refers).

**19 [CNR-CM] Draft Biodiversity and Habitat Management Development Control Plan**

This item was dealt with earlier in the Meeting (Minute No 415 refers).

**20 [CNR-CM] Review of Dog Areas in Public Open Space - Updated Report**

This item was dealt with earlier in the Meeting (Minute No 409 refers).

**21 [CNR-CM] Innovative Solutions Grant Program**

**425**

**Cr K Milne  
Cr C Cherry**

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**RESOLVED** that:

1. Council adopts the Innovative Solutions Grant Program with a total cap of \$60,000 per annum.
2. The following grant categories and limits apply:
  - Water Demand Management - maximum \$15,000
  - Waste Management - maximum \$15,000
  - Sustainable Agriculture - maximum \$10,000
  - Wastewater Management - maximum \$10,000
  - River Health - maximum \$5,000
  - Biodiversity - maximum \$5,000

With individual application limits for each category applying in accordance with the requirements of those grant categories.

3. The Innovative Solutions Grant Working Group assesses applications as these are made, keeps track of the maximum expenditure and recommends those that meet the program criteria to Council for consideration.
4. A report be prepared as part of the Annual Council Report outlining the projects and initiatives funded each year.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**22 [CNR-CM] Cities Power Partnership**

**426**

**Cr K Milne  
Cr C Cherry**

**RESOLVED** that Council joins the Cities Power Partnership program.

The Motion was **Carried**

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

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

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**PROCEDURAL MOTIONS**

**427**

**Cr K Milne  
Cr P Allsop**

**RESOLVED** that Items 23, 25, 26 and 27 be considered in block.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**428**

**Cr K Milne  
Cr P Allsop**

**RESOLVED** that Items 23, 25, 26 and 27 be moved in block.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**23 [CNR-CM] Pest Management Report - July 2017 to June 2018**

**429**

**Cr K Milne  
Cr P Allsop**

**RESOLVED** that Council receives and notes the Pest Management Report - July 2017 to June 2018 and continues the scheduled works.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**24 [CNR-CM] Declaration of Wildlife Protection Areas**

This item was dealt with earlier in the Meeting (Minute No 420 refers).



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

**430**

**Cr K Milne  
Cr P Allsop**

**RESOLVED** that Council renames Banora Green to John Baker Reserve and erects signage.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**REPORTS FROM THE DIRECTOR ENGINEERING**

**26 [E-CM] RFO2016114 Kingscliff Foreshore Revitalisation Construction Works  
- Project Completion Variations Report**

**431**

**Cr K Milne  
Cr P Allsop**

**RESOLVED** that:

1. The approved variations, amounting to \$3,078,132.65 (exclusive of GST) and the savings of -\$280,887.45 from the schedule of rates for Contract RFO2016114 Kingscliff Foreshore Revitalisation Construction Works be received and noted.
2. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**27 [E-CM] Policy - Reduction of Water Related Charges due to Undetectable Leakage**

**432**

**Cr K Milne  
Cr P Allsop**

**RESOLVED** that Council:

1. Places on public exhibition the draft Reduction of Water Related Charges due to Undetectable Leakage v3.0 and advertises the draft policy for 28 days allowing 42 days for submissions.
2. Prepares a subsequent report to Council, summarising any submissions received and including a final draft of the Policy for formal adoption by Council.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**28 [E-CM] Coastal Cycleway Lighting Contract**

This item was dealt with at Late Addendum Item 39 (Minute No 448 refers).

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**29 [E-CM] B-Double Applications - Meeting held 26 July 2018**

**433**

**Cr J Owen  
Cr P Allsop**

**PROPOSED** that:

1. The Minutes of the B-Double Routes Agency Advisory Group meeting held 26 July 2018 be received and noted.
2. Tweed Valley Way, Chinderah to 144 Smiths Creek Road, Smiths Creek Consent Request No 162822r2v1 (ECM 5408052)

That:

- i. Council notes the advice from the National Heavy Vehicle Regulator that PBS truck and dog trailers up to 20 metres in length and up to 50.5 tonnes can operate on Tweed Shire Council general access roads without a road authority permit.
-

- ii. The application (NHVR Consent Request Number 162822r2v1) for the use of an up to 20 metres PBS 3 axle truck and 4 axle dog trailer up to 57t on Tweed Valley Way, Chinderah to 144 Smiths Creek Road, Smiths Creek is supported, subject to a written assessment of the structural integrity of road assets as per 25m B-Double route requirements.

434

**AMENDMENT**

**Cr K Milne  
Cr C Cherry**

**RESOLVED** that:

1. The Minutes of the B-Double Routes Agency Advisory Group meeting held 26 July 2018 be received and noted.
2. Tweed Valley Way, Chinderah to 144 Smiths Creek Road, Smiths Creek Consent Request No 162822r2v1 (ECM 5408052)

That:

- i. Council notes the advice from the National Heavy Vehicle Regulator that PBS truck and dog trailers up to 20 metres in length and up to 50.5 tonnes can operate on Tweed Shire Council general access roads without a road authority permit.
- ii. The application (NHVR Consent Request Number 162822r2v1) for the use of an up to 20 metres PBS 3 axle truck and 4 axle dog trailer up to 57t on Tweed Valley Way, Chinderah to 144 Smiths Creek Road, Smiths Creek is not supported due to concerns with the standard and suitability of Kyogle Rd and the high number of crashes along the length of Kyogle Rd, being 60 crashes in the last five years alone.

The Amendment was **Carried**

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

The Amendment on becoming the Motion was **Carried** - (Minute No 434 refers)

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

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**REPORTS FROM THE EXECUTIVE MANAGER FINANCE, REVENUE AND INFORMATION TECHNOLOGY**

**30 [FRIT-CM] Six Monthly Progress Report as at 30 June 2018**

**435**

**Cr C Cherry  
Cr K Milne**

**RESOLVED** that Council receives and notes the Six Monthly Progress Report as at 30 June, 2018.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**31 [FRIT-CM] Monthly Investment Report for Period Ending 31 July 2018**

**436**

**Cr C Cherry  
Cr K Milne**

**RESOLVED** that, in accordance with Section 625 of the Local Government Act 1993, the monthly investment report as at period ending 31 July, 2018 totalling \$311,187,417 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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## REPORTS FROM THE EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE

### 32 [PCG-CM] Local Government NSW Annual Conference - Motions

**Cr C Cherry** wishes to declare a non-significant non-pecuniary interest in Item 32 (Motion Number 10). The nature of the interest is that Cr Cherry's family own a holiday park in the shire. Cr Cherry will manage the interest by vacating the Chamber for discussion and not voting on this item.

437

**Cr R Byrnes**  
**Cr W Polglase**

**PROPOSED** that Council submits the following motions for consideration at the Local Government NSW 2018 Annual Conference.

#### 1. Pensioner Rebates – Review of limits and level of subsidy

That Local Government NSW requests the State Government to fund an increase in the Concessions for pensioners legislated under Section 575 of the Local Government Act 1993 (NSW).

#### 2. Superannuation for Councillors

That LGNSW requests the State Government to consider introducing Superannuation contributions in addition to Councillor fees as the remuneration levels of Councillors in NSW is considered inadequate given the increasing complexity of various legislative frameworks and assessments; diversity of functions and the time commitments involved.

#### 3. Recycled Products and Procurement

i) That LGNSW work with the State and Commonwealth Governments to establish mandatory components of recycled products such as glass bottles and concrete.

ii) That LGNSW lobby State and Commonwealth Governments to work with Local Government and that all three tiers of Government adopt procurement guidelines and purchasing policies that foster market development for recycled products.

#### 4. Privilege (Parliamentary) within Council Meetings

That LGNSW requests the State Government to consider affording parliamentary privilege at Council meetings for Councillors.

#### 5. Homelessness – Additional Social Housing

That LGNSW lobby the NSW State Government to address homelessness as a State issue that requires a strategic targeted response across the continuum of crisis, short term and longer term solutions.

**6. Psychological Injury Claims**

That Local Government NSW advocate for changes to the Workers Compensation Act as it relates to Psychological Injuries.

Cr R Cooper temporarily left the meeting at 08:37 PM.

Cr R Cooper has returned from temporary absence at 08:39 PM

**AMENDMENT**

**438**

**Cr P Allsop  
Cr W Polglase**

**RESOLVED** that Council submits the following motions for consideration at the Local Government NSW 2018 Annual Conference.

**1. Pensioner Rebates – Review of limits and level of subsidy**

That Local Government NSW requests the State Government to fund an increase in the Concessions for pensioners legislated under Section 575 of the Local Government Act 1993 (NSW).

**2. Superannuation for Councillors**

That LGNSW requests the State Government to consider introducing Superannuation contributions in addition to Councillor fees as the remuneration levels of Councillors in NSW is considered inadequate given the increasing complexity of various legislative frameworks and assessments; diversity of functions and the time commitments involved.

**3. Recycled Products and Procurement**

i) That LGNSW work with the State and Commonwealth Governments to establish mandatory components of recycled products such as glass bottles and concrete.

ii) That LGNSW lobby State and Commonwealth Governments to work with Local Government and that all three tiers of Government adopt procurement guidelines and purchasing policies that foster market development for recycled products.

**4. Privilege (Parliamentary) within Council Meetings**

That LGNSW requests the State Government to consider affording parliamentary privilege at Council meetings for Councillors.

**5. Homelessness – Additional Social Housing**

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That LGNSW lobby the NSW State Government to address homelessness as a State issue that requires a strategic targeted response across the continuum of crisis, short term and longer term solutions.

#### 6. Psychological Injury Claims

That Local Government NSW advocate for changes to the Workers Compensation Act as it relates to Psychological Injuries.

#### 7. Natural Disasters

That LGNSW requests the NSW State Government to recognise the significant environmental damage caused by Natural Disasters, such as the March 2017 event on the Far North Coast which caused significant riverbank erosion, landslips and weed intrusion post the event and allocates funding in addition to the National Disaster Relief and Recovery Arrangements to ensure that the natural environment is also rehabilitated to restore functioning of critical or important eco systems.

#### 8. Development Approval Appeal Rights

That the NSW State Government takes immediate action to amend the Environmental Planning and Assessment Act 1979 to enable a provision for third party merit appeal rights in respect of all categories of development applications, particularly local developments.

### **Background**

The current situation where developers can appeal refusals of developments on merit grounds but the community does not have a corresponding right to challenge development approvals on merit grounds, only on technical process considerations, is inequitable. This is a cause of continuing angst in the community and is obviously undemocratic.

#### 9. Noise Impacts for Unit Holders

That LGNSW requests the State Government review their controls for noise impacts from units holders on the unit holders below them, including but not limited to the exempt and complying provisions for floor coverings, that enable unlimited noise impacts for units built prior to the 2016 BCA, and up to 62 L'nT,w for units built subject to the 2016 BCA.

#### 10. Primitive Camping: Flexible Licensing Framework

That LGNSW advocates to the NSW Cabinet and Minister for Planning and Environment to undertake an evaluation of the environmental, social and economic benefit of permitting Primitive Camping as 'Exempt Development' to:

- Support and grow regional economies through direct and indirect visitor spend;
- Provide additional income streams to farmers during periods of income stress;
- Broaden the opportunity for short-term or temporal tourism;
- Support other recreation or tourist attractions during major events; and
- Provides an alternative low impact camping option to the traditional camping grounds.

### **Rationale of the Motion**

Primitive camping grounds are lower key than the more conventional in that they do not offer the same level of services, for example; they do not require sealed roads, or need to provide hot water or laundries, but nonetheless operating any form of camping ground is regulated is regulated and licensed under the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 (“the Regulation”). The distinction between primitive and conventional camping grounds is defined by the Regulation however, there is no distinction under the Standard Instrument (Local Environmental Plans) Order 2006 and as such development consent is required in most cases.

Many regional towns and communities are located within geographic areas of high amenity, be that coastal beaches or hinterland, inland rivers and waterways, open savannah or more mountainous areas, which attracts a significant number of travellers and tourists. Most regional towns hold significant annual regional events or have a significant temporal attractions that lead to shorter term influxes in visitation and that are critical for their local economies.

There is a demonstrated need for variety in the range of camping grounds, as there is for their flexibility and affordability for both operators and visitors. Subdivision 9 of the Regulation sets out different standards for ‘primitive camping grounds’ and there is opportunity to align the planning system through the Standard Instrument or other environmental planning instrument to permit primitive camping grounds as exempt development. This would remove the time and cost associated with gaining development approval, which is often cost prohibitive and leads to higher and less affordable accommodation charges, and would still have the certainty on the current licensing scheme already operating under the Regulation. As locally exempt development it could provide each council with the ability to determine what the camping density rate should be and whether there is a temporal element to the operation similar to the government’s position on short-term rental accommodation.

### 11. Right to Farm

That LGNSW advocates to the NSW Cabinet and Minister for Planning and Environment for the principles of ‘Right to Farm’ to be embedded within the planning legislation in such a way that consideration of the principle is accorded the same legal weight in decision making processes as are other significant factors affecting the State of NSW such as; economic, social and environmental considerations.

### **Rationale of the Motion**

The NSW Department of Primary Industry published a Right to Farm Policy in mid-December 2015, which states both the Government’s recognition of the value of agriculture for growing food and fibre for domestic and international markets and its concern about the potential loss or impaired use of agricultural land. It recognises agriculture is important to local, regional, and state economies and communities.

This is an umbrella policy that reaches across a diverse range of legislation and government instrumentalities and that embodies 12 key actions; including:

- NSW Government will implement the Right to Farm policy to support farmers in exercising their lawful right to farm;



- NSW Government will work with local government and other stakeholders to identify and monitor nuisance complaints related to farming in relevant local government areas;
- NSW Government will review current land use planning mechanisms and instruments, with the aim of delivering a planning policy framework that supports the management of current and future farming practices;
- NSW Government will undertake a review after a period of two years of data collection or earlier if the evidence demonstrates the need. This review of the policy will consider other jurisdictions and overseas experiences, as well as the outcomes of the Legislative Council Inquiry and determine if legislative options are necessary;

The Amendment was **Carried**

***FOR VOTE - Unanimous***  
***ABSENT. DID NOT VOTE - Cr C Cherry***

The Amendment on becoming the Motion was **Carried** - (Minute No 438 refers)

***FOR VOTE - Unanimous***  
***ABSENT. DID NOT VOTE - Cr C Cherry***

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### **33 [PCG-CM] Legal Services Register for the Period 1 April to 30 June 2018**

Cr C Cherry returned to the meeting at 8.50pm

**439**

**Cr R Cooper**  
**Cr C Cherry**

**RESOLVED** that Council receives and notes the Legal Services Register report for the period 1 April 2018 to 30 June 2018.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**34 [PCG-CM] Compliments and Complaints Analysis Report for the Period 1 April to 30 June 2018**

**440**

**Cr C Cherry  
Cr J Owen**

**RESOLVED** that Council receives and notes the Compliments and Complaints Analysis Report for the period 1 April to 30 June 2018.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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**DELEGATE REPORTS**

Nil.

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

**35 [SUB-FMC] Minutes of the Floodplain Management Committee Meeting held 15 June 2018**

**441**

**Cr C Cherry  
Cr J Owen**

**RESOLVED** that:

1. The Minutes of the Floodplain Management Committee Meeting held 15 June 2018 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:
  1. Murwillumbah CBD Flood Levee and Drainage Study Final Report adoption

*That the Murwillumbah CBD Levee and Drainage Study be adopted as a Floodplain Risk Management Study and Plan of Council.*

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

The Motion was **Carried**

**FOR VOTE - Unanimous**

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**36 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 26 July 2018**

**442**

**Cr C Cherry  
Cr J Owen**

**RESOLVED** that:

1. The Minutes of the Local Traffic Committee Meeting held Thursday 26 July 2018 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:

A1 [LTC] Casuarina Way, Casuarina

*That a yellow "No Stopping" line be installed on Casuarina Way, Casuarina on the southern approach to the Grand Parade roundabout, for 20 metres south of the kerb ramp.*

A2. [LTC] Brett Street and Keith Compton Drive

*Item moved to the B Section of the minutes.*

A3. [LTC] Tweed Coast Enduro - 16 February 2019

*That the proposed Tweed Coast Enduro on Saturday 16 February 2019 be supported, subject to:*

1. *NSW Police approval being obtained.*
  2. *Endorsement of the event by Triathlon Australia.*
  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.*

A4. [LTC] Kingscliff Triathlon 2 December 2018

*That the proposed Kingscliff Triathlon on Sunday 2 December 2018 be supported subject to:*

1. *NSW Police approval being obtained.*
2. *Endorsement of the event by Bicycle NSW.*
3. *Consultation with the Kingscliff Chamber of Commerce.*
4. *Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.*
5. *Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents.*
6. *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.*

7. *Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.*
8. *Adequate public liability insurance being held by the event organiser.*
9. *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.*
10. *Consultation with emergency services and any identified issues addressed.*
11. *Arrangements made for private property access and egress affected by the event.*
12. *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.*
13. *The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.*
14. *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.*
15. *A report be provided to Council, by the event organiser, within 2 weeks of conduct of the event, showing compliance with the above conditions.*

The Motion was **Carried**

**FOR VOTE - Unanimous**

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#### **ADDENDUM ITEMS**

Nil.

#### **LATE ITEMS**

#### **LATE ITEM FROM DIRECTOR PLANNING AND REGULATION**

**37 LATE [PR-CM] Rural Landsharing**

#### **LATE ITEM**

**443**

**Cr K Milne**

**Cr J Owen**

**RESOLVED** that Item 37 being a late item be dealt with and it be ruled by the Chairman to be of great urgency.

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The Motion was **Carried**

***FOR VOTE - Unanimous***

**444**

**Cr R Byrnes  
Cr K Milne**

**RESOLVED** that Council in accordance with the resolution from Council's Meeting of 13 December 2017, defer consideration of rural land sharing communities pending adoption of a Tweed Rural Land Strategy which incorporates this issue into its Implementation Plan, in particular, commencement of a rural housing supply and demand analysis as a first step in determining the need for further residential development in rural Tweed.

The Motion was **Carried**

***FOR VOTE - Unanimous***

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#### **LATE ITEM FROM DIRECTOR COMMUNITY AND NATURAL RESOURCES**

**38 LATE [CNR-CM] RFO2018071 Lions Park Refurbishment Kingscliff**

**LATE ITEM**

**445**

**Cr K Milne  
Cr J Owen**

**RESOLVED** that Item 39 being an late item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**446**

**Cr K Milne  
Cr J Owen**

**RESOLVED** that in respect to Contract RFO2018071 Lions Park Refurbishment Kingscliff:

1. Council awards the contract to Desire Contractors Pty Ltd ABN 77 167 694 055 for the amount of \$632,871.26 (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***

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## **LATE ITEM FROM DIRECTOR ENGINEERING**

### **39 LATE [E-CM] Coastal Cycleway Lighting Contract**

#### **LATE ITEM**

**447**

**Cr K Milne  
Cr J Owen**

**RESOLVED** that Item 39 being a Late Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

***FOR VOTE - Unanimous***

**448**

**Cr J Owen  
Cr P Allsop**

**RESOLVED** that in respect to Contract RFO2018073 Design and Install Overhead Cycleway Lighting System Casuarina:

1. Council awards the offer to Coughran Electrical Services Pty Ltd ABN 63 613 336 093 for the amount of \$514,709.64 (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***

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## **CONFIDENTIAL COMMITTEE**

### **EXCLUSION OF PRESS AND PUBLIC**

**449**

**Cr P Allsop  
Cr J Owen**

**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***

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 ENGINEERING IN COMMITTEE**

**C1 [E-CM] Offer of Compensation for Consolidation of High Flood Hazard Land, South Murwillumbah**

### **REASON FOR CONFIDENTIALITY:**

Matters concerning just terms compensation negotiations with a private landholder.



**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: -

- (b) the personal hardship of any resident or ratepayer.

**C 55**

That:

1. Council endorses the compensation offer as set out in the body of the report to the owners of Lots 17 to 20 Section 9 DP 2974, South Murwillumbah, for the consolidation of Lots 17, 18 and 19 Section 9 DP 2974 into a single allotment, subject to the withdrawal of the application for a two storey dwelling on Lot 19 (DA18/0344).
2. Upon completion of the processes in Part 1, Council officers undertake the consolidation of Lots 17-19, at Council's cost.
3. The Interim Policy for high flood hazard areas be prepared in accordance with the resolution of 5 July 2018, except that the Policy shall now be incorporated into the Tweed Development Control Plan Section A3 – Development of Flood Liable Land.

The Motion was **Carried**

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

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**450**

**Cr K Milne**  
**Cr P Allsop**

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

The Motion was **Carried**

**FOR VOTE - Unanimous**

There being no further business the Meeting terminated at 9.06pm



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

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**Chairman**